

## HB 4059 A STAFF MEASURE SUMMARY

### House Committee On Early Childhood and Human Services

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**Action Date:** 02/12/26

**Action:** Do pass with amendments and be referred to Rules. (Printed A-Eng.)

**Vote:** 7-0-0-0

**Yeas:** 7 - Hartman, McIntire, Ruiz, Scharf, Walters, Wise, Yunker

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

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**Meeting Dates:** 2/5, 2/10, 2/12

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#### WHAT THE MEASURE DOES:

The measure modifies the definition of child abuse, requires the Oregon Department of Human Services (ODHS) to investigate a report of child abuse only when the alleged perpetrator is a specified individual, and raises the standard to substantiate a finding of child abuse. The measure declares an emergency, effective on its passage.

#### Detailed Summary:

##### Threatened Harm

- Modifies the definition of threatened harm to a child for purposes of the definition of child abuse
- Modifies the definition of sexual abuse for purposes of the definition of child abuse
- Specifies that causing a child to witness abuse of the child’s sibling, another child in the child’s household, or domestic violence involving the child’s parent or another person in the household is child abuse
- Becomes operative on January 1, 2027

##### Child Abuse Investigations

- Requires ODHS to investigate a report of child abuse only when the alleged perpetrator is one of the following:
  - The child’s parent, legal guardian, legal custodian, or Indian custodian
  - A person over age 18 who meets specified criteria
  - A person under age 18 years who meets specified criteria
  - A child care facility
  - An education provider
- Becomes operative on July 1, 2026

##### Substantiation of Reports of Child Abuse

- Specifies conditions for a child abuse investigation to result in a dispositional determination when the alleged perpetrator is under age 18
- Raises the standard to substantiate a finding of child abuse from a reasonable cause to believe to a preponderance of the evidence
- Requires ODHS to report to the central state registry when investigations of abuse of a child in care show that there is reasonable cause to believe the child in care’s condition was the result of abuse
- Becomes operative on January 1, 2027

##### Report

- Requires ODHS to submit a report on the measure’s implementation to the legislature by September 15, 2028

#### ISSUES DISCUSSED:

- The role of law enforcement during investigations of alleged child abuse
- Comparisons between Oregon and other states

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*This summary has not been adopted or officially endorsed by action of the committee.*

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- Due process for individuals who are investigated for alleged child abuse
- Potential outcomes of a child abuse investigation
- Effects of child abuse investigations on children and families

### EFFECT OF AMENDMENT:

The amendment replaces the measure. It modifies the definition of child abuse, directs ODHS to investigate certain minors for alleged child abuse, and specifies when ODHS must make a dispositional determination at the conclusion of a child abuse investigation when the alleged perpetrator is a minor. The amendment directs ODHS to submit a report to legislature on the measure's implementation by September 15, 2028.

### BACKGROUND:

When a report of alleged child abuse is made to the Oregon Child Abuse Hotline (ORCAH), ORCAH screeners determine if the report constitutes an abuse report as defined in Oregon Revised Statute 419B.005 and if the case will be assigned for investigation. Under Oregon law, ODHS and law enforcement agencies have a shared responsibility to receive and respond to reports of alleged child abuse and neglect. Oregon law requires ODHS and law enforcement agencies to notify each other of reports of suspected child abuse.

In 2019, the legislature passed [Senate Bill 155](#), which required ODHS to conduct an investigation into a report of alleged child abuse if law enforcement declined to investigate. The bill also expanded the role of ODHS to investigate reports of abuse by third-party individuals in addition to parents and caregivers. The department's Office of Training, Investigations, and Safety (OTIS) conducts these investigations. In 2023, the legislature considered, but did not enact, [Senate Bill 769 A](#), which would have restricted ODHS's jurisdiction of child abuse investigations to certain "qualified subjects," including parents, caregivers, and other specified adults. In 2017, the legislature passed [Senate Bill 942](#), which required ODHS to make a dispositional determination of "founded," "unfounded," or "cannot be determined" at the conclusion of each investigation of a report of child abuse.

[House Bill 4086](#) (2024) directed ODHS to commission two studies through private facilitators on the scope of child abuse investigations and the response to children exhibiting problematic sexual behavior. It also required the studies' facilitators to submit reports to the legislature with their findings and recommendations. The Bipartisan Policy Center completed a [statutory analysis](#) in September 2024 to inform the work of HB 4086 committees. The analysis reviewed Oregon statutes related to child abuse investigations and ODHS's jurisdiction, and compared Oregon to selected comparison states. The HB 4086 [Jurisdiction Committee](#) and [Children Exhibiting Complex Sexual Behavior Committee](#) released their final reports and recommendations in Fall 2025.