

A-Engrossed House Bill 4059

Ordered by the House February 16
Including House Amendments dated February 16

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Early Childhood and Human Services for Representative Annessa Hartman)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act changes what “abuse” means when talking about hurting a child. It says that DHS can only look into some reports of child abuse. It also makes a rule for how certain reports of child abuse are resolved. It is an emergency law and starts right away. (Flesch Readability Score: 76.5).

[Digest: The Act changes what “threatened harm” means when talking about hurting a child. It says that DHS can only look into some reports of child abuse. It also makes a rule for how certain reports of child abuse are resolved. It is an emergency law and starts right away. (Flesch Readability Score: 78.7).]

Modifies the definition of [“threatened harm”] “**abuse**” for purposes of determining whether a child has been abused.

Limits the investigative jurisdiction of the Department of Human Services to investigate certain reports of child abuse.

Prohibits making findings in abuse investigations where the alleged perpetrator was a minor at the time of the alleged abuse. Creates exceptions.

[Creates a statutory substantiation standard for certain reports of alleged child abuse.]

Increases the standard of proof necessary for reporting certain abuse investigation findings to the central state registry.

Directs the department to monitor implementation of new child abuse investigation processes and report back to the interim committees of the Legislative Assembly relating to human services.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to child abuse; creating new provisions; amending ORS 339.389, 409.185, 418.259, 419B.005, 419B.015, 419B.020, 419B.026 and 419B.030; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

THREATENED HARM

SECTION 1. ORS 419B.005 is amended to read:

419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

(1)(a) “Abuse” means:

(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that has been caused by other than accidental means, including any injury that appears to be at variance with the explanation given of the injury.

(B) Any mental injury to a child, which shall include only cruel or unconscionable acts or statements made, or threatened to be made, to a child if the acts, statements or threats result in severe harm to the child’s psychological, cognitive, emotional or social well-being and functioning.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163.

(D) Sexual abuse[, *as described in ORS chapter 163.*] **of a child or placing a child at substantial risk of sexual abuse.**

(E) Sexual exploitation, including but not limited to:

(i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that is designed to serve educational or other legitimate purposes; and

(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.

[(G) *Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.*]

(G) Threatened harm to a child, which means subjecting a child to a risk of severe harm to the child's health or welfare if the harm is reasonably likely to occur in the near future.

(H) Buying or selling a person under 18 years of age as described in ORS 163.537.

(I) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.

(J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a substantial risk of harm to the child's health or safety.

(K) The restraint or seclusion of a child in violation of ORS 339.285, 339.288, 339.291, 339.303 or 339.308.

(L) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

(M) Causing a child to witness:

(i) The abuse of the child's sibling or another child in the child's household; or

(ii) Domestic violence as defined in ORS 135.230 involving the child's parent or another person in the child's household.

(b) "Abuse" does not include reasonable discipline unless the discipline results in one of the conditions described in paragraph (a) of this subsection.

(2) "Child" means an unmarried person who:

(a) Is under 18 years of age; or

(b) Is a child in care, as defined in ORS 418.257.

(3) "Higher education institution" means:

(a) A community college as defined in ORS 341.005;

(b) A public university listed in ORS 352.002;

(c) The Oregon Health and Science University; and

(d) A private institution of higher education located in Oregon.

1 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged
2 to have experienced abuse.

3 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.

4 (5) "Law enforcement agency" means:

5 (a) A city or municipal police department.

6 (b) A county sheriff's office.

7 (c) The Oregon State Police.

8 (d) A police department established by a university under ORS 352.121 or 353.125.

9 (e) A county juvenile department.

10 (6) "Public or private official" means:

11 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,
12 including any intern or resident.

13 (b) Dentist.

14 (c) School employee, including an employee of a higher education institution.

15 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
16 or employee of an in-home health service.

17 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
18 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
19 Authority, a local health department, a community mental health program, a community develop-
20 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
21 fined in ORS 418.205 or an alcohol and drug treatment program.

22 (f) Peace officer.

23 (g) Psychologist.

24 (h) Member of the clergy.

25 (i) Regulated social worker.

26 (j) Optometrist.

27 (k) Chiropractor.

28 (L) Certified provider of foster care, or an employee thereof.

29 (m) Attorney.

30 (n) Licensed professional counselor.

31 (o) Licensed marriage and family therapist.

32 (p) Firefighter or emergency medical services provider.

33 (q) Court appointed special advocate, as defined in ORS 419A.004.

34 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.

35 (s) Elected official of a branch of government of this state or a state agency, board, commission
36 or department of a branch of government of this state or of a city, county or other political subdi-
37 vision in this state.

38 (t) Physical, speech or occupational therapist.

39 (u) Audiologist.

40 (v) Speech-language pathologist.

41 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
42 gations or discipline by the commission.

43 (x) Pharmacist.

44 (y) Operator of a preschool recorded program under ORS 329A.255.

45 (z) Operator of a school-age recorded program under ORS 329A.255.

(aa) Employee of a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056.

(bb) Employee of a public or private organization providing child-related services or activities:

(A) Including but not limited to an employee of a:

(i) Youth group or center;

(ii) Scout group or camp;

(iii) Summer or day camp;

(iv) Survival camp; or

(v) Group, center or camp that is operated under the guidance, supervision or auspices of a religious, public or private educational system or a community service organization; and

(B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that provides confidential, direct services to victims of domestic violence, sexual assault, stalking or human trafficking.

(cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete, if compensated and if the athlete is a child.

(dd) Personal support worker, as defined in ORS 410.600.

(ee) Home care worker, as defined in ORS 410.600.

(ff) Animal control officer, as defined in ORS 609.500.

(gg) Member of a school district board, an education service district board or a public charter school governing body.

(hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a service identified in an individualized service plan of a child with a developmental disability.

(ii) Referral agent, as defined in ORS 418.351.

(jj) Parole and probation officer, as defined in ORS 181A.355.

(kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior analysis interventionist registered by the Health Licensing Office under ORS 676.815.

(LL) Massage therapist, as defined in ORS 687.011.

(7) “Severe harm” means:

(a) Life-threatening damage; or

(b) Significant or acute injury to a child’s physical, sexual or psychological functioning.

(8) “Sexual abuse” means sexual abuse as described in ORS chapter 163.

SECTION 2. ORS 419B.005, as amended by section 6, chapter 581, Oregon Laws 2023, section 65, chapter 73, Oregon Laws 2024, and section 10, chapter 308, Oregon Laws 2025, is amended to read:

419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

(1)(a) “Abuse” means:

(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that has been caused by other than accidental means, including any injury that appears to be at variance with the explanation given of the injury.

(B) Any mental injury to a child, which shall include only cruel or unconscionable acts or statements made, or threatened to be made, to a child if the acts, statements or threats result in severe harm to the child’s psychological, cognitive, emotional or social well-being and functioning.

(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163.

(D) Sexual abuse[, *as described in ORS chapter 163.*] **of a child or placing a child at substantial risk of sexual abuse.**

(E) Sexual exploitation, including but not limited to:

(i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that is designed to serve educational or other legitimate purposes; and

(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.

[(G) *Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.*]

(G) Threatened harm to a child, which means subjecting a child to a risk of severe harm to the child's health or welfare if the harm is reasonably likely to occur in the near future.

(H) Buying or selling a person under 18 years of age as described in ORS 163.537.

(I) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.

(J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a substantial risk of harm to the child's health or safety.

(K) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

(L) Causing a child to witness:

(i) The abuse of the child's sibling or another child in the child's household; or

(ii) Domestic violence as defined in ORS 135.230 involving the child's parent or another person in the child's household.

(b) "Abuse" does not include reasonable discipline unless the discipline results in one of the conditions described in paragraph (a) of this subsection.

(2) "Child" means an unmarried person who:

(a) Is under 18 years of age; or

(b) Is a child in care, as defined in ORS 418.257.

(3) "Higher education institution" means:

(a) A community college as defined in ORS 341.005;

(b) A public university listed in ORS 352.002;

(c) The Oregon Health and Science University; and

(d) A private institution of higher education located in Oregon.

(4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged to have experienced abuse.

(b) "Investigation" does not include screening activities conducted upon the receipt of a report.

(5) "Law enforcement agency" means:

- 1 (a) A city or municipal police department.
- 2 (b) A county sheriff's office.
- 3 (c) The Oregon State Police.
- 4 (d) A police department established by a university under ORS 352.121 or 353.125.
- 5 (e) A county juvenile department.
- 6 (6) "Public or private official" means:
- 7 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,
- 8 including any intern or resident.
- 9 (b) Dentist.
- 10 (c) School employee, including an employee of a higher education institution.
- 11 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
- 12 or employee of an in-home health service.
- 13 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
- 14 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
- 15 Authority, a local health department, a community mental health program, a community develop-
- 16 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
- 17 fined in ORS 418.205 or an alcohol and drug treatment program.
- 18 (f) Peace officer.
- 19 (g) Psychologist.
- 20 (h) Member of the clergy.
- 21 (i) Regulated social worker.
- 22 (j) Optometrist.
- 23 (k) Chiropractor.
- 24 (L) Certified provider of foster care, or an employee thereof.
- 25 (m) Attorney.
- 26 (n) Licensed professional counselor.
- 27 (o) Licensed marriage and family therapist.
- 28 (p) Firefighter or emergency medical services provider.
- 29 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 30 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 31 (s) Elected official of a branch of government of this state or a state agency, board, commission
- 32 or department of a branch of government of this state or of a city, county or other political subdivi-
- 33 sion in this state.
- 34 (t) Physical, speech or occupational therapist.
- 35 (u) Audiologist.
- 36 (v) Speech-language pathologist.
- 37 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
- 38 gations or discipline by the commission.
- 39 (x) Pharmacist.
- 40 (y) Operator of a preschool recorded program under ORS 329A.255.
- 41 (z) Operator of a school-age recorded program under ORS 329A.255.
- 42 (aa) Employee of a private agency or organization facilitating the provision of respite services,
- 43 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
- 44 109.056.
- 45 (bb) Employee of a public or private organization providing child-related services or activities:

(A) Including but not limited to an employee of a:

(i) Youth group or center;

(ii) Scout group or camp;

(iii) Summer or day camp;

(iv) Survival camp; or

(v) Group, center or camp that is operated under the guidance, supervision or auspices of a religious, public or private educational system or a community service organization; and

(B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that provides confidential, direct services to victims of domestic violence, sexual assault, stalking or human trafficking.

(cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete, if compensated and if the athlete is a child.

(dd) Personal support worker, as defined in ORS 410.600.

(ee) Home care worker, as defined in ORS 410.600.

(ff) Animal control officer, as defined in ORS 609.500.

(gg) Member of a school district board, an education service district board or a public charter school governing body.

(hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a service identified in an individualized service plan of a child with a developmental disability.

(ii) Referral agent, as defined in ORS 418.351.

(jj) Parole and probation officer, as defined in ORS 181A.355.

(kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior analysis interventionist registered by the Health Licensing Office under ORS 676.815.

(LL) Massage therapist, as defined in ORS 687.011.

(7) "Severe harm" means:

(a) Life-threatening damage; or

(b) Significant or acute injury to a child's physical, sexual or psychological functioning.

(8) "Sexual abuse" means sexual abuse as described in ORS chapter 163.

CHILD ABUSE INVESTIGATIONS

SECTION 3. ORS 419B.015 is amended to read:

419B.015. (1)(a) A person making a voluntary report of child abuse shall make an oral report to the Department of Human Services by telephone to the child abuse reporting hotline described in ORS 418.190 or to a law enforcement agency within the county where the person making the report is located at the time of the contact. A person making a report of child abuse that is required by ORS 419B.010 shall make the report to the department through the centralized child abuse reporting system described in ORS 418.190 or to a law enforcement agency within the county where the person making the report is located at the time of the contact. The report must contain, if known, the names and addresses of the child and the parents of the child or other persons responsible for care of the child, the child's age, the nature and extent of the abuse, including any evidence of previous abuse, the explanation given for the abuse and any other information that the person making the report believes might be helpful in establishing the cause of the abuse and the identity of the perpetrator.

(b)(A) When a report of alleged child abuse is received by the department, the department shall

1 notify a law enforcement agency within the county where the alleged abuse occurred or, if that
 2 county is unknown, the county where the child resides or, if that county is unknown, the county
 3 where the reporter came into contact with the child or the alleged perpetrator of the abuse.

4 (B) When a report of alleged child abuse is received by a law enforcement agency, the agency
 5 shall notify the department by making a report of the alleged child abuse to the centralized child
 6 abuse reporting system described in ORS 418.190.

7 (c) When a report of alleged child abuse is received by the department or by a law enforcement
 8 agency, the department or law enforcement agency, or both, may collect information concerning the
 9 military status of the parent or guardian of the child who is the subject of the report and may share
 10 the information with the appropriate military authorities. Disclosure of information under this par-
 11 agraph is subject to ORS 419B.035 (7).

12 **(d) When a report of alleged child abuse is received by the department or by a law**
 13 **enforcement agency, the department or law enforcement agency, or both, shall make the**
 14 **following notifications:**

15 **(A) To the Department of Early Learning and Care, if the alleged child abuse occurred**
 16 **in a child care facility as defined in ORS 329A.250; or**

17 **(B) To the Department of Education, if the alleged child abuse occurred in a school, was**
 18 **related to a school-sponsored activity or was conduct that may be subject to actions taken**
 19 **by the Department of Education under ORS 339.370 to 339.400.**

20 (2) When a report of alleged child abuse is received under subsection (1)(a) of this section, the
 21 entity receiving the report shall make the notification required by subsection (1)(b) of this section
 22 according to rules adopted by the Department of **Human Services** under ORS 419B.017.

23 (3)(a) When a report alleging that a child or ward in substitute care may have been subjected
 24 to abuse is received by the department, the department shall notify the attorney for the child or
 25 ward, the child's or ward's court appointed special advocate, the parents of the child or ward and
 26 any attorney representing a parent of the child or ward that a report has been received.

27 (b) The name and address of and other identifying information about the person who made the
 28 report may not be disclosed under this subsection. Any person or entity to whom notification is
 29 made under this subsection may not release any information not authorized by this subsection.

30 (c) The department shall make the notification required by this subsection within three business
 31 days of receiving the report of alleged child abuse.

32 (d) Notwithstanding the obligation imposed by this subsection, the department is not required
 33 under this subsection to notify the parent or parent's attorney that a report of alleged child abuse
 34 has been received if the notification may interfere with an investigation or assessment or jeopardize
 35 the child's or ward's safety.

36 **SECTION 4.** ORS 419B.020 is amended to read:

37 419B.020. (1) If the Department of Human Services or a law enforcement agency receives a re-
 38 port of child abuse, the department or the agency shall immediately[:]

39 [(a)] cause an investigation to be made to determine the nature and cause of the abuse of the
 40 child. [; and]

41 [(b) *Make the following notifications:*]

42 [(A) *To the Department of Early Learning and Care if the alleged child abuse occurred in a child*
 43 *care facility as defined in ORS 329A.250; or]*

44 [(B) *To the Department of Education if the alleged child abuse occurred in a school, was related*
 45 *to a school-sponsored activity or was conduct that may be subject to actions taken by the Department*

of Education under ORS 339.370 to 339.400.]

(2) The Department of Human Services shall ensure that an investigation required by subsection (1) of this section is completed if the report is not investigated by a law enforcement agency.

(3) If the alleged child abuse [reported] **described** in subsection (1) of this section occurred at a child care facility or in a school, was related to a school-sponsored activity or was conduct that may be subject to actions taken by the Department of Education under ORS 339.370 to 339.400:

(a) The Department of Human Services and the law enforcement agency shall jointly determine the roles and responsibilities of the Department of Human Services and the agency in their respective investigations; and

(b) The Department of Human Services and the agency shall each report the outcomes of their investigations:

(A) To the Department of Early Learning and Care if the alleged child abuse occurred in a child care facility as defined in ORS 329A.250; or

(B) To the Department of Education if the alleged child abuse:

(i) Occurred in a school;

(ii) Was related to a school-sponsored activity; or

(iii) Was conduct that may be subject to actions taken by the Department of Education under ORS 339.370 to 339.400.

(4) Notwithstanding subsections (1) to (3) of this section, the Department of Human Services is required under this section to investigate a report of child abuse only if the alleged perpetrator of the abuse:

(a) Is the child's parent, legal guardian, legal custodian or Indian custodian;

(b) Has attained 18 years of age and:

(A) Lives in the child's home;

(B) Has access to the child based on the person's relationship to the child's parent, guardian, custodian, household member or caregiver or to any other person who may have authority or control over the child;

(C) Is in a role, position or occupation in which the person has access to, responsibility for, power over or the trust of the child;

(D) Has been accused of subjecting the child to involuntary servitude, as described in ORS 163.263 or 163.264, or trafficking, as described in ORS 163.266; or

(E) Is determined by the department to be an individual from whom the department can, consistent with ORS 409.185, safeguard the child against further abuse through the provision of child protective services;

(c) Is under 18 years of age and:

(A) Is in a role, position or occupation in which the person has access to, responsibility for, power over or the trust of the child; or

(B) Has been accused of subjecting the child to severe harm as defined in ORS 419B.150 or sexual abuse as described in ORS 419B.005 (1)(a)(D);

(d) Is a child care facility, as defined in ORS 329A.250; or

(e) Is an education provider, as defined in ORS 339.370.

[(4)] (5) [If the law enforcement agency conducting the investigation] If a law enforcement agency conducting an investigation under this section finds reasonable cause to believe that abuse has occurred, the law enforcement agency shall notify the Department of Human Services by making an oral report followed by a written report to the centralized child abuse reporting system

described in ORS 418.190. The department shall provide protective social services of its own or of other available social agencies if necessary to prevent further abuses to the child or to safeguard the child's welfare.

[(5)] (6) If a child is taken into protective custody by the Department of Human Services, the department shall promptly make reasonable efforts to ascertain the name and address of the child's parents or guardian.

[(6)(a)] (7)(a) If a child is taken into protective custody by the Department of Human Services or a law enforcement official, the department or law enforcement official shall, if possible, make reasonable efforts to advise the parents or guardian immediately, regardless of the time of day, that the child has been taken into custody, the reasons the child has been taken into custody and general information about the child's placement, and the telephone number of the local office of the department and any after-hours telephone numbers.

(b) Notice may be given by any means reasonably certain of notifying the parents or guardian, including but not limited to written, telephonic or in-person oral notification. If the initial notification is not in writing, the information required by paragraph (a) of this subsection also shall be provided to the parents or guardian in writing as soon as possible.

(c) The department also shall make a reasonable effort to notify the noncustodial parent of the information required by paragraph (a) of this subsection in a timely manner.

(d) If a child is taken into custody while under the care and supervision of a person or organization other than the parent, the department, if possible, shall immediately notify the person or organization that the child has been taken into protective custody.

[(7)] (8)(a) If a law enforcement officer or the Department of Human Services, when taking a child into protective custody, has reasonable cause to believe that the child has been affected by [sexual abuse and] rape **or sexual abuse** of a child as defined in ORS 419B.005 (1)(a)(C) **or (D)** and that physical evidence of the abuse exists and is likely to disappear, the court may authorize a physical examination for the purposes of preserving evidence if the court finds that it is in the best interest of the child to have such an examination.

(b) Nothing in this [section] **subsection** affects the authority of the department to consent to physical examinations of the child at other times.

[(8)] (c) [A minor child of 12 years of age or older] **If the child has attained 12 years of age, the child** may refuse to consent to the examination described in **this** subsection [(7) of this section].

(d) The examination shall be conducted by or under the supervision of **an individual who is** a physician licensed under ORS chapter 677, a physician associate licensed under ORS 677.505 to 677.525 or a nurse practitioner licensed under ORS chapter 678 and, whenever practicable, **who is** trained in conducting such examinations.

(9) When the Department of Human Services completes an investigation under this section, if the person who made the report of child abuse provided contact information to the department, the department shall notify the person about whether contact with the child was made, whether the department determined that child abuse occurred and whether services will be provided. The department is not required to disclose information under this subsection if the department determines that disclosure is not permitted under ORS 419B.035.

(10) When the Department of Education receives a notification under [subsection (1) of this section] **ORS 419B.015** or a report on the outcomes of an investigation under subsection (3) of this section, the Department of Education shall act under, and is subject to, ORS 339.389.

SECTION 4a. ORS 419B.020, as amended by section 4 of this 2026 Act, is amended to read:

419B.020. (1) If the Department of Human Services or a law enforcement agency receives a report of child abuse, the department or the agency shall immediately cause an investigation to be made to determine the nature and cause of the abuse of the child.

(2) The Department of Human Services shall ensure that an investigation required by subsection (1) of this section is completed if the report is not investigated by a law enforcement agency.

(3) If the alleged child abuse described in subsection (1) of this section occurred at a child care facility or in a school, was related to a school-sponsored activity or was conduct that may be subject to actions taken by the Department of Education under ORS 339.370 to 339.400:

(a) The Department of Human Services and the law enforcement agency shall jointly determine the roles and responsibilities of the Department of Human Services and the agency in their respective investigations; and

(b) The Department of Human Services and the agency shall each report the outcomes of their investigations:

(A) To the Department of Early Learning and Care if the alleged child abuse occurred in a child care facility as defined in ORS 329A.250; or

(B) To the Department of Education if the alleged child abuse:

(i) Occurred in a school;

(ii) Was related to a school-sponsored activity; or

(iii) Was conduct that may be subject to actions taken by the Department of Education under ORS 339.370 to 339.400.

(4) Notwithstanding subsections (1) to (3) of this section, the Department of Human Services is required under this section to investigate a report of child abuse only if the alleged perpetrator of the abuse:

(a) Is the child's parent, legal guardian, legal custodian or Indian custodian;

(b) Has attained 18 years of age and:

(A) Lives in the child's home;

(B) Has access to the child based on the person's relationship to the child's parent, guardian, custodian, household member or caregiver or to any other person who may have authority or control over the child;

(C) Is in a role, position or occupation in which the person has access to, responsibility for, power over or the trust of the child;

(D) Has been accused of subjecting the child to involuntary servitude, as described in ORS 163.263 or 163.264, or trafficking, as described in ORS 163.266; or

(E) Is determined by the department to be an individual from whom the department can, consistent with ORS 409.185, safeguard the child against further abuse through the provision of child protective services;

(c) Is under 18 years of age and:

(A) Is in a role, position or occupation in which the person has access to, responsibility for, power over or the trust of the child; or

(B) Has been accused of subjecting the child to severe harm [*as defined in ORS 419B.150*] or sexual abuse [*as described in ORS 419B.005 (1)(a)(D)*];

(d) Is a child care facility, as defined in ORS 329A.250; or

(e) Is an education provider, as defined in ORS 339.370.

(5) If a law enforcement agency conducting an investigation under this section finds reasonable

1 cause to believe that abuse has occurred, the law enforcement agency shall notify the Department
2 of Human Services by making an oral report followed by a written report to the centralized child
3 abuse reporting system described in ORS 418.190. The department shall provide protective social
4 services of its own or of other available social agencies if necessary to prevent further abuses to
5 the child or to safeguard the child's welfare.

6 (6) If a child is taken into protective custody by the Department of Human Services, the de-
7 partment shall promptly make reasonable efforts to ascertain the name and address of the child's
8 parents or guardian.

9 (7)(a) If a child is taken into protective custody by the Department of Human Services or a law
10 enforcement official, the department or law enforcement official shall, if possible, make reasonable
11 efforts to advise the parents or guardian immediately, regardless of the time of day, that the child
12 has been taken into custody, the reasons the child has been taken into custody and general infor-
13 mation about the child's placement, and the telephone number of the local office of the department
14 and any after-hours telephone numbers.

15 (b) Notice may be given by any means reasonably certain of notifying the parents or guardian,
16 including but not limited to written, telephonic or in-person oral notification. If the initial notifica-
17 tion is not in writing, the information required by paragraph (a) of this subsection also shall be
18 provided to the parents or guardian in writing as soon as possible.

19 (c) The department also shall make a reasonable effort to notify the noncustodial parent of the
20 information required by paragraph (a) of this subsection in a timely manner.

21 (d) If a child is taken into custody while under the care and supervision of a person or organ-
22 ization other than the parent, the department, if possible, shall immediately notify the person or
23 organization that the child has been taken into protective custody.

24 (8)(a) If a law enforcement officer or the Department of Human Services, when taking a child
25 into protective custody, has reasonable cause to believe that the child has been affected by rape or
26 sexual abuse of a child as defined in ORS 419B.005 (1)(a)(C) or (D) and that physical evidence of the
27 abuse exists and is likely to disappear, the court may authorize a physical examination for the
28 purposes of preserving evidence if the court finds that it is in the best interest of the child to have
29 such an examination.

30 (b) Nothing in this subsection affects the authority of the department to consent to physical
31 examinations of the child at other times.

32 (c) If the child has attained 12 years of age, the child may refuse to consent to the examination
33 described in this subsection.

34 (d) The examination shall be conducted by or under the supervision of an individual who is a
35 physician licensed under ORS chapter 677, a physician associate licensed under ORS 677.505 to
36 677.525 or a nurse practitioner licensed under ORS chapter 678 and, whenever practicable, who is
37 trained in conducting such examinations.

38 (9) When the Department of Human Services completes an investigation under this section, if
39 the person who made the report of child abuse provided contact information to the department, the
40 department shall notify the person about whether contact with the child was made, whether the
41 department determined that child abuse occurred and whether services will be provided. The de-
42 partment is not required to disclose information under this subsection if the department determines
43 that disclosure is not permitted under ORS 419B.035.

44 (10) When the Department of Education receives a notification under ORS 419B.015 or a report
45 on the outcomes of an investigation under subsection (3) of this section, the Department of Educa-

tion shall act under, and is subject to, ORS 339.389.

SECTION 5. ORS 339.389 is amended to read:

339.389. (1) When the Department of Education receives from the Department of Human Services notification of a report of abuse or receives a report on the outcomes of an investigation of abuse, as provided by ORS **419B.015**, 419B.019 or 419B.020, and the notification or report involves a child and a person who is a school employee, contractor, agent or volunteer, the Department of Education may notify, as soon as practicable, any education provider that the Department of Education determines must be notified to ensure the safety of children.

(2) When providing notice to an education provider under subsection (1) of this section, the Department of Education:

(a) Shall include any information the department determines is necessary to ensure the safety of children, including the name of the school and the name of the person who allegedly committed the suspected abuse.

(b) May not disclose the name and address of, or any other identifying information about, the person who made the report of suspected abuse.

(3) The Department of Education may provide information related to the notification or report received as described in subsection (1) of this section to the Teacher Standards and Practices Commission if the department determines that:

(a) The commission must be notified to ensure the safety of children; and

(b) The notification or report involves a person who is licensed by the commission.

(4)(a) Notwithstanding ORS 192.311 to 192.478, any information received as provided by this section is not a public record and is not subject to public inspection.

(b) Any person or entity who receives information under this section may not release the information, unless as otherwise provided by law.

(5) The State Board of Education may adopt rules for the purposes of implementing this section.

SECTION 6. ORS 409.185 is amended to read:

409.185. (1) The Director of Human Services shall oversee the development of standards and procedures for assessment, investigation and enforcement of child protective services.

(2)(a) The Department of Human Services shall take action to implement the provision of child protective services as outlined in ORS 417.705 to 417.800 and based on the recommendations in the 1992 "Oregon Child Protective Services Performance Study" published by the University of Southern Maine.

(b) In all substantiated cases of child abuse and neglect, the role of the department is to complete a comprehensive family assessment of risk of abuse or neglect, or both, assess service needs and provide immediate protective services as necessary.

(c) The department shall provide remedial services needed to ensure the safety of the child.

(d) In all cases of child abuse and neglect for which a criminal investigation is conducted, the role of law enforcement agencies is to provide a legally sound, child sensitive investigation of whether abuse or neglect or both have occurred and to gather other evidence and perform other responsibilities in accordance with interagency agreements.

(e) **Except as provided in ORS 419B.020**, the department and law enforcement agencies shall conduct the investigation and assessment concurrently[.]. **The investigations must be** based upon the protocols and procedures of the county child abuse multidisciplinary team in each jurisdiction.

(f) When the department and law enforcement agencies conduct a joint investigation and assessment, the activities of the department and agencies are to be clearly differentiated by the pro-

1 protocols of the county child abuse multidisciplinary team.

2 (g) Nothing in this subsection is intended to be inconsistent with ORS 418.702, 418.747 and
3 418.748 and ORS chapter 419B.

4 (h) In all cases of child abuse for which an investigation is conducted, the department shall
5 provide a child's parent, guardian or caregiver with a clear written explanation of the investigation
6 process, the court hearing process and the rights of the parent, guardian or caregiver in the abuse
7 investigation and in the court proceedings related to the abuse investigation.

8 (3) Upon receipt of a recommendation of the Children's Advocate under ORS 417.815 (2)(e), the
9 department shall implement the recommendation or give the Children's Advocate written notice of
10 an intent not to implement the recommendation.

11 12 **SUBSTANTIATION OF REPORTS OF CHILD ABUSE**

13
14 **SECTION 7. Section 8 of this 2026 Act is added to and made a part of ORS 419B.005 to**
15 **419B.050.**

16 **SECTION 8. If an investigation under ORS 419B.020 involves an alleged perpetrator who**
17 **was under 18 years of age at the time of the reported abuse:**

18 (1) **The investigation must conclude in one of the findings described in ORS 419B.026 (1)**
19 **if the alleged perpetrator:**

20 (a) **Is the child's parent;**

21 (b) **At the time of the reported abuse, was in a role, position or occupation in which the**
22 **perpetrator had access to, responsibility for, power over or the trust of the child; or**

23 (c) **At the time of the reported abuse was at least 12 years of age and more than four**
24 **years older than the child.**

25 (2) **The investigation may conclude in one of the findings described in ORS 419B.026 (1)**
26 **if:**

27 (a) **At the time of the reported abuse the perpetrator was at least 12 years of age and**
28 **not more than four years older than the child; and**

29 (b) **The investigator determines that issuance of a finding is in the public interest.**

30 (3) **Except as provided in subsection (1) or (2) of this section, the investigation may not**
31 **conclude in one of the findings described in ORS 419B.026.**

32 **SECTION 9. ORS 419B.026 is amended to read:**

33 419B.026. (1) **Except as provided in section 8 of this 2026 Act,** an investigation conducted
34 under ORS 419B.020 must conclude in one of the following findings:

35 (a) **That the report of child abuse is founded;**

36 (b) **That the report of child abuse is unfounded; or**

37 (c) **That the report of child abuse cannot be determined.**

38 (2) **[All]** Investigations conducted under ORS 419B.020 must be conducted in accordance with
39 ORS 419B.005 to 419B.050 and, **except as provided in section 8 of this 2026 Act,** result in the
40 findings described in subsection (1) of this section until all of the following criteria have been met:

41 (a) **The child welfare workload model for the Department of Human Services is staffed at 95**
42 **percent or greater;**

43 (b) **A centralized, statewide child abuse hotline has been established and in operation for at least**
44 **six consecutive months;**

45 (c) **The department has completed investigations within timelines mandated by law and rule at**

least 90 percent of the time for at least six consecutive months;

(d) The department has conducted in-person contacts with children who are the subject of reports of child abuse, as mandated by law and rule, in at least 90 percent of the reports of child abuse for at least six consecutive months; and

(e) The reabuse rate for children in this state is below the national average.

SECTION 10. ORS 419B.030 is amended to read:

419B.030. (1) A central state registry shall be established and maintained by the Department of Human Services. The local offices of the department shall report to the state registry in writing when an investigation has shown *[reasonable cause to believe]*, **by a preponderance of the evidence**, that a child's condition was the result of abuse even if the cause remains unknown. Each registry shall contain current information from reports cataloged both as to the name of the child and the name of the family.

(2) When the department provides specific case information from the central state registry, the department shall include a notice that the information does not necessarily reflect any subsequent proceedings that are not within the jurisdiction of the department.

SECTION 11. ORS 418.259 is amended to read:

418.259. (1) The investigation conducted by the Department of Human Services under ORS 418.258 must result in one of the following findings:

(a) That the report is substantiated. A report is substantiated when there is reasonable cause to believe that the abuse of a child in care occurred.

(b) That the report is unsubstantiated. A report is unsubstantiated when there is no evidence that the abuse of a child in care occurred.

(c) That the report is inconclusive. A report is inconclusive when there is some indication that the abuse occurred but there is insufficient evidence to conclude that there is reasonable cause to believe that the abuse occurred.

(2) When a report is received under ORS 418.258 alleging that a child in care may have been subjected to abuse, the department shall notify the case managers for the child, the attorney for the child, the child's court appointed special advocate, the parents or guardians of the child, any attorney representing a parent or guardian of the child and any governmental agency that has a contract with the child-caring agency or developmental disabilities residential facility to provide care or services to the child that a report has been received.

(3)(a) The department may interview the child in care who is the subject of suspected abuse and any witnesses, including other children, without the presence of employees of the child-caring agency, proctor foster home or developmental disabilities residential facility, the provider of services at a certified foster home or department personnel. The department shall inform the child in care that the child may have the child's parent or guardian, if the child has not been committed to the custody of the department or the Oregon Youth Authority, or attorney present when participating in an interview conducted in the course of an abuse investigation.

(b) When investigating an allegation of inappropriate use of restraint or involuntary seclusion, the department shall:

(A) Conduct the interviews described in paragraph (a) of this subsection;

(B) Review all relevant incident reports related to the child in care and other reports related to the restraint or involuntary seclusion of the child in care;

(C) Review any audio, video or photographic recordings of the restraint or involuntary seclusion, including the circumstances immediately before and following the incident;

(D) During an interview with the child in care who is the subject of the suspected abuse, ask the child about whether they experienced any reportable injury or pain as a result of the restraint or involuntary seclusion;

(E) Review the training records related to all of the individuals who were involved in the use of restraint or involuntary seclusion; and

(F) Make all reasonable efforts to conduct trauma-informed interviews of each child witness, including the child in care who is the subject of suspected abuse unless the investigator makes a specific determination that the interview may significantly traumatize the child and is not in the best interests of the child.

(4) The department shall report to the central state registry established under ORS 419B.030 in writing when an investigation conducted by the department under ORS 418.258 has shown reasonable cause to believe that a child in care's condition was the result of abuse even if the cause remains unknown.

[(4)] (5) The department shall notify the following when a report of abuse is substantiated:

(a) The Director of Human Services.

(b) Personnel in the department responsible for the licensing, certificate or authorization of child-caring agencies.

(c) The department's lead personnel in that part of the department that is responsible for child welfare generally.

(d) With respect to the child in care who is the subject of the abuse report and investigation, the case managers for the child, the attorney for the child, the child's court appointed special advocate, the parents or guardians of the child, any attorney representing a parent or guardian of the child and any governmental agency that has a contract with the child-caring agency to provide care or services to the child.

(e) The parents or guardians of the child in care who is the subject of the abuse report and investigation if the child in care has not been committed to the custody of the department or the youth authority. Notification under this paragraph may not include any details or information other than that a report of abuse has been substantiated.

(f) Any governmental agency that has a contract with the child-caring agency to provide care or services to a child in care.

(g) The local citizen review board established by the Judicial Department under ORS 419A.090.

[(5)] (6) The department shall report on a quarterly basis to the interim legislative committees on child welfare for the purposes of public review and oversight of the quality and safety of child-caring agencies, certified foster homes and developmental disabilities residential facilities that are licensed, certified or authorized by the department in this state and of proctor foster homes that are certified by the child-caring agencies. Information provided in reports under this subsection may not contain the name or any identifying information of a child in care but must contain all of the following:

(a) The name of any child-caring agency, including an out-of-state child-caring agency, proctor foster home or developmental disabilities residential facility, or, provided there are five or more certified foster homes in the county, the name of the county where a certified foster home is located, where the department conducted an investigation pursuant to ORS 418.258 that resulted in a finding that the report of abuse was substantiated during that quarter;

(b) The approximate date that the abuse occurred;

(c) The nature of the abuse and a brief narrative description of the abuse that occurred;

(d) Whether the abuse resulted in a reportable injury, sexual abuse or death;

(e) Corrective actions taken or ordered by the department and the outcome of the corrective actions; and

(f) Information the department received in that quarter regarding any substantiated allegations of child abuse made by any other state involving a congregate care residential setting, as defined in ORS 418.322, in which the department has placed Oregon children.

[(6)] (7) The department's quarterly report under subsection [(5)] (6) of this section must also contain all of the following:

(a) The total number of restraints used in programs that quarter;

(b) The total number of programs that reported the use of restraints of children in care that quarter;

(c) The total number of individual children in care who were placed in restraints by programs that quarter;

(d) The number of reportable injuries to children in care that resulted from those restraints;

(e) The number of incidents in which an individual who was not appropriately trained in the use of the restraint used on a child in care in a program; and

(f) The number of incidents that were reported for potential inappropriate use of restraint.

[(7)] (8) In compiling records, reports and other information during an investigation under ORS 418.258 (1) and in issuing findings, letters of concern or reprimands, the Director of Human Services or the director's designee and the department may not refer to the employee, person or entity that is the subject of the investigation as an "alleged perpetrator" but must refer to the employee, person or entity as the "respondent."

[(8)] (9) As used in this section, "program," "reportable injury" and "restraint" have the meanings given those terms in ORS 418.519.

REPORT

SECTION 12. The Department of Human Services shall monitor the department's implementation of the modifications to child abuse investigations made by section 8 of this 2026 Act and the amendments to ORS 339.389, 409.185, 418.259, 419B.005, 419B.015, 419B.020 and 419B.030 by sections 1 to 6, 10 and 11 of this 2026 Act. The department shall submit a report in the manner provided in ORS 192.245 to the interim committees of the Legislative Assembly related to human services no later than September 15, 2028. The report must describe the steps that the department took to implement section 8 of this 2026 Act and the amendments to ORS 339.389, 409.185, 418.259, 419B.005, 419B.015, 419B.020 and 419B.030 by sections 1 to 6, 10 and 11 of this 2026 Act and include, at a minimum:

(1) A description of training provided to support the implementation;

(2) An assessment of staff understanding and consistency in application of updated definitions of abuse under ORS 419B.005, as amended by sections 1 and 2 of this 2026 Act;

(3) An assessment of staff understanding and consistency in application of the standard of proof by a preponderance of the evidence required for disposition determinations;

(4) An evaluation of the impact of the policy changes reflected in section 8 of this 2026 Act and the amendments to ORS 339.389, 409.185, 418.259, 419B.005, 419B.015, 419B.020 and 419B.030 by sections 1 to 6, 10 and 11 of this 2026 Act on the quality and sufficiency of documentation supporting disposition determinations; and

(5) Relevant data following implementation of section 8 of this 2026 Act and the amendments to ORS 339.389, 409.185, 418.259, 419B.005, 419B.015, 419B.020 and 419B.030 by sections 1 to 6, 10 and 11 of this 2026 Act.

SECTION 13. Section 12 of this 2026 Act is repealed on January 2, 2029.

MISCELLANEOUS

SECTION 14. (1)(a) The amendments to ORS 339.389, 409.185, 419B.015 and 419B.020 by sections 3, 4, 5 and 6 of this 2026 Act become operative on July 1, 2026.

(b) Section 8 of this 2026 Act and the amendments to ORS 418.259, 419B.005, 419B.020, 419B.026 and 419B.030 by sections 1, 2, 4a and 9 to 11 of this 2026 Act become operative on January 1, 2027.

(2) The Department of Human Services and law enforcement agencies may take any action before the operative dates specified in subsection (1) of this section that is necessary to enable the department or law enforcement agencies, on or after the operative dates specified in subsection (1) of this section, to undertake and exercise all of the duties, functions and powers conferred on the department or law enforcement agencies by section 8 of this 2026 Act and the amendments to ORS 339.389, 409.185, 418.259, 419B.005, 419B.015, 419B.020, 419B.026 and 419B.030 by sections 1 to 6 and 9 to 11 of this 2026 Act.

SECTION 15. (1) The amendments to ORS 339.389, 409.185, 419B.015 and 419B.020 by sections 3, 4, 5 and 6 of this 2026 Act apply to investigations of child abuse initiated on or after July 1, 2026.

(2) The amendments to ORS 419B.020 by section 4a of this 2026 Act apply to investigations of child abuse initiated on or after January 1, 2027.

(3) The amendments to ORS 419B.005 by sections 1 and 2 of this 2026 Act apply to acts occurring on or after January 1, 2027.

(4) Section 8 of this 2026 Act and the amendments to ORS 418.259, 419B.026 and 419B.030 by sections 9 to 11 of this 2026 Act apply to reports of abuse occurring on or after January 1, 2027.

SECTION 16. The unit captions used in this 2026 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2026 Act.

SECTION 17. This 2026 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect on its passage.