

# House Bill 4059

Introduced and printed pursuant to House Rule 12.00. Presession 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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

**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" 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.

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

Declares an emergency, effective on passage.

## 1 A BILL FOR AN ACT

2 Relating to child abuse; creating new provisions; amending ORS 339.389, 409.185, 419B.005, 419B.015,  
3 419B.020, 419B.026 and 419B.030; and declaring an emergency.

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

## 5 THREATENED HARM

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

7 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

8 (1)(a) "Abuse" means:

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

12 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or  
13 statements made, or threatened to be made, to a child if the acts, statements or threats result in  
14 severe harm, **as defined in ORS 419B.150**, to the child's psychological, cognitive, emotional or so-  
15 cial well-being and functioning.

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

18 (D) Sexual abuse, as described in ORS chapter 163.

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

20 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any  
21 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in  
22 the performing for people to observe or the photographing, filming, tape recording or other exhibi-  
23 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-

**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.

1 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not  
2 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that  
3 is designed to serve educational or other legitimate purposes; and

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

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

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

12 **(G) Threatened harm to a child, which means subjecting a child to an imminent risk of  
13 severe harm, as defined in ORS 419B.150, to the child's health or welfare.**

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

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

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

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

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

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

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

26 (a) Is under 18 years of age; or

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

28 (3) "Higher education institution" means:

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

30 (b) A public university listed in ORS 352.002;

31 (c) The Oregon Health and Science University; and

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

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

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

36 (5) "Law enforcement agency" means:

37 (a) A city or municipal police department.

38 (b) A county sheriff's office.

39 (c) The Oregon State Police.

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

41 (e) A county juvenile department.

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

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

45 (b) Dentist.

- 1       (c) School employee, including an employee of a higher education institution.
- 2       (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
- 3       or employee of an in-home health service.
- 4       (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
- 5       Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
- 6       Authority, a local health department, a community mental health program, a community develop-
- 7       mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
- 8       fined in ORS 418.205 or an alcohol and drug treatment program.
- 9       (f) Peace officer.
- 10      (g) Psychologist.
- 11      (h) Member of the clergy.
- 12      (i) Regulated social worker.
- 13      (j) Optometrist.
- 14      (k) Chiropractor.
- 15      (L) Certified provider of foster care, or an employee thereof.
- 16      (m) Attorney.
- 17      (n) Licensed professional counselor.
- 18      (o) Licensed marriage and family therapist.
- 19      (p) Firefighter or emergency medical services provider.
- 20      (q) Court appointed special advocate, as defined in ORS 419A.004.
- 21      (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 22      (s) Elected official of a branch of government of this state or a state agency, board, commission
- 23      or department of a branch of government of this state or of a city, county or other political subdi-
- 24      vision in this state.
- 25      (t) Physical, speech or occupational therapist.
- 26      (u) Audiologist.
- 27      (v) Speech-language pathologist.
- 28      (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
- 29      gations or discipline by the commission.
- 30      (x) Pharmacist.
- 31      (y) Operator of a preschool recorded program under ORS 329A.255.
- 32      (z) Operator of a school-age recorded program under ORS 329A.255.
- 33      (aa) Employee of a private agency or organization facilitating the provision of respite services,
- 34      as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
- 35      109.056.
- 36      (bb) Employee of a public or private organization providing child-related services or activities:
- 37       (A) Including but not limited to an employee of a:
- 38        (i) Youth group or center;
- 39        (ii) Scout group or camp;
- 40        (iii) Summer or day camp;
- 41        (iv) Survival camp; or
- 42        (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
- 43       ligious, public or private educational system or a community service organization; and
- 44       (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
- 45       provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-

1 man trafficking.

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

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

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

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

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

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

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

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

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

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

16 **SECTION 2.** ORS 419B.005, as amended by section 6, chapter 581, Oregon Laws 2023, section  
17 65, chapter 73, Oregon Laws 2024, and section 10, chapter 308, Oregon Laws 2025, is amended to  
18 read:

19 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

20 (1)(a) "Abuse" means:

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

24 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or  
25 statements made, or threatened to be made, to a child if the acts, statements or threats result in  
26 severe harm, **as defined in ORS 419B.150**, to the child's psychological, cognitive, emotional or so-  
27 cial well-being and functioning.

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

30 (D) Sexual abuse, as described in ORS chapter 163.

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

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

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

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

45 [(G) *Threatened harm to a child, which means subjecting a child to a substantial risk of harm to*

1     *the child's health or welfare.]*

2     **(G) Threatened harm to a child, which means subjecting a child to an imminent risk of**  
3     **severe harm, as defined in ORS 419B.150, to the child's health or welfare.**

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

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

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

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

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

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

14                 (a) Is under 18 years of age; or

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

16             (3) "Higher education institution" means:

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

18                 (b) A public university listed in ORS 352.002;

19                 (c) The Oregon Health and Science University; and

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

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

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

24             (5) "Law enforcement agency" means:

25                 (a) A city or municipal police department.

26                 (b) A county sheriff's office.

27                 (c) The Oregon State Police.

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

29                 (e) A county juvenile department.

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

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

33                 (b) Dentist.

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

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

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

42                 (f) Peace officer.

43                 (g) Psychologist.

44                 (h) Member of the clergy.

45                 (i) Regulated social worker.

- 1       (j) Optometrist.
- 2       (k) Chiropractor.
- 3       (L) Certified provider of foster care, or an employee thereof.
- 4       (m) Attorney.
- 5       (n) Licensed professional counselor.
- 6       (o) Licensed marriage and family therapist.
- 7       (p) Firefighter or emergency medical services provider.
- 8       (q) Court appointed special advocate, as defined in ORS 419A.004.
- 9       (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 10      (s) Elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state.
- 11      (t) Physical, speech or occupational therapist.
- 12      (u) Audiologist.
- 13      (v) Speech-language pathologist.
- 14      (w) Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission.
- 15      (x) Pharmacist.
- 16      (y) Operator of a preschool recorded program under ORS 329A.255.
- 17      (z) Operator of a school-age recorded program under ORS 329A.255.
- 18      (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.
- 19      (bb) Employee of a public or private organization providing child-related services or activities:
  - 20       (A) Including but not limited to an employee of a:
    - 21       (i) Youth group or center;
    - 22       (ii) Scout group or camp;
    - 23       (iii) Summer or day camp;
    - 24       (iv) Survival camp; or
  - 25       (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
- 26      (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.
- 27      (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete, if compensated and if the athlete is a child.
- 28      (dd) Personal support worker, as defined in ORS 410.600.
- 29      (ee) Home care worker, as defined in ORS 410.600.
- 30      (ff) Animal control officer, as defined in ORS 609.500.
- 31      (gg) Member of a school district board, an education service district board or a public charter school governing body.
- 32      (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.
- 33      (ii) Referral agent, as defined in ORS 418.351.
- 34      (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.

## **INVESTIGATIVE JURISDICTION**

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

8       419B.015. (1)(a) A person making a voluntary report of child abuse shall make an oral report to  
9       the Department of Human Services by telephone to the child abuse reporting hotline described in  
10      ORS 418.190 or to a law enforcement agency within the county where the person making the report  
11      is located at the time of the contact. A person making a report of child abuse that is required by  
12      ORS 419B.010 shall make the report to the department through the centralized child abuse reporting  
13      system described in ORS 418.190 or to a law enforcement agency within the county where the person  
14      making the report is located at the time of the contact. The report must contain, if known, the  
15      names and addresses of the child and the parents of the child or other persons responsible for care  
16      of the child, the child's age, the nature and extent of the abuse, including any evidence of previous  
17      abuse, the explanation given for the abuse and any other information that the person making the  
18      report believes might be helpful in establishing the cause of the abuse and the identity of the  
19      perpetrator.

20 (b)(A) When a report of alleged child abuse is received by the department, the department shall  
21 notify a law enforcement agency within the county where the alleged abuse occurred or, if that  
22 county is unknown, the county where the child resides or, if that county is unknown, the county  
23 where the reporter came into contact with the child or the alleged perpetrator of the abuse.

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

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

32 (d) When a report of alleged child abuse is received by the department or by a law  
33 enforcement agency, the department or law enforcement agency, or both, shall make the  
34 following notifications:

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

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

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

43 (3)(a) When a report alleging that a child or ward in substitute care may have been subjected  
44 to abuse is received by the department, the department shall notify the attorney for the child or  
45 ward, the child's or ward's court appointed special advocate, the parents of the child or ward and

1 any attorney representing a parent of the child or ward that a report has been received.

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

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

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

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

12 419B.020. (1) If the Department of Human Services or a law enforcement agency receives a re-  
13 port of child abuse, the department or the agency shall immediately[:]

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

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

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

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

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

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

27 (a) The Department of Human Services and the law enforcement agency shall jointly determine  
28 the roles and responsibilities of the Department of Human Services and the agency in their respec-  
29 tive investigations; and

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

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

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

35 (i) Occurred in a school;

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

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

39 (4) **Notwithstanding subsections (1) to (3) of this section, the Department of Human**  
40 **Services is required under this section to investigate a report of child abuse only if the al-**  
41 **leged perpetrator of the abuse:**

42 (a) **Is a parent, guardian or custodian of the child;**

43 (b) **Has attained 18 years of age and:**

44 (A) **Lives in the child's home;**

45 (B) **Has access to the child based on the person's relationship to the child's parent,**

1 **guardian, custodian, household member or caregiver or to any other person who may have**  
 2 **authority or control over the child;**

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

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

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

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

11 **(d) Is an education provider, as defined in ORS 339.370.**

12 **[(4)] (5) [If the law enforcement agency conducting the investigation] If a law enforcement**  
 13 **agency conducting an investigation under this section finds reasonable cause to believe that**  
 14 **abuse has occurred, the law enforcement agency shall notify the Department of Human Services by**  
 15 **making an oral report followed by a written report to the centralized child abuse reporting system**  
 16 **described in ORS 418.190. The department shall provide protective social services of its own or of**  
 17 **other available social agencies if necessary to prevent further abuses to the child or to safeguard**  
 18 **the child's welfare.**

19 **[(5) ] (6) If a child is taken into protective custody by the Department of Human Services, the**  
 20 **department shall promptly make reasonable efforts to ascertain the name and address of the child's**  
 21 **parents or guardian.**

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

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

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

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

37 **[(7)] (8)(a) If a law enforcement officer or the Department of Human Services, when taking a**  
 38 **child into protective custody, has reasonable cause to believe that the child has been affected by**  
 39 **[sexual abuse and] rape or sexual abuse of a child as defined in ORS 419B.005 (1)(a)(C) or (D) and**  
 40 **that physical evidence of the abuse exists and is likely to disappear, the court may authorize a**  
 41 **physical examination for the purposes of preserving evidence if the court finds that it is in the best**  
 42 **interest of the child to have such an examination.**

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

45 **[(8)] (c) [A minor child of 12 years of age or older] If the child has attained 12 years of age,**

1   **the child** may refuse to consent to the examination described in **this** subsection [(7) of this  
2   section].

3   (d) The examination shall be conducted by or under the supervision of **an individual who is** a  
4   physician licensed under ORS chapter 677, a physician associate licensed under ORS 677.505 to  
5   677.525 or a nurse practitioner licensed under ORS chapter 678 and, whenever practicable, **who is**  
6   trained in conducting such examinations.

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

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

16   **SECTION 5.** ORS 339.389 is amended to read:

17   339.389. (1) When the Department of Education receives from the Department of Human Services  
18   notification of a report of abuse or receives a report on the outcomes of an investigation of abuse,  
19   as provided by ORS **419B.015**, 419B.019 or 419B.020, and the notification or report involves a child  
20   and a person who is a school employee, contractor, agent or volunteer, the Department of Education  
21   may notify, as soon as practicable, any education provider that the Department of Education deter-  
22   mines must be notified to ensure the safety of children.

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

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

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

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

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

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

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

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

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

40   **SECTION 6.** ORS 409.185 is amended to read:

41   409.185. (1) The Director of Human Services shall oversee the development of standards and  
42   procedures for assessment, investigation and enforcement of child protective services.

43   (2)(a) The Department of Human Services shall take action to implement the provision of child  
44   protective services as outlined in ORS 417.705 to 417.800 and based on the recommendations in the  
45   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 protocols of the county child abuse multidisciplinary team.

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

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

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

## SUBSTANTIATION STANDARD

**SECTION 7.** ORS 419B.026 is amended to read:

419B.026. (1) An investigation conducted under ORS 419B.020 must conclude in one of the following findings:

(a) That the report of child abuse is founded[;]. A **report of child abuse is founded when, by a preponderance of the evidence, the abuse of the child occurred.**

(b) That the report of child abuse is unfounded[; or]. **A report of child abuse is unfounded when, by a preponderance of the evidence, the abuse of the child did not occur.**

(c) That the report of child abuse cannot be determined. **A report of child abuse cannot be determined when there is some indication that the abuse occurred but there is insufficient evidence to conclude, by a preponderance of the evidence, that the abuse occurred or did not occur.**

(2) All investigations conducted under ORS 419B.020 must be conducted in accordance with ORS 419B.005 to 419B.050 and result in the findings described in subsection (1) of this section until all of the following criteria have been met:

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

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

(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 8.** 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.

## MISCELLANEOUS

**SECTION 9.** (1) The amendments to ORS 419B.005, 419B.026 and 419B.030 by sections 1, 2, 7 and 8 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 date specified in subsection (1) of this section that is necessary to enable the department or law enforcement agencies, on or after the operative date 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 the amendments to ORS 419B.005, 419B.026 and 419B.030 by sections 1, 2, 7 and 8 of this 2026 Act.

**SECTION 10.** (1) 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.

(2) The amendments to ORS 339.389, 409.185, 419B.015 and 419B.020 by sections 3 to 6 of this 2026 Act apply to investigations of child abuse initiated on or after the effective date of this 2026 Act.

(3) The amendments to ORS 419B.026 and 419B.030 by sections 7 and 8 of this 2026 Act apply to reports of abuse occurring on or after January 1, 2027.

**SECTION 11.** 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 12.** 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.