

Requested by Representative HARTMAN

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 4042**

1 On page 1 of the printed A-engrossed bill, line 2, after the second semi-
2 colon delete the rest of the line and delete line 3 and insert “and amending
3 ORS 339.389, 409.185, 419B.015, 419B.020 and 419B.026.”.

4 Delete lines 5 through 25 and delete pages 2 through 9 and insert:
5

6 **“CHILD ABUSE INVESTIGATIONS**
7

8 **“SECTION 1. ORS 419B.015 is amended to read:**

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

1 son making the report believes might be helpful in establishing the cause of
2 the abuse and the identity of the perpetrator.

3 “(b)(A) When a report of alleged child abuse is received by the depart-
4 ment, the department shall notify a law enforcement agency within the
5 county where the alleged abuse occurred or, if that county is unknown, the
6 county where the child resides or, if that county is unknown, the county
7 where the reporter came into contact with the child or the alleged
8 perpetrator of the abuse.

9 “(B) When a report of alleged child abuse is received by a law enforce-
10 ment agency, the agency shall notify the department by making a report of
11 the alleged child abuse to the centralized child abuse reporting system de-
12 scribed in ORS 418.190.

13 “(c) When a report of alleged child abuse is received by the department
14 or by a law enforcement agency, the department or law enforcement agency,
15 or both, may collect information concerning the military status of the parent
16 or guardian of the child who is the subject of the report and may share the
17 information with the appropriate military authorities. Disclosure of infor-
18 mation under this paragraph is subject to ORS 419B.035 (7).

19 “(d) **When a report of alleged child abuse is received by the de-**
20 **partment or by a law enforcement agency, the department or law**
21 **enforcement agency, or both, shall make the following notifications:**

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

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

29 “(2) When a report of alleged child abuse is received under subsection
30 (1)(a) of this section, the entity receiving the report shall make the notifi-

1 cation required by subsection (1)(b) of this section according to rules adopted
2 by the Department **of Human Services** under ORS 419B.017.

3 “(3)(a) When a report alleging that a child or ward in substitute care may
4 have been subjected to abuse is received by the department, the department
5 shall notify the attorney for the child or ward, the child’s or ward’s court
6 appointed special advocate, the parents of the child or ward and any attorney
7 representing a parent of the child or ward that a report has been received.

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

12 “(c) The department shall make the notification required by this sub-
13 section within three business days of receiving the report of alleged child
14 abuse.

15 “(d) Notwithstanding the obligation imposed by this subsection, the de-
16 partment is not required under this subsection to notify the parent or
17 parent’s attorney that a report of alleged child abuse has been received if the
18 notification may interfere with an investigation or assessment or jeopardize
19 the child’s or ward’s safety.

20 **“SECTION 2.** ORS 419B.020 is amended to read:

21 “419B.020. (1) If the Department of Human Services or a law enforcement
22 agency receives a report of child abuse, the department or the agency shall
23 immediately[:]

24 “[*a*] cause an investigation to be made to determine the nature and
25 cause of the abuse of the child. [*;* *and*]

26 “[*b*] *Make the following notifications:*]

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

29 “[*B*] *To the Department of Education if the alleged child abuse occurred*
30 *in a school, was related to a school-sponsored activity or was conduct that may*

1 *be subject to actions taken by the Department of Education under ORS 339.370*
2 *to 339.400.]*

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

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

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

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

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

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

18 “(i) Occurred in a school;

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

20 “(iii) Was conduct that may be subject to actions taken by the Depart-
21 ment of Education under ORS 339.370 to 339.400.

22 “(4) **Notwithstanding subsections (1) to (3) of this section, the De-**
23 **partment of Human Services is required under this section to investi-**
24 **gate a report of child abuse only if the alleged perpetrator of the**
25 **abuse:**

26 “(a) **Is the child’s parent, legal guardian, legal custodian or Indian**
27 **custodian;**

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

29 “(A) **Lives in the child’s home;**

30 “(B) **Has access to the child based on the person’s relationship to**

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

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

6 **“(D) Has been accused of subjecting the child to involuntary**
7 **servitude, as described in ORS 163.263 or 163.264, or trafficking, as de-**
8 **scribed in ORS 163.266; or**

9 **“(E) Is from any other class of individuals from whom the depart-**
10 **ment by rule has determined children can be safeguarded against fur-**
11 **ther abuse by the department’s provision of child protective services;**

12 **“(c) Is under 18 years of age and:**

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

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

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

19 **“(e) Is a public education program as defined in ORS 339.285.**

20 **“[(4)] (5) [If the law enforcement agency conducting the investigation] If a**
21 **law enforcement agency conducting a criminal investigation finds rea-**
22 **sonable cause to believe that abuse has occurred, the law enforcement**
23 **agency shall notify the Department of Human Services by making an oral**
24 **report followed by a written report to the centralized child abuse reporting**
25 **system described in ORS 418.190. The department shall provide protective**
26 **social services of its own or of other available social agencies if necessary**
27 **to prevent further abuses to the child or to safeguard the child’s welfare.**

28 **“[(5)] (6) If a child is taken into protective custody by the Department**
29 **of Human Services, the department shall promptly make reasonable efforts**
30 **to ascertain the name and address of the child’s parents or guardian.**

1 “[~~(6)(a)~~] **(7)(a)** If a child is taken into protective custody by the Depart-
2 ment of Human Services or a law enforcement official, the department or law
3 enforcement official shall, if possible, make reasonable efforts to advise the
4 parents or guardian immediately, regardless of the time of day, that the child
5 has been taken into custody, the reasons the child has been taken into cus-
6 tody and general information about the child’s placement, and the telephone
7 number of the local office of the department and any after-hours telephone
8 numbers.

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

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

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

21 “[~~(7)~~] **(8)(a)** If a law enforcement officer or the Department of Human
22 Services, when taking a child into protective custody, has reasonable cause
23 to believe that the child has been affected by [*sexual abuse and*] rape **or**
24 **sexual abuse** of a child as defined in ORS 419B.005 (1)(a)(C) **or (D)** and that
25 physical evidence of the abuse exists and is likely to disappear, the court
26 may authorize a physical examination for the purposes of preserving evidence
27 if the court finds that it is in the best interest of the child to have such an
28 examination.

29 “**(b)** Nothing in this [*section*] **subsection** affects the authority of the de-
30 partment to consent to physical examinations of the child at other times.

1 “[8] (c) [A minor child of 12 years of age or older] **If the child has at-**
2 **tained 12 years of age, the child** may refuse to consent to the examination
3 described in **this** subsection [(7) of this section].

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

9 “(9) When the Department of Human Services completes an investigation
10 under this section, if the person who made the report of child abuse provided
11 contact information to the department, the department shall notify the per-
12 son about whether contact with the child was made, whether the department
13 determined that child abuse occurred and whether services will be provided.
14 The department is not required to disclose information under this subsection
15 if the department determines that disclosure is not permitted under ORS
16 419B.035.

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

21 “**SECTION 3.** ORS 339.389 is amended to read:

22 “339.389. (1) When the Department of Education receives from the De-
23 partment of Human Services notification of a report of abuse or receives a
24 report on the outcomes of an investigation of abuse, as provided by ORS
25 **419B.015**, 419B.019 or 419B.020, and the notification or report involves a
26 child and a person who is a school employee, contractor, agent or volunteer,
27 the Department of Education may notify, as soon as practicable, any educa-
28 tion provider that the Department of Education determines must be notified
29 to ensure the safety of children.

30 “(2) When providing notice to an education provider under subsection (1)

1 of this section, the Department of Education:

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

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

7 “(3) The Department of Education may provide information related to the
8 notification or report received as described in subsection (1) of this section
9 to the Teacher Standards and Practices Commission if the department de-
10 termines that:

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

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

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

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

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

21 **“SECTION 4.** ORS 409.185 is amended to read:

22 “409.185. (1) The Director of Human Services shall oversee the develop-
23 ment of standards and procedures for assessment, investigation and enforce-
24 ment of child protective services.

25 “(2)(a) The Department of Human Services shall take action to implement
26 the provision of child protective services as outlined in ORS 417.705 to
27 417.800 and based on the recommendations in the 1992 ‘Oregon Child Pro-
28 tective Services Performance Study’ published by the University of Southern
29 Maine.

30 “(b) In all substantiated cases of child abuse and neglect, the role of the

1 department is to complete a comprehensive family assessment of risk of
2 abuse or neglect, or both, assess service needs and provide immediate pro-
3 tective services as necessary.

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

6 “(d) In all cases of child abuse and neglect for which a criminal investi-
7 gation is conducted, the role of law enforcement agencies is to provide a le-
8 gally sound, child sensitive investigation of whether abuse or neglect or both
9 have occurred and to gather other evidence and perform other responsibil-
10 ities in accordance with interagency agreements.

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

16 “(f) When the department and law enforcement agencies conduct a joint
17 investigation and assessment, the activities of the department and agencies
18 are to be clearly differentiated by the protocols of the county child abuse
19 multidisciplinary team.

20 “(g) Nothing in this subsection is intended to be inconsistent with ORS
21 418.702, 418.747 and 418.748 and ORS chapter 419B.

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

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

1 **“SUBSTANTIATION OF REPORTS OF CHILD ABUSE**

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3 **“SECTION 5. Section 6 of this 2026 Act is added to and made a part**
4 **of ORS 419B.005 to 419B.050.**

5 **“SECTION 6. If an investigation under ORS 419B.020 involves an**
6 **alleged perpetrator who was under 18 years of age at the time of the**
7 **reported abuse:**

8 **“(1) The investigation must conclude in one of the findings de-**
9 **scribed in ORS 419B.026 (1) if the alleged perpetrator:**

10 **“(a) Is the child’s parent;**

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

14 **“(c) At the time of the reported abuse, was at least 12 years of age**
15 **and more than four years older than the child.**

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

18 **“(a) At the time of the reported abuse the alleged perpetrator was**
19 **at least 12 years of age and not more than four years older than the**
20 **child; and**

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

23 **“(3) Except as provided in subsection (1) or (2) of this section or**
24 **unless the investigation concludes in a finding that the report of abuse**
25 **is unfounded, the investigation may not conclude in one of the**
26 **findings described in ORS 419B.026.**

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

28 **“419B.026. (1) Except as provided in section 6 of this 2026 Act, an in-**
29 **vestigation conducted under ORS 419B.020 must conclude in one of the fol-**
30 **lowing findings:**

1 “(a) That the report of child abuse is founded;
2 “(b) That the report of child abuse is unfounded; or
3 “(c) That the report of child abuse cannot be determined.
4 “(2) [All] Investigations conducted under ORS 419B.020 must be conducted
5 in accordance with ORS 419B.005 to 419B.050 and, **except as provided in**
6 **section 6 of this 2026 Act**, result in the findings described in subsection (1)
7 of this section until all of the following criteria have been met:
8 “(a) The child welfare workload model for the Department of Human
9 Services is staffed at 95 percent or greater;
10 “(b) A centralized, statewide child abuse hotline has been established and
11 in operation for at least six consecutive months;
12 “(c) The department has completed investigations within timelines man-
13 dated by law and rule at least 90 percent of the time for at least six con-
14 secutive months;
15 “(d) The department has conducted in-person contacts with children who
16 are the subject of reports of child abuse, as mandated by law and rule, in
17 at least 90 percent of the reports of child abuse for at least six consecutive
18 months; and
19 “(e) The reabuse rate for children in this state is below the national av-
20 erage.

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“MISCELLANEOUS

“SECTION 8. 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.”.
