

## **Opposition to HB 4059 – Changes to Child Abuse Definitions and DHS Authority**

Dear Chair and Members of the Committee,

My name is **Fernando Cervantes**, and I am writing to express my opposition to HB 4059. As a father, these changes raise serious concerns for me, particularly for children who are nonverbal or on the autism spectrum and cannot easily communicate distress or ask for help.

HB 4059 makes significant changes to Oregon's child welfare framework, including modifying the definition of "threatened harm" from a **substantial risk of harm** to an **imminent risk of severe harm**, limiting the investigative authority of the Department of Human Services, and raising evidentiary thresholds for substantiating abuse.

By requiring harm to be both imminent and severe before intervention may occur, the bill delays protective action until danger has already escalated. In practice, abuse and neglect often develop gradually, and early warning signs are critical. Children who cannot reliably communicate abuse or distress are especially vulnerable under an "imminent harm" standard, even when risk is clear and increasing.

The bill also narrows DHS's ability to investigate certain reports, reducing the system's capacity to act proactively on credible concerns. Limiting professional judgment and investigative discretion weakens preventive child protection.

In addition, raising evidentiary standards for substantiation and registry decisions may discourage reporting and create further barriers to timely intervention, particularly in cases involving vulnerable children whose harm may not be immediately visible or documented.

By modifying definitions, standards, and investigative authority, HB 4059 increases the likelihood that children—especially those with disabilities—will remain in unsafe environments longer before protection is permitted. For these reasons, I respectfully urge the committee to oppose HB 4059.

Sincerely,  
**Fernando Cervantes**