

RE: STRONG OPPOSITION to HB 4059 – Relating to Child Abuse Definitions and Parental Duties

Dear Chair and Members of the Committee,

My name is Teresa Soler. I am a mother and advocate who refuses to accept excuses for systemic failure and abuse. I am here to voice my fierce opposition to HB 4059.

Our current laws are already too passive. When my own son was abused multiple times by a classmate, the incidents were never investigated. He was repeatedly subjected to death threats from this child, who terrified him; the school would not remove the child. I had to.

That failure to act caused my son lifelong trauma. Rather than fixing these gaps, HB 4059 seeks to expand the rationale for ignoring abuse, creating a legal shield for the state to turn a blind eye to the suffering of our children.

HB 4059 redefines abuse into inaction.

The most dangerous element of this bill is the semantic shift in how we define a child's safety.

The Death of Prevention: Current law requires intervention when there is a "substantial risk" of harm.

The New Lethal Standard: This bill narrows that to an "imminent risk of severe harm".

Waiting for the Tragedy: By requiring risk to be "imminent," the state is declaring it has no mandate to act until the trauma is already occurring. For a vulnerable child, this means the "investigation" only begins after the damage is done.

The Schoolhouse Loophole: Abandoning Our Students

You must look closely at who this bill excludes from the definition of a "caregiver" regarding mandated investigations.

The Investigative Gap: HB 4059 requires the Department of Human Services to investigate only if the perpetrator is a parent, guardian, or specific household member/caregiver.

Teachers and Schools: While school employees are listed as "public or private officials" required to report abuse, they are not explicitly categorized as the "caregivers" or "parents" that trigger a mandatory DHS investigation under the new limits of this bill.

A License for Neglect: If a teacher or a classmate, like the one who targeted my son, is the abuser, this bill provides the state with a "legal exit" to decline an investigation because the perpetrator doesn't fit the narrow "jurisdiction" defined in Section 4.

Bypassing Accountability through "Emergency"

Section 12 of this bill declares an "emergency," forcing it into law immediately upon passage.

Shielding Liability: This rush isn't about protecting children; it is about protecting the state from liability.

Legalizing Failure: By loosening the law and narrowing who they must investigate, the state is attempting to ensure they can no longer be held liable for the abuse and deaths that happen on their watch.

Oregon's youth deserve a system that protects them before a "substantial risk" becomes a lifelong tragedy. We must stop valuing administrative convenience over the lives of children who simply want to be safe.

I strongly urge a "NO" vote on HB 4059.

Sincerely,
Teresa Soler
Eugene, Oregon