



February 11, 2026

To: Representative Hartman, Chair, and Members of the House Committee on Early Childhood and Human Services

From: Oregon Developmental Disabilities Coalition

RE: House Bill 4059 (Oppose)

To Chair Hartman, Vice-Chairs Scharf and Walters, and Members of the Committee:

After hearing some of the concerns from members of the IDD community, the Oregon Developmental Disabilities Coalition is opposed to House Bill 4059. The provisions of the bill as introduced have proven highly controversial.¹ The level of division over the concept suggests that more public engagement and work still needs to be done, which cannot be achieved during this Short Session.

Every child has the right to be safe—not just after harm occurs, but before. HB 4059 purportedly aims to reduce the number of abuse investigations, lower substantiation rates, and address disproportionate impacts on communities of color. However, the Coalition questions whether those goals are adequately balanced against the risk of legitimate abuse claims being overlooked.

The bill introduces a new definition of “threatened harm” that stipulates that harms must be “imminent” and “severe.” Members of the IDD community have expressed concern about the application of an “imminence” standard when dealing with threatened harm and whether that will be enough to stop harms before they occur. They have also questioned the requirement to prove a risk of “severe” harm in instances of “threatened harm.” Traditionally, the concepts of “imminent” and “severe” have been applied in emergencies to justify the immediate removal of a child without a court order rather than the regular standard for showing abuse. Is it appropriate to wait until a situation has escalated into an emergency before abuse can be found and the state intervenes?

While HB 4059 most likely will reduce investigations and make abuse more difficult to prove, it offers no mechanism to address bias in decision-making. That leaves disproportionate impacts

¹ As of the time of writing, of the 46 written testimonies received by the Committee, with 3 remaining neutral, 35 have expressed opposition to the bill and only 9 have expressed support. The oral testimony showed a similar division.



on communities of color largely untouched. Those are issues of training—not changing wording that makes it harder to demonstrate that abuse has occurred in all cases.

In terms of changing the standard for substantiating abuse from “reasonable cause” to “preponderance of the evidence,” parents of children with IDD have expressed concern about how that heightened standard will be applied in instances where alleged victims may be non-speaking or communicate in untraditional ways. Those individuals are more susceptible to abuse due to communication barriers in reporting. Communication barriers alone should not be grounds to deny an allegation of abuse.

How will abuse investigators apply the heightened standard of “more likely than not”² in those situations? Is it not enough that an investigator has “a subjectively and objectively reasonable belief, given all of the circumstances and based on specific and articulable facts”³ that abuse has occurred? While the data apparently shows fewer reported instances of abuse and substantiated cases of abuse in states where the heightened standard of “preponderance of the evidence” is applied, that should not be the sole aim of legislation dealing with preventing harms.

In response to community feedback, a Dash-2 amendment proposes changing “imminent” to “reasonably likely to occur in the near future” and clarifying that “severe harm” means “life-threatening damage” or “significant or acute injury to a child’s physical, sexual, or psychological functioning.” Compared to the current standard of reasonable belief in a substantial risk of harm, it is hard to predict how these new thresholds will affect children with IDD. Narrowing the definition of harm could allow cases to fall through the cracks—especially since assessments of physical, sexual, and psychological injury for children with IDD are wrongly influenced by misconceptions that they experience harm differently or less severely due to cognitive limitations.

Those highly technical changes to the abuse prevention standards cannot be explored meaningfully in the compressed public engagement timeframe afforded by this Short Session. And that’s the bottom line, with the level of public opposition to the concept as introduced and the compressed timeframe to explore those objections and arrive at meaningful fixes, the complexity of HB 4059 presents unknown risks to children with IDD that the Coalition cannot support at this time.

² While not defined in the bill, the evidentiary standard of “preponderance of the evidence” means “more likely than not” in civil court contexts.

³ See ORS 419B.150 (defining “reasonable cause” to mean “a subjectively and objectively reasonable belief, given all of the circumstances and based on specific and articulable facts”)