

Presentation to the House Interim Committee  
on Early Childhood and Human Services

# House Bill 4086 Update

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Lisa Bender, Assistant Deputy Director, ODHS Child Welfare

September 23, 2024

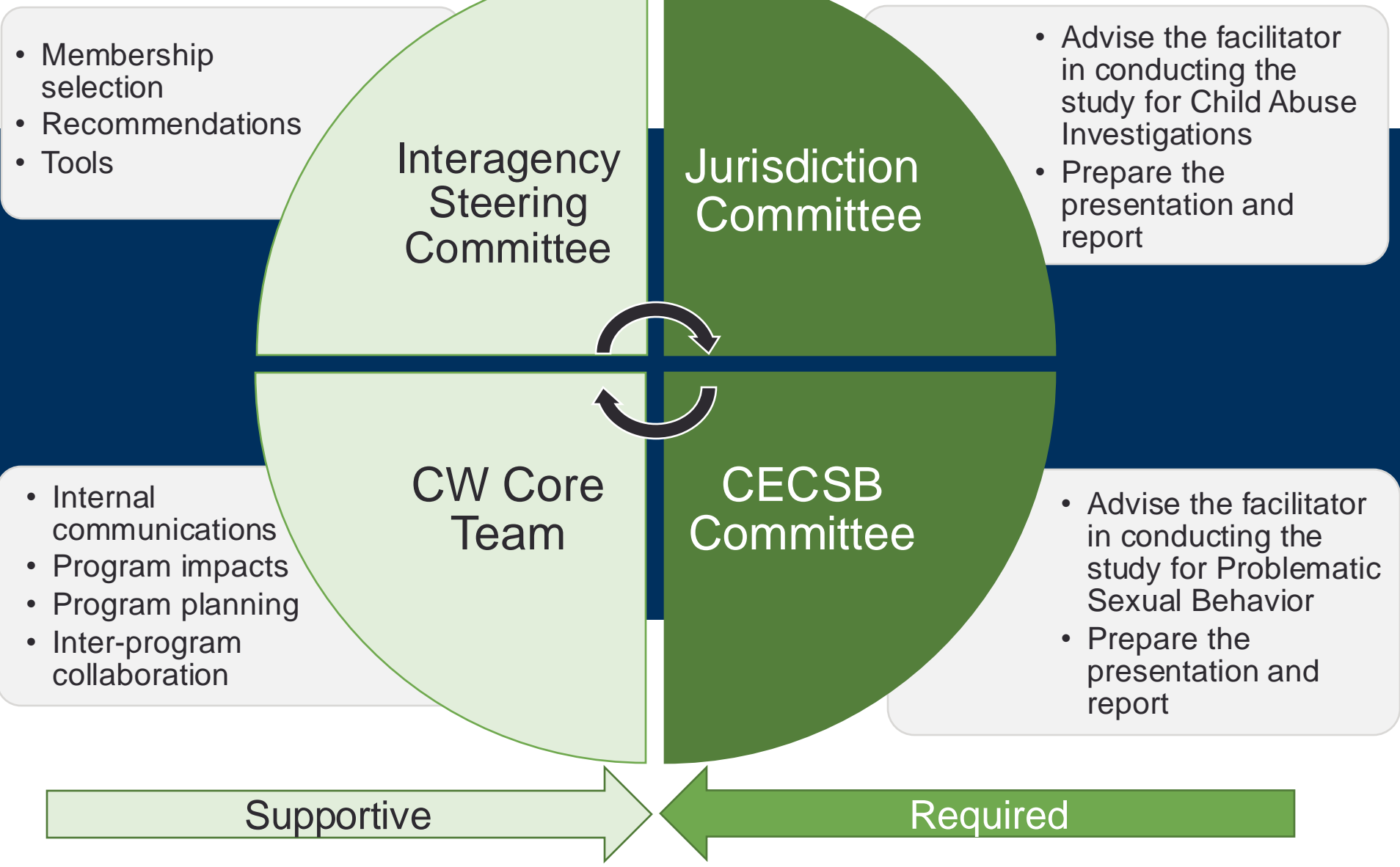
# Agenda

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- HB4086 progress updates
- Preliminary statutory analysis from the Bipartisan Policy Center
- Committee facilitator introductions
- Questions



**Progress update**



# Timeline





# **ODHS partnership with the Bipartisan Policy Center**

# Statutory analysis through a multi-state lens

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- The [Bipartisan Policy Center](#) (BPC) has provided statutory analysis as in-kind support through ODHS' partnership with the [Doris Duke Foundation](#).
- BPC was onboarded in late May 2024 and has offered continued support through December 2024.
- The BPC team includes Steven Christian, Rob Green and Hope Cooper.





Bipartisan Policy Center

# HB 4086 Statutory Analysis: ODHS Jurisdiction

Prepared for Oregon House Interim Committee on Early Childhood and Human Services

September 23, 2024



# Questions Considered

## **1. What is the Current Scope of ODHS Mandatory Child Abuse Investigations?**

- How does Oregon define child abuse compared to other states and CAPTA?
- Which alleged perpetrators come within ODHS jurisdiction?
- How does Oregon compare to other states in terms of alternative service pathways?

## **2. How Do Oregon's Due Process Protections for Alleged Perpetrators Compare to Other States?**

- Due process at first contact.
- Due process at disposition and central registry entry.
- Expungement of central registry entries.

# Abuse Definitions

- **Negligent Treatment:**

- “Likely to endanger” standard lower than CAPTA “imminent risk of serious harm.”
- Oregon does not have “poverty exception” that many other states have adopted.
- Statutory definition limited to material neglect, but other forms found in rule, criminal code
- Accounts for 35.4% of incidents, compared to 74% nationally (2022).
- Some states are limiting neglect to circumstances posing safety risks

- **Threatened Harm:**

- Similar to other states, but “substantial risk” lower standard than CAPTA “imminent risk.”
- Oregon is outlier in terms of large percentage of “threat of harm” dispositions (46.9%)

- **Mental Injury:** Differs from other states by not requiring injury to be “observable.”

- **Abuse of children in care:** Differs from other states that use definition of “institutional abuse.”

# Perpetrator Jurisdiction

- Oregon differs from other states by requiring ODHS to investigate abuse by “third parties.”
- CAPTA: definition of child abuse limited to “parent or caregiver.”
- Other states limit child welfare agency jurisdiction to persons with responsibility for the care of a child, except that some extend jurisdiction to third parties in cases of sexual abuse, exploitation, trafficking, etc.
- In comparison states of CT, IA and OK, third-party abuse allegations are referred to law enforcement.
- In Oregon, statute requires investigations by ODHS or law enforcement, but defines “investigation” as requiring a safety assessment, which is outside law enforcement expertise.
- In 2022, 5.4% of founded cases were perpetrated by “friends or neighbors” or “other.”

Current Scope of ODHS Investigations

# Alternative Pathways to Child Welfare Services

- Oregon: voluntary Family Support Services in addition to services in context of child abuse investigations.
- Other states
  - **Alternative Response:** in lower-risk cases, assessment of family strengths/needs in lieu of investigation; does not result in disposition; provision of voluntary community-based services.
  - **Children in Need of Assistance:** Includes, but is not limited to, abused or neglected children; allows for voluntary or court-ordered services.
  - **Children with Complex Sexual Behavior:** some states provide service-oriented alternative to traditional child abuse investigations.

# Due Process at Investigative Stage

- At First Contact
  - Oregon: Pamphlet explains process and some rights
  - Other states moving toward more comprehensive explanation of rights
- At Disposition and Placement on Central Registry
  - Low standard for substantiation: “reasonable cause to believe”
  - Oregon’s administrative review process similar to other states
  - Oregon places all founded dispositions on central registry
  - Some states add cases to registry only if perpetrator deemed to pose risk to children
- Expungement from Central Registry
  - Oregon: No mechanism for expungement
  - Some states have tiered timeframes based on severity of maltreatment

# Thank you!

Steve Christian

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# **Jurisdiction Committee facilitators**

# Sylvia Deporto

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Sylvia Deporto worked for Riverside County Department of Public Social Services, Children's Services division for 21 years from 1992-2013 where she began as a caseworker and held positions as a supervisor, trainer, manager, deputy director and director all in Children and Family Services. From 2013-2018 Sylvia then served as the Child Welfare Director for the City/County of San Francisco California. Sylvia retired in August 2018 and has continued working as a consultant and coach for new child welfare directors.





# Leslie Ann Hay, MSW

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Leslie Ann Hay, MSW, founder and owner of Hay Consulting, brings over 30 years as a consultant, practitioner and trainer to public and private child welfare organizations at the county, state and federal levels. An experienced facilitator and change agent in child welfare system reform, Leslie Ann engages diverse stakeholders to co-create solutions that address the persistent, complex challenges of ensuring safety, permanency, and well-being for children, youth and their families. A native of Oregon, Leslie Ann earned a Master of Social Work and Bachelor of Science in Psychology from the University of Washington. She resides in Seattle with her husband and is the proud mother of two grown sons.



For more information visit [www.hayconsulting.org](http://www.hayconsulting.org).



# **Children Exhibiting Complex Sexual Behavior (CECSB)**

**Committee facilitators**  
Just Build Village Then

# Denicia Carlay, Ed.D, LCSW, PPSC

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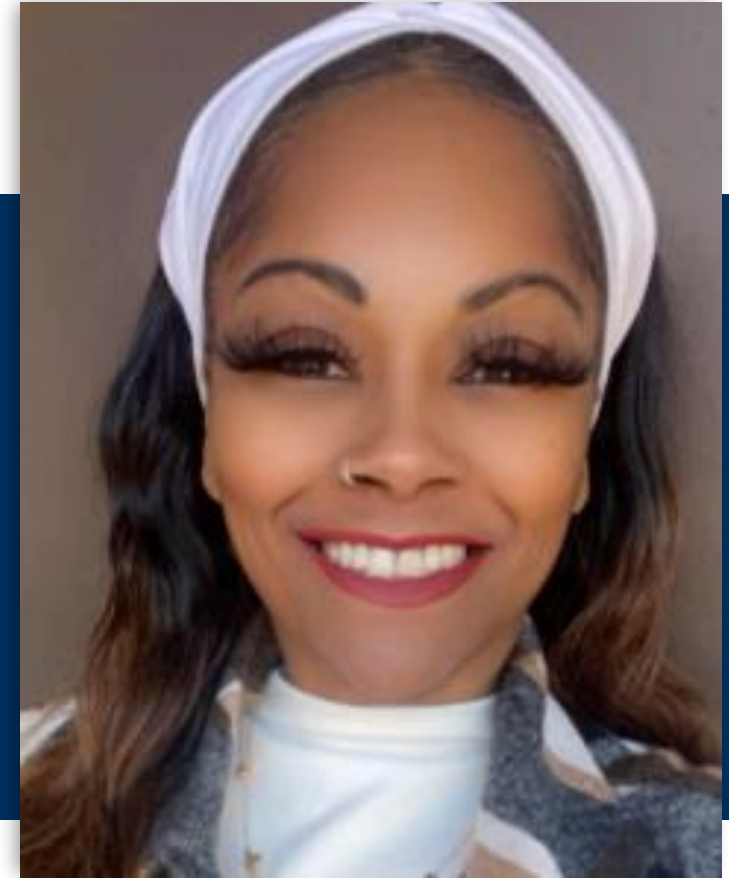
**Denicia Carlay**, known as Docta Neesh, is an experienced facilitator specializing in complex sexual behavior (CSB) interventions. With a background in education, social work, public child welfare, and psychology, she is dedicated to implementing healing centered, intergenerational, and ecological approaches that not only support children who have experienced sexual abuse, but also their families, and the providers who are connected to them.



# Ranecia Cormier, LCSW

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**Ranecia Cormier**, also known as Reesy, is a Licensed Clinical Social Worker with extensive experience in providing holistic clinical interventions for children exhibiting complex sexual behaviors. Her work focuses on promoting trauma-informed, evidence-based practices for youth and support to caregivers and families within multidisciplinary frameworks.



# Shannon Scott, MPA

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**Shannon Scott** plays a crucial role in strategic operations, overseeing the planning and execution of project deliverables. She ensures seamless coordination among teams and manages key logistics, supporting the development of effective responses to complex sexual behavior in youth.



# A sha Dèree White, MA

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**Asha Dèree White** leads communications and marketing efforts, crafting clear messaging and outreach strategies to inform and engage stakeholders. Her work supports the project's mission by raising awareness of best practices and resources for addressing complex sexual behaviors in children.



# **Recommendations and next steps**

# Looking toward 2026

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## Next steps

- Jurisdiction and CECSB committees to convene through 2025.
- Full analysis, including legislative recommendations to be presented by facilitators ahead of the 2026 legislative session.

## Recommendations

- Review of BPC's statutory analysis by facilitators and committees.
- Facilitators finalize report, working with committees to develop recommendations.







# Questions

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Thank you.

