

# A-Engrossed House Bill 4086

Ordered by the House February 21  
Including House Amendments dated February 21

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Early Childhood and Human Services for Representative Lisa Reynolds)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest: The Act directs DHS to have a study done by someone else about how reports of child abuse are looked into in this state. The Act directs DHS to have a study done by someone else about children who have shown problem sexual behaviors. The Act requires the people doing the studies to consult with groups for advice. (Flesch Readability Score: 67.6).**

*[Digest: The Act limits the scope of the duty of the Department of Human Services to investigate child abuse based on a child abuse suspect's relationship with or access to the suspected abused child. The Act requires DHS to submit a report on the change to its duties. The Act directs the System of Care Advisory Council to study and submit a report about children who have shown problem sexual behaviors. The Act requires the SOCAC to consult with a group for advice. The group must be comprised of people who have lived or worked with such children or others impacted by the actions of such children. (Flesch Readability Score: 60.0).]*

*[Modifies when the Department of Human Services is required to investigate child abuse reports. Directs the department to provide interim legislative committees with a report on the implementation of the change no later than September 15, 2024.]*

**Directs the Department of Human Services to commission a study, to be conducted by a facilitator who specializes in public policy, in consultation with an advisory committee, on the scope of child abuse investigations in Oregon. Requires that the department's contract with the facilitator must include the preparation and submission of a report to the interim committees on child welfare no later than September 15, 2025.**

**Directs the [System of Care Advisory Council] department to commission a study to be conducted by a facilitator who specializes in public policy, in consultation with an advisory committee, to study the statewide response to children exhibiting problematic sexual behavior. Requires [the council to submit] that the department's contract with the facilitator must include the preparation and submission of a report to interim legislative committees no later than September 15, [2024] 2025.**

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to children; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The Department of Human Services shall commission a study on the**  
5 **scope of child abuse investigations in this state. The department shall contract with a**  
6 **facilitator who specializes in public policy to conduct the study. The contract must require**  
7 **that the facilitator, in consultation with the advisory committee established under subsection**  
8 **(4) of this section:**

9 (a) **Provide a presentation of the facilitator's preliminary findings and recommendations,**  
10 **including any recommendations for legislation, to the interim legislative committees on child**  
11 **welfare no later than September 30, 2024.**

12 (b) **Submit a final report on the facilitator's findings and recommendations, including**  
13 **recommendations for legislation, to the interim committees on child welfare, in the manner**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 provided in ORS 192.245, no later than September 15, 2025.

2 (2) The study must at a minimum:

3 (a) Identify the current scope of mandatory child abuse investigations that must be  
4 conducted by the Department of Human Services.

5 (b) Identify gaps or duplication of work in the state's response to concerns of child abuse.

6 (c) Determine the national best practices on trauma-informed child abuse jurisdiction,  
7 child abuse definitions, child abuse investigations, child abuse multidisciplinary teams and  
8 due process.

9 (3) The facilitator's recommendations must at a minimum describe or propose:

10 (a) Recommended jurisdiction of child abuse investigations conducted by the department.

11 (b) Recommended amendments to child abuse definitions.

12 (c) Other recommended national best practices for investigations of child abuse by the  
13 department.

14 (d) Recommendations for the ongoing interdisciplinary oversight of the facilitator's  
15 findings and implementation of the facilitator's recommendations.

16 (4)(a) The department shall appoint a committee to advise the facilitator in conducting  
17 the study and preparing the presentation and report described in this section. The committee  
18 membership must include individuals with lived experience with child abuse, including child  
19 abuse investigations, and professionals or representatives of organizations involved with  
20 children. Such professionals or representatives shall include, but need not be limited to, one  
21 or more of each of the following:

22 (A) Attorneys representing children.

23 (B) Child care providers.

24 (C) Child welfare certified resource parents.

25 (D) Representatives of children's advocacy centers, as defined in ORS 418.782.

26 (E) Children's behavioral health professionals.

27 (F) Community developmental disabilities programs.

28 (G) Representatives of county juvenile departments.

29 (H) Representatives with extensive experience with the federal Indian Child Welfare Act  
30 and Oregon Indian tribes and a deep understanding of rural and urban tribal populations,  
31 appointed after consultation with the Commission on Indian Services.

32 (I) Licensed and classified school employees and school administrators.

33 (J) Representatives of the Oregon District Attorneys Association.

34 (K) Representatives of the Oregon Association Chiefs of Police and Oregon State Sheriffs'  
35 Association.

36 (L) Representatives of the Department of Education.

37 (M) Representatives of the Department of Human Services.

38 (N) Representatives of the Oregon Youth Authority.

39 (O) Representatives of the Department of Justice.

40 (P) Representatives of professionals who are licensed, certified or endorsed to provide  
41 services to children.

42 (Q) Relevant advocates for children.

43 (R) Representatives of social justice organizations.

44 (b) The Chief Justice of the Supreme Court shall appoint as a nonvoting member a person  
45 who is a circuit court judge who hears dependency cases.

1       **SECTION 2.** (1) The Department of Human Services shall commission a study of Oregon's  
2 response to children exhibiting problematic sexual behavior. The department shall contract  
3 with a facilitator who specializes in public policy to conduct the study. The contract must  
4 require that the facilitator, in consultation with the advisory committee established under  
5 subsection (4) of this section:

6       (a) Provide a presentation of the facilitator's preliminary findings and recommendations,  
7 including any recommendations for legislation, to the interim legislative committees on child  
8 welfare no later than September 30, 2024.

9       (b) Submit a final report on the facilitator's findings and recommendations, including any  
10 recommendations for legislation, to the interim committees on child welfare, in the manner  
11 provided in ORS 192.245, no later than September 15, 2025.

12       (2) The study must at a minimum:

13       (a) Identify the current state of services and resources available to children exhibiting  
14 problematic sexual behavior and which of those services and resources are available to chil-  
15 dren under 12 years of age.

16       (b) Identify the current state of services and resources available to the families and  
17 caregivers of children exhibiting problematic sexual behavior.

18       (c) Identify gaps in the response and services available to children exhibiting problematic  
19 sexual behavior and to the families and caregivers of such children.

20       (d) Determine the national best practices on trauma-informed multidisciplinary responses  
21 to children exhibiting problematic sexual behavior.

22       (e) Analyze solutions to identify and provide support, treatment and resources for chil-  
23 dren exhibiting problematic sexual behavior and for the families and caregivers of such  
24 children.

25       (3) The facilitator's recommendations must at a minimum describe or propose:

26       (a) Trauma-informed and national best practice strategies for identification of children  
27 exhibiting problematic sexual behaviors;

28       (b) Strategies and definitions to ensure a child is not identified as exhibiting problematic  
29 sexual behavior as a result of the child's:

30       (A) Sexual orientation, gender identity or disability; or

31       (B) Consensual sexual activity or exploration, provided the activity or exploration is not  
32 criminal or abusive in nature;

33       (c) Services and treatment for children exhibiting problematic sexual behavior, provided  
34 such services and treatment are trauma-informed, family centered programs and  
35 community-based;

36       (d) Comprehensive resources and educational opportunities to support family members  
37 and caregivers impacted by children exhibiting problematic sexual behavior;

38       (e) National best practices for assessing the safety of children impacted by another  
39 child's problematic sexual behavior; and

40       (f) Strategies to prevent and minimize out-of-home placement or incarceration of chil-  
41 dren exhibiting problematic sexual behavior.

42       (4)(a) The department shall appoint a committee to advise the facilitator in conducting  
43 the study and preparing the presentation and report described in this section. The committee  
44 membership must include members of families with lived experience with a child exhibiting  
45 problematic sexual behavior and professionals or representatives of organizations involved

1 with children exhibiting problematic sexual behaviors. Such professionals or representatives  
2 shall include, but need not be limited to, one or more of each of the following:

3 (A) Attorneys representing children.

4 (B) Child welfare certified resource parents.

5 (C) Representatives of children's advocacy centers, as defined in ORS 418.782.

6 (D) Children's behavioral health professionals.

7 (E) Community developmental disabilities programs.

8 (F) Representatives of county juvenile departments.

9 (G) Representatives with extensive experience with the federal Indian Child Welfare Act  
10 and Oregon Indian tribes and a deep understanding of rural and urban tribal populations,  
11 appointed after consultation with the Commission on Indian Services.

12 (H) Representatives of county child abuse multidisciplinary teams with existing prob-  
13 lematic sexual behavior subcommittees.

14 (I) Representatives of the Oregon District Attorneys Association.

15 (J) Representatives of the Oregon Association Chiefs of Police and Oregon State Sheriffs'  
16 Association.

17 (K) Representatives of the Department of Education.

18 (L) Representatives of the Department of Human Services.

19 (M) Representatives of the Oregon Youth Authority.

20 (N) Representatives of the Department of Justice.

21 (O) Representatives of professionals who are licensed, certified or endorsed to provide  
22 services to children.

23 (P) Relevant advocates for children.

24 (Q) Representatives of social justice organizations.

25 (R) Licensed and classified school employees and school administrators.

26 (b) The committee must include as a nonvoting member a person appointed by the Chief  
27 Justice of the Supreme Court who is a circuit court judge who hears dependency cases.

28 **SECTION 3.** Sections 1 and 2 of this 2024 Act are repealed on January 2, 2026.

29 **SECTION 4.** This 2024 Act being necessary for the immediate preservation of the public  
30 peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect  
31 on its passage.  
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