

B-Engrossed House Bill 4086

Ordered by the House March 7
Including House Amendments dated February 21 and March 7

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).

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

15 (2) **The study must at a minimum:**

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

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

19 (c) **Determine the national best practices on trauma-informed child abuse jurisdiction,**
20 **child abuse definitions, child abuse investigations, child abuse multidisciplinary teams and**

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 due process.

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

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

4 (b) Recommended amendments to child abuse definitions.

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

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

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

15 (A) Attorneys representing children.

16 (B) Child care providers.

17 (C) Child welfare certified resource parents.

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

19 (E) Children's behavioral health professionals.

20 (F) Community developmental disabilities programs.

21 (G) Representatives of county juvenile departments.

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

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

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

27 (K) Representatives of the Oregon Association Chiefs of Police and Oregon State Sheriffs'
28 Association.

29 (L) Representatives of the Department of Education.

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

31 (N) Representatives of the Oregon Youth Authority.

32 (O) Representatives of the Department of Justice.

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

35 (Q) Relevant advocates for children.

36 (R) Representatives of social justice organizations.

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

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

44 (a) Provide a presentation of the facilitator's preliminary findings and recommendations,
45 including any recommendations for legislation, to the interim legislative committees on child

1 welfare no later than September 30, 2024.

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

5 (2) The study must at a minimum:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (4)(a) The department shall appoint a committee to advise the facilitator in conducting
36 the study and preparing the presentation and report described in this section. The committee
37 membership must include members of families with lived experience with a child exhibiting
38 problematic sexual behavior and professionals or representatives of organizations involved
39 with children exhibiting problematic sexual behaviors. Such professionals or representatives
40 shall include, but need not be limited to, one or more of each of the following:

41 (A) Attorneys representing children.

42 (B) Child welfare certified resource parents.

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

44 (D) Children's behavioral health professionals.

45 (E) Community developmental disabilities programs.

1 (F) Representatives of county juvenile departments.

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

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

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

8 (J) Representatives of the Oregon Association Chiefs of Police and Oregon State Sheriffs'
9 Association.

10 (K) Representatives of the Department of Education.

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

12 (M) Representatives of the Oregon Youth Authority.

13 (N) Representatives of the Department of Justice.

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

16 (P) Relevant advocates for children.

17 (Q) Representatives of social justice organizations.

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

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

21 **SECTION 3.** Notwithstanding any other provision of law, the General Fund appropriation
22 made to the Department of Human Services by section 1 (5), chapter 610, Oregon Laws 2023,
23 for the biennium ending June 30, 2025, for child welfare programs, is increased by \$230,946
24 for carrying out the provisions of sections 1 and 2 of this 2024 Act.

25 **SECTION 4.** Notwithstanding any other law limiting expenditures, the limitation on
26 expenditures established by section 3 (5), chapter 610, Oregon Laws 2023, for the biennium
27 ending June 30, 2025, as the maximum limit for payment of expenses from federal funds,
28 excluding federal funds described in section 2, chapter 610, Oregon Laws 2023, collected or
29 received by the Department of Human Services, for child welfare programs, is increased by
30 \$77,640 for carrying out the provisions of sections 1 and 2 of this 2024 Act.

31 **SECTION 5.** Sections 1 and 2 of this 2024 Act are repealed on January 2, 2026.

32 **SECTION 6.** This 2024 Act being necessary for the immediate preservation of the public
33 peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect
34 on its passage.

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