

House Bill 2996

Sponsored by Representative NELSON, Senator GELSER BLOUIN (Pre-session filed.)

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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells DHS that it cannot find that a parent has neglected a child based solely on the parent's financial resources. (Flesch Readability Score: 65.2).

Prohibits the Department of Human Services from substantiating allegations of child neglect based solely on the financial resources of the child's parent or guardian.

A BILL FOR AN ACT

1 Relating to child abuse arising from neglect; creating new provisions; and amending ORS 419B.005.

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

3 **SECTION 1. When investigating a report of abuse for negligent treatment or**
4 **maltreatment of a child as described in ORS 419B.005 (1)(a)(F), the Department of Human**
5 **Services may not substantiate the reported abuse based solely on the financial resources of**
6 **the child's parent or guardian.**
7

8 **SECTION 2.** ORS 419B.005, as amended by section 64, chapter 73, Oregon Laws 2024, is
9 amended to read:

10 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

11 (1)(a) "Abuse" means:

12 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that
13 has been caused by other than accidental means, including any injury that appears to be at variance
14 with the explanation given of the injury.

15 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or
16 statements made, or threatened to be made, to a child if the acts, statements or threats result in
17 severe harm to the child's psychological, cognitive, emotional or social well-being and functioning.

18 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
19 tration and incest, as those acts are described in ORS chapter 163.

20 (D) Sexual abuse, as described in ORS chapter 163.

21 (E) Sexual exploitation, including but not limited to:

22 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
23 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in
24 the performing for people to observe or the photographing, filming, tape recording or other exhibi-
25 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-
26 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not
27 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that
28 is designed to serve educational or other legitimate purposes; and

29 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in
30 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as

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 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

2 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
 3 provide **a child with** adequate food, clothing, shelter or medical care [*that is likely to endanger the*
 4 *health or welfare of the child*], **that harms the child or places the child at imminent risk of**
 5 **harm.**

6 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
 7 to the child's health or welfare.

8 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

9 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
 10 methamphetamines are being manufactured.

11 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
 12 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-
 13 stantial risk of harm to the child's health or safety.

14 (K) The restraint or seclusion of a child in violation of ORS 339.285, 339.288, 339.291, 339.303
 15 or 339.308.

16 (L) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

17 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
 18 conditions described in paragraph (a) of this subsection.

19 (2) "Child" means an unmarried person who:

- 20 (a) Is under 18 years of age; or
- 21 (b) Is a child in care, as defined in ORS 418.257.

22 (3) "Higher education institution" means:

- 23 (a) A community college as defined in ORS 341.005;
- 24 (b) A public university listed in ORS 352.002;
- 25 (c) The Oregon Health and Science University; and
- 26 (d) A private institution of higher education located in Oregon.

27 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged
 28 to have experienced abuse.

29 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.

30 (5) "Law enforcement agency" means:

- 31 (a) A city or municipal police department.
- 32 (b) A county sheriff's office.
- 33 (c) The Oregon State Police.
- 34 (d) A police department established by a university under ORS 352.121 or 353.125.
- 35 (e) A county juvenile department.

36 (6) "Public or private official" means:

37 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,
 38 including any intern or resident.

39 (b) Dentist.

40 (c) School employee, including an employee of a higher education institution.

41 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
 42 or employee of an in-home health service.

43 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
 44 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
 45 Authority, a local health department, a community mental health program, a community develop-

1 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
 2 fined in ORS 418.205 or an alcohol and drug treatment program.

3 (f) Peace officer.

4 (g) Psychologist.

5 (h) Member of the clergy.

6 (i) Regulated social worker.

7 (j) Optometrist.

8 (k) Chiropractor.

9 (L) Certified provider of foster care, or an employee thereof.

10 (m) Attorney.

11 (n) Licensed professional counselor.

12 (o) Licensed marriage and family therapist.

13 (p) Firefighter or emergency medical services provider.

14 (q) Court appointed special advocate, as defined in ORS 419A.004.

15 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.

16 (s) Elected official of a branch of government of this state or a state agency, board, commission
 17 or department of a branch of government of this state or of a city, county or other political subdi-
 18 vision in this state.

19 (t) Physical, speech or occupational therapist.

20 (u) Audiologist.

21 (v) Speech-language pathologist.

22 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
 23 gations or discipline by the commission.

24 (x) Pharmacist.

25 (y) Operator of a preschool recorded program under ORS 329A.255.

26 (z) Operator of a school-age recorded program under ORS 329A.255.

27 (aa) Employee of a private agency or organization facilitating the provision of respite services,
 28 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
 29 109.056.

30 (bb) Employee of a public or private organization providing child-related services or activities:

31 (A) Including but not limited to an employee of a:

32 (i) Youth group or center;

33 (ii) Scout group or camp;

34 (iii) Summer or day camp;

35 (iv) Survival camp; or

36 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
 37 ligious, public or private educational system or a community service organization; and

38 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
 39 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
 40 man trafficking.

41 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
 42 if compensated and if the athlete is a child.

43 (dd) Personal support worker, as defined in ORS 410.600.

44 (ee) Home care worker, as defined in ORS 410.600.

45 (ff) Animal control officer, as defined in ORS 609.500.

1 (gg) Member of a school district board, an education service district board or a public charter
2 school governing body.

3 (hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a ser-
4 vice identified in an individualized service plan of a child with a developmental disability.

5 (ii) Referral agent, as defined in ORS 418.351.

6 (jj) Parole and probation officer, as defined in ORS 181A.355.

7 (kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior
8 analysis interventionist registered by the Health Licensing Office under ORS 676.815.

9 **SECTION 3.** ORS 419B.005, as amended by section 6, chapter 581, Oregon Laws 2023, and sec-
10 tion 65, chapter 73, Oregon Laws 2024, is amended to read:

11 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

12 (1)(a) “Abuse” means:

13 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that
14 has been caused by other than accidental means, including any injury that appears to be at variance
15 with the explanation given of the injury.

16 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or
17 statements made, or threatened to be made, to a child if the acts, statements or threats result in
18 severe harm to the child’s psychological, cognitive, emotional or social well-being and functioning.

19 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
20 tration and incest, as those acts are described in ORS chapter 163.

21 (D) Sexual abuse, as described in ORS chapter 163.

22 (E) Sexual exploitation, including but not limited to:

23 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
24 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in
25 the performing for people to observe or the photographing, filming, tape recording or other exhibi-
26 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-
27 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not
28 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that
29 is designed to serve educational or other legitimate purposes; and

30 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in
31 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as
32 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

33 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
34 provide **a child with** adequate food, clothing, shelter or medical care [*that is likely to endanger the*
35 *health or welfare of the child*], **that harms the child or places the child at imminent risk of**
36 **harm.**

37 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
38 to the child’s health or welfare.

39 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

40 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
41 methamphetamines are being manufactured.

42 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
43 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-
44 stantial risk of harm to the child’s health or safety.

45 (K) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

1 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
2 conditions described in paragraph (a) of this subsection.

3 (2) "Child" means an unmarried person who:

4 (a) Is under 18 years of age; or

5 (b) Is a child in care, as defined in ORS 418.257.

6 (3) "Higher education institution" means:

7 (a) A community college as defined in ORS 341.005;

8 (b) A public university listed in ORS 352.002;

9 (c) The Oregon Health and Science University; and

10 (d) A private institution of higher education located in Oregon.

11 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged
12 to have experienced abuse.

13 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.

14 (5) "Law enforcement agency" means:

15 (a) A city or municipal police department.

16 (b) A county sheriff's office.

17 (c) The Oregon State Police.

18 (d) A police department established by a university under ORS 352.121 or 353.125.

19 (e) A county juvenile department.

20 (6) "Public or private official" means:

21 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,
22 including any intern or resident.

23 (b) Dentist.

24 (c) School employee, including an employee of a higher education institution.

25 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
26 or employee of an in-home health service.

27 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
28 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
29 Authority, a local health department, a community mental health program, a community develop-
30 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
31 fined in ORS 418.205 or an alcohol and drug treatment program.

32 (f) Peace officer.

33 (g) Psychologist.

34 (h) Member of the clergy.

35 (i) Regulated social worker.

36 (j) Optometrist.

37 (k) Chiropractor.

38 (L) Certified provider of foster care, or an employee thereof.

39 (m) Attorney.

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42 (p) Firefighter or emergency medical services provider.

43 (q) Court appointed special advocate, as defined in ORS 419A.004.

44 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.

45 (s) Elected official of a branch of government of this state or a state agency, board, commission

1 or department of a branch of government of this state or of a city, county or other political subdi-
2 vision in this state.

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7 gations or discipline by the commission.

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9 (y) Operator of a preschool recorded program under ORS 329A.255.

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11 (aa) Employee of a private agency or organization facilitating the provision of respite services,
12 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
13 109.056.

14 (bb) Employee of a public or private organization providing child-related services or activities:

15 (A) Including but not limited to an employee of a:

16 (i) Youth group or center;

17 (ii) Scout group or camp;

18 (iii) Summer or day camp;

19 (iv) Survival camp; or

20 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
21 ligious, public or private educational system or a community service organization; and

22 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
23 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
24 man trafficking.

25 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
26 if compensated and if the athlete is a child.

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28 (ee) Home care worker, as defined in ORS 410.600.

29 (ff) Animal control officer, as defined in ORS 609.500.

30 (gg) Member of a school district board, an education service district board or a public charter
31 school governing body.

32 (hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a ser-
33 vice identified in an individualized service plan of a child with a developmental disability.

34 (ii) Referral agent, as defined in ORS 418.351.

35 (jj) Parole and probation officer, as defined in ORS 181A.355.

36 (kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior
37 analysis interventionist registered by the Health Licensing Office under ORS 676.815.

38 **SECTION 4. Section 1 of this 2025 Act and the amendments to ORS 419B.005 by sections**
39 **2 and 3 of this 2025 Act apply to abuse determinations made by the Department of Human**
40 **Services on or after the effective date of this 2025 Act.**