

Senate Bill 912

Sponsored by Senator GELSER BLOUIN

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 sets out certain duties owed to children and clarifies when failure to meet those duties is abuse. (Flesch Readability Score: 67.3).

Prescribes duties to protect children and provide for children's basic needs. Describes when chronic or extreme neglect constitutes abuse of a child.

A BILL FOR AN ACT

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

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

4 **SECTION 1. (1) A child's parent or guardian has a duty to protect the child from abuse**
5 **by another person, including a duty to:**

6 (a) **Take reasonable action to remedy or prevent the abuse of the child by another per-**
7 **son;**

8 (b) **Take reasonable action to end the abuse of the child by another person;**

9 (c) **Report to the Department of Human Services or a law enforcement agency when the**
10 **parent or guardian reasonably suspects the child is being abused by another person; and**

11 (d) **Cooperate in an investigation of abuse of the child by another person, including by**
12 **disclosing the other person's identity, if known.**

13 (2) **A child's parent or guardian has a duty to:**

14 (a) **Provide for the child's basic needs to the extent that the parent or guardian is fi-**
15 **nancially able to do so or, if the parent or guardian is not financially able to do so, to the**
16 **extent that community services or resources are available and have been offered to the**
17 **parent or guardian; and**

18 (b) **Accept public or community services or resources to provide for the child's basic**
19 **needs if the parent or guardian is not financially able to do so.**

20 (3) **A person's actions constitute chronic or extreme neglect of a child if the person is**
21 **the child's parent, guardian, custodian or caregiver and:**

22 (a) **The person's persistent pattern of deprivation of or failure to provide for or facilitate**
23 **the provision of the child's basic needs results in serious harm to the child, including but**
24 **not limited to malnutrition, failure to thrive, serious illness or death;**

25 (b) **The person's collective pattern of deprivation of or failure to provide for the child's**
26 **basic needs:**

27 (A) **Leads or is likely to lead to significant harm to the child's health, safety or welfare;**

28 (B) **Substantially impedes or is likely to substantially impede the child's appropriate**
29 **physical, mental, educational or emotional development; or**

30 (C) **Imposes or is likely to impose significant long term impairment of the mental or**

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 **physical health, behavior or function of the child; or**

2 **(c) The person's conduct, behavior or inaction:**

3 **(A) Is a contributing factor in the sexual abuse, as described in ORS chapter 163, sexual**
 4 **exploitation, as described in ORS 419B.005, death, near death or serious physical or emotional**
 5 **harm of the child or a sibling of the child;**

6 **(B) Presents an imminent risk of serious harm to the child, even if the harm is not re-**
 7 **alized; or**

8 **(C) Evidences a disregard of the consequences of the person's conduct, behavior or in-**
 9 **action such that the person constitutes an unequivocal danger to the child's health, welfare**
 10 **or safety.**

11 **(4) As used in this section:**

12 **(a) "Abuse" has the meaning given that term in ORS 419B.005.**

13 **(b) "Basic needs" includes adequate food, clothing, shelter, supervision, protection, edu-**
 14 **cation, guidance and medical care.**

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

17 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

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

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

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

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

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

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

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

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

39 *[(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to*
 40 *provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare*
 41 *of the child.]*

42 *[(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to*
 43 *the child's health or welfare.]*

44 **(F) Neglect of the duty described in section 1 (2) of this 2025 Act to provide for a child's**
 45 **basic needs if the neglect harms the child or places the child at imminent risk of harm.**

1 **(G) Failure to satisfy the duty described in section 1 (1) of this 2025 Act to protect a child**
 2 **from abuse.**

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

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

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

9 (K) *[The]* Restraint or seclusion of a child in violation of ORS 339.285, 339.288, 339.291, 339.303
 10 or 339.308.

11 (L) *[The]* Infliction of corporal punishment on a child in violation of ORS 339.250 (9).

12 **(M) Chronic or extreme neglect of a child, as described in section 1 (3) of this 2025 Act.**

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

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

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

18 (3) "Higher education institution" means:

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

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

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

26 (5) "Law enforcement agency" means:

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

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

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

35 (b) Dentist.

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

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

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

44 (f) Peace officer.

45 (g) Psychologist.

- 1 (h) Member of the clergy.
- 2 (i) Regulated social worker.
- 3 (j) Optometrist.
- 4 (k) Chiropractor.
- 5 (L) Certified provider of foster care, or an employee thereof.
- 6 (m) Attorney.
- 7 (n) Licensed professional counselor.
- 8 (o) Licensed marriage and family therapist.
- 9 (p) Firefighter or emergency medical services provider.
- 10 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 11 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 12 (s) Elected official of a branch of government of this state or a state agency, board, commission
- 13 or department of a branch of government of this state or of a city, county or other political subdi-
- 14 vision in this state.
- 15 (t) Physical, speech or occupational therapist.
- 16 (u) Audiologist.
- 17 (v) Speech-language pathologist.
- 18 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
- 19 gations or discipline by the commission.
- 20 (x) Pharmacist.
- 21 (y) Operator of a preschool recorded program under ORS 329A.255.
- 22 (z) Operator of a school-age recorded program under ORS 329A.255.
- 23 (aa) Employee of a private agency or organization facilitating the provision of respite services,
- 24 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
- 25 109.056.
- 26 (bb) Employee of a public or private organization providing child-related services or activities:
- 27 (A) Including but not limited to an employee of a:
- 28 (i) Youth group or center;
- 29 (ii) Scout group or camp;
- 30 (iii) Summer or day camp;
- 31 (iv) Survival camp; or
- 32 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
- 33 ligious, public or private educational system or a community service organization; and
- 34 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
- 35 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
- 36 man trafficking.
- 37 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
- 38 if compensated and if the athlete is a child.
- 39 (dd) Personal support worker, as defined in ORS 410.600.
- 40 (ee) Home care worker, as defined in ORS 410.600.
- 41 (ff) Animal control officer, as defined in ORS 609.500.
- 42 (gg) Member of a school district board, an education service district board or a public charter
- 43 school governing body.
- 44 (hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a ser-
- 45 vice identified in an individualized service plan of a child with a developmental disability.

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

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

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

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

7 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

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

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

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

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

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

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

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

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

29 *[(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
30 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare
31 of the child.]*

32 *[(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to
33 the child's health or welfare.]*

34 **(F) Neglect of the duty described in section 1 (2) of this 2025 Act to provide for a child's
35 basic needs if the neglect harms the child or places the child at imminent risk of harm.**

36 **(G) Failure to satisfy the duty described in section 1 (1) of this 2025 Act to protect a child
37 from abuse.**

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

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

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

44 (K) *[The]* Infliction of corporal punishment on a child in violation of ORS 339.250 (9).

45 **(L) Chronic or extreme neglect of a child, as described in section 1 (3) of this 2025 Act.**

- 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.
 40 (n) Licensed professional counselor.
 41 (o) Licensed marriage and family therapist.
 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.

3 (t) Physical, speech or occupational therapist.

4 (u) Audiologist.

5 (v) Speech-language pathologist.

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

8 (x) Pharmacist.

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

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

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.

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

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