



Oregon

Tina Kotek, Governor

Department of Human Services

500 Summer St.
Salem, OR 97301



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Senate Committee on Human Services
Oregon State Capitol 900 Court St. NE
Salem, OR 97301

RE: HB 3795A -3 amendment regarding CIRT criteria

Thank you for the opportunity to provide written testimony regarding the interpretation of the CIRT statute and the inclusion of reports closed at screening (CAS) under ORS 418.808(4).

We acknowledge the historical context behind the 2017 statutory changes made through SB 819, particularly in response to concerns raised by a high-profile child fatality which prompted discussions about reports that were closed at screening and whether they met criteria for convening a mandatory CIRT.

The Oregon Department of Human Services (ODHS) worked collaboratively with the sponsor of the bill, the Oregon District Attorneys Association, the Oregon Department of Justice (DOJ), the Oregon Trial Lawyers Association, juvenile court practitioners, CASA, and other stakeholders prior to and during the 2017 regular session leading to the passage of the bill. Since the statute's implementation, ODHS has worked closely with DOJ to interpret and apply the law in good faith, consistent with its plain language and legislative intent.

Statutory and Rule Context

Under ORS 418.808, a case constitutes a "critical incident" when ODHS reasonably believes a child's death resulted from abuse, and at least one of several criteria is met. Subsection (4) specifically applies when:

"The child, the child's sibling or any other child living in the household with the child was the subject of a report of abuse or neglect made to the department or a law enforcement agency within the 12 months preceding the fatality, whether or not the report was closed at screening without an investigation being commenced."

Reasonable Interpretations and Lack of Statutory Clarity

ODHS and legislative counsel have differing interpretations of subsection (4). And as discussed below, both ODHS's interpretation and that of legislative counsel are reasonable and underscore a lack of clarity in the statute.

ORS 418.808(4) limits the application to “reports of abuse”, regardless of whether the report was assigned for assessment or closed at screening. Calls regarding conduct that cannot legally satisfy the statutory definition of “abuse” cannot be termed a “report of abuse.” ODHS has thus concluded that if a call describes conduct that does not meet the statutory definition of abuse, it does not fall under the scope of ORS 418.808(4). As a result, these calls do not trigger a Critical Incident Review Team (CIRT) because such calls are not “reports of abuse.”

LC has concluded that “report of abuse” as used in ORS 418.808(4) means “reports made for purposes of reporting actions that the caller **suspects** may constitute abuse of a child.” In other words, LC argues that “report of abuse” includes calls that describe conduct that does not constitute “abuse” as defined in statute, when the person calling the child abuse hotline nonetheless subjectively believes that the conduct in question is abuse. This is not how ODHS has interpreted the statute and would not be consistent with ODHS’s practice with respect to calls that do not constitute abuse of a child.

ODHS’s interpretation, which aligns with its longstanding practice of screening reports to determine whether they meet the statutory definition of abuse, is both reasonable and practical, especially given the volume of contacts received by the hotline.

In 2024, for example, ODHS received 176,393 contacts to the Oregon Child Abuse Hotline from calls and cross-reports from law enforcement. These contacts generated 96,216 screening reports, with 46,483 assigned for a Child Protective Services Assessment.

Many contacts to the hotline are closed at screening because, the information does not constitute a report of abuse.

When a critical incident has been identified (a child’s death is reasonably believed to be the result of abuse) and a CAS report was received 12 months prior, ODHS will review that CAS to assure it was not a report of abuse or neglect. If after reviewing the CAS it is determined the information was a report of abuse, the CIRT will be assigned. Interpreting ORS 418.808(4) to include closed at screenings that *are* “reports of abuse” is reasonable and the built in review process ensures compliance with the law. This practice should give confidence to legislators that ODHS is not

attempting to subvert the statute or intentionally reduce the number of CIRTs convened each year. Rather, this system of checks and balances reflects ODHS' consistent approach to ensure only closed at screenings meeting the statutory definition of report of abuse are considered in the CIRT process.

Conclusion

ODHS does not believe the original intent of the statute was to require CIRT reviews for cases where the prior CAS report involved conduct that did not meet the definition of abuse. If the statute were intended to include all CAS reports, regardless of whether the person's conduct constituted abuse, a statutory amendment would be necessary to clarify that intent. Indeed, the fact that an amendment is being proposed demonstrates that additional clarity may be needed.

ODHS committed to improving child safety and ensuring transparency through the CIRT process. For those reasons, we request that adequate time be given for policy discussion and data-informed analysis to ensure that any changes to statute are in line with the policy purposes of CIRTs, which are to improve systems, increase accountability, learn from cases, and make timely, necessary changes to the child welfare system, as outlined in ORS 418.806.

Thank you for your attention to this important matter. We are available to answer any questions and to work collaboratively with the Legislature to achieve a solution that reflects both the legislative intent and sound child welfare practices.

Questions?

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