

HB 4059-2
(LC 266)
2/4/26 (LAS/MNJ/ps)

Requested by HOUSE COMMITTEE ON EARLY CHILDHOOD AND HUMAN SERVICES (at the request of Representative Annessa Hartman)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4059**

- 1 On page 1 of the printed bill, line 2, after “409.185,” insert “418.259.”
- 2 In line 3, delete “, 419B.026”.
- 3 Delete lines 5 through 25 and delete pages 2 through 12 and insert:

“THREATENED HARM

“SECTION 1. ORS 419B.005 is amended to read:

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

“(1)(a) ‘Abuse’ means:

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

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

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

1 “(D) Any degree of Ssexual abuse as described in ORS chapter 163[as
2 described in ORS chapter 163.] of a child or

2 **placing a child at substantial risk of sexual abuse.**

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

4 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS
5 chapter 163, and any other conduct that allows, employs, authorizes, permits,
6 induces or encourages a child to engage in the performing for people to ob-
7 serve or the photographing, filming, tape recording or other exhibition that,
8 in whole or in part, depicts sexual conduct or contact, as defined in ORS
9 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a
10 child or rape of a child, but not including any conduct that is part of any
11 investigation conducted pursuant to ORS 419B.020 or that is designed to
12 serve educational or other legitimate purposes; and

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

17 “(F) Negligent treatment or maltreatment of a child, including but not
18 limited to the failure to provide adequate food, clothing, shelter or medical
19 care that is likely to endanger the health or welfare of the child.

20 “(G) Threatened harm to a child, which means subjecting a child to a
21 substantial risk of harm to the child's health or welfare.”

22 “(G) Threatened harm to a child, which means subjecting a child
23 to a risk of severe harm to the child's health or welfare if the
24 harm

2422 is reasonably likely to occur in the near future.

2523 “(H) Buying or selling a person under 18 years of age as described in ORS
26 163.537.

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

29 “(J) Unlawful exposure to a controlled substance, as defined in ORS
30 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
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1 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to
2 the child's health or safety.

3 "(K) The restraint or seclusion of a child in violation of ORS 339.285,
4 339.288, 339.291, 339.303 or 339.308.

5 "(L) The infliction of corporal punishment on a child in violation of ORS
6 339.250 (9).

~~7 "(M) Causing a child to witness abuse as defined in ORS 107.705~~
~~87 the child's family or household members as defined in ORS 107.705.~~

~~98 "(b) 'Abuse' does not include reasonable discipline unless the discipline~~
~~109 results in one of the conditions described in paragraph (a) of this subsection.~~

~~110 "(2) 'Child' means an unmarried person who:~~

~~121 "(a) Is under 18 years of age; or~~

~~1312 "(b) Is a child in care, as defined in ORS 418.257.~~

~~1413 "(3) 'Higher education institution' means:~~

~~1514 "(a) A community college as defined in ORS 341.005;~~

~~1615 "(b) A public university listed in ORS 352.002;~~

~~1716 "(c) The Oregon Health and Science University; and~~

~~1817 "(d) A private institution of higher education located in Oregon.~~

~~1918 "(4)(a) 'Investigation' means a detailed inquiry into or assessment of the~~
~~2019 safety of a child alleged to have experienced abuse.~~

~~2120 "(b) 'Investigation' does not include screening activities conducted upon~~
~~2221 the receipt of a report.~~

~~2322 "(5) 'Law enforcement agency' means:~~

~~2423 "(a) A city or municipal police department.~~

~~2524 "(b) A county sheriff's office.~~

~~2625 "(c) The Oregon State Police.~~

~~2726 "(d) A police department established by a university under ORS 352.121~~
28 or 353.125.

29 "(e) A county juvenile department.

30 "(6) 'Public or private official' means:

1 “(a) Physician or physician associate licensed under ORS chapter 677 or
2 naturopathic physician, including any intern or resident.

3 “(b) Dentist.

4 “(c) School employee, including an employee of a higher education institi-
5 tution.

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

8 “(e) Employee of the Department of Human Services, Oregon Health Au-
9 thority, Department of Early Learning and Care, Department of Education,
10 Youth Development Division, the Oregon Youth Authority, a local health
11 department, a community mental health program, a community develop-
12 mental disabilities program, a county juvenile department, a child-caring
13 agency as that term is defined in ORS 418.205 or an alcohol and drug treat-
14 ment program.

15 “(f) Peace officer.

16 “(g) Psychologist.

17 “(h) Member of the clergy.

18 “(i) Regulated social worker.

19 “(j) Optometrist.

20 “(k) Chiropractor.

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

22 “(m) Attorney.

23 “(n) Licensed professional counselor.

24 “(o) Licensed marriage and family therapist.

25 “(p) Firefighter or emergency medical services provider.

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

27 “(r) Child care provider registered or certified under ORS 329A.250 to
28 329A.450.

29 “(s) Elected official of a branch of government of this state or a state
30 agency, board, commission or department of a branch of government of this

1 state or of a city, county or other political subdivision in this state.

2 “(t) Physical, speech or occupational therapist.

3 “(u) Audiologist.

4 “(v) Speech-language pathologist.

5 “(w) Employee of the Teacher Standards and Practices Commission di-

6 rectly involved in investigations or discipline by the commission.

7 “(x) Pharmacist.

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

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

10 “(aa) Employee of a private agency or organization facilitating the pro-

11 vision of respite services, as defined in ORS 418.205, for parents pursuant to

12 a properly executed power of attorney under ORS 109.056.

13 “(bb) Employee of a public or private organization providing child-related

14 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, super-

21 vision or auspices of a religious, public or private educational system or a

22 community service organization; and

23 “(B) Excluding an employee of a qualified victim services program as de-

24 fined in ORS 147.600 that provides confidential, direct services to victims of

25 domestic violence, sexual assault, stalking or human trafficking.

26 “(cc) Coach, assistant coach or trainer of an amateur, semiprofessional

27 or professional athlete, if compensated and if the athlete is a child.

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

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

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

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

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

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

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

8 “(kk) Behavior analyst or assistant behavior analyst licensed under ORS
9 676.810 or behavior analysis interventionist registered by the Health Licens-
10 ing Office under ORS 676.815.

11 “(LL) Massage therapist, as defined in ORS 687.011.

12 “(7) ‘Severe harm’ means:

13 “(a) Life threatening damage; or

14 “(b) Significant or acute injury to a child’s physical, sexual or psy-
15 chological functioning.

16 “(8) ‘Sexual abuse’ means sexual abuse as described in ORS chapter
17 163.

18 **“SECTION 2.** ORS 419B.005, as amended by section 6, chapter 581,
19 Oregon Laws 2023, section 65, chapter 73, Oregon Laws 2024, and section 10,
20 chapter 308, Oregon Laws 2025, is amended to read:

21 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
22 quires otherwise:

23 “(1)(a) ‘Abuse’ means:

24 “(A) Any assault, as defined in ORS chapter 163, of a child and any
25 physical injury to a child that has been caused by other than accidental
26 means, including any injury that appears to be at variance with the expla-
27 nation given of the injury.

28 “(B) Any mental injury to a child, which shall include only cruel or
29 unconscionable acts or statements made, or threatened to be made, to a child
30 if the acts, statements or threats result in severe harm to the child’s psy-

1 chological, cognitive, emotional or social well-being and functioning.

2 “(C) Rape of a child, which includes but is not limited to rape, sodomy,
3 unlawful sexual penetration and incest, as those acts are described in ORS
4 chapter 163.

5 “(D) Any degree of Ssexual abuse[], as described in ORS

chapter 163.] of a child or

6 **placing a child at substantial risk of sexual abuse.**

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

8 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS
9 chapter 163, and any other conduct that allows, employs, authorizes, permits,
10 induces or encourages a child to engage in the performing for people to ob-
11 serve or the photographing, filming, tape recording or other exhibition that,
12 in whole or in part, depicts sexual conduct or contact, as defined in ORS
13 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a
14 child or rape of a child, but not including any conduct that is part of any
15 investigation conducted pursuant to ORS 419B.020 or that is designed to
16 serve educational or other legitimate purposes; and

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

21 “(F) Negligent treatment or maltreatment of a child, including but not
22 limited to the failure to provide adequate food, clothing, shelter or medical
23 care that is likely to endanger the health or welfare of the child.

24 “[G) Threatened harm to a child, which means subjecting a child to a
25 substantial risk of harm to the child’s health or welfare.]

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27 ~~to a risk of severe harm to the child’s health or welfare if the harm~~
28 ~~is reasonably likely to occur in the near future.~~

2926 “(H) Buying or selling a person under 18 years of age as described in ORS
30 163.537.

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

3 “(J) Unlawful exposure to a controlled substance, as defined in ORS
4 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
5 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to
6 the child’s health or safety.

7 “(K) The infliction of corporal punishment on a child in violation of ORS
8 339.250 (9).

9 “(L) **Causing a child to witness abuse as defined in ORS 107.705** ~~or~~
10 ~~the child’s family or household members as defined in ORS 107.705.~~

11 “(b) ‘Abuse’ does not include reasonable discipline unless the discipline
12 results in one of the conditions described in paragraph (a) of this subsection.

13 “(2) ‘Child’ means an unmarried person who:

14 “(a) Is under 18 years of age; or

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

16 “(3) ‘Higher education institution’ means:

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

18 “(b) A public university listed in ORS 352.002;

19 “(c) The Oregon Health and Science University; and

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

21 “(4)(a) ‘Investigation’ means a detailed inquiry into or assessment of the
22 safety of a child alleged to have experienced abuse.

23 “(b) ‘Investigation’ does not include screening activities conducted upon
24 the receipt of a report.

25 “(5) ‘Law enforcement agency’ means:

26 “(a) A city or municipal police department.

27 “(b) A county sheriff’s office.

28 “(c) The Oregon State Police.

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

1 “(e) A county juvenile department.

2 “(6) ‘Public or private official’ means:

3 “(a) Physician or physician associate licensed under ORS chapter 677 or
4 naturopathic physician, including any intern or resident.

5 “(b) Dentist.

6 “(c) School employee, including an employee of a higher education insti-
7 tution.

8 “(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s
9 aide, home health aide or employee of an in-home health service.

10 “(e) Employee of the Department of Human Services, Oregon Health Au-
11 thority, Department of Early Learning and Care, Department of Education,
12 Youth Development Division, the Oregon Youth Authority, a local health
13 department, a community mental health program, a community develop-
14 mental disabilities program, a county juvenile department, a child-caring
15 agency as that term is defined in ORS 418.205 or an alcohol and drug treat-
16 ment program.

17 “(f) Peace officer.

18 “(g) Psychologist.

19 “(h) Member of the clergy.

20 “(i) Regulated social worker.

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24 “(m) Attorney.

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27 “(p) Firefighter or emergency medical services provider.

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

29 “(r) Child care provider registered or certified under ORS 329A.250 to
30 329A.450.

1 “(s) Elected official of a branch of government of this state or a state
2 agency, board, commission or department of a branch of government of this
3 state or of a city, county or other political subdivision in this state.

4 “(t) Physical, speech or occupational therapist.

5 “(u) Audiologist.

6 “(v) Speech-language pathologist.

7 “(w) Employee of the Teacher Standards and Practices Commission di-
8 rectly involved in investigations or discipline by the commission.

9 “(x) Pharmacist.

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

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

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

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

18 “(i) Youth group or center;

19 “(ii) Scout group or camp;

20 “(iii) Summer or day camp;

21 “(iv) Survival camp; or

22 “(v) Group, center or camp that is operated under the guidance, super-
23 vision or auspices of a religious, public or private educational system or a
24 community service organization; and

25 “(B) Excluding an employee of a qualified victim services program as de-
26 fined in ORS 147.600 that provides confidential, direct services to victims of
27 domestic violence, sexual assault, stalking or human trafficking.

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

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

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

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

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

“(hh) Individual who is paid by a public body, in accordance with ORS 0.215, to provide a service identified in an individualized service plan of a child with a developmental disability.

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

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

“(kk) Behavior analyst or assistant behavior analyst licensed under ORS 6.810 or behavior analysis interventionist registered by the Health Licensing Office under ORS 676.815.

“(LL) Massage therapist, as defined in ORS 687.011.

“(7) ‘Severe harm’ means:

“(a) Life threatening damage; or

“(b) Significant or acute injury to a child’s physical, sexual or psychological functioning.

~~“(8) ‘Sexual abuse’ means sexual abuse as described in ORS chapter 3.~~

“CHILD ABUSE INVESTIGATIONS

“SECTION 3. ORS 419B.015 is amended to read:

"419B.015. (1)(a) A person making a voluntary report of child abuse shall make an oral report to the Department of Human Services by telephone to the child abuse reporting hotline described in ORS 418.190 or to a law enforcement agency within the county where the person making the report is located at the time of the contact. A person making a report of child abuse that is required by ORS 419B.010 shall make the report to the department through the centralized child abuse reporting system described in ORS

1 418.190 or to a law enforcement agency within the county where the person
2 making the report is located at the time of the contact. The report must
3 contain, if known, the names and addresses of the child and the parents of
4 the child or other persons responsible for care of the child, the child's age,
5 the nature and extent of the abuse, including any evidence of previous abuse,
6 the explanation given for the abuse and any other information that the per-
7 son making the report believes might be helpful in establishing the cause of
8 the abuse and the identity of the perpetrator.

9 “(b)(A) When a report of alleged child abuse is received by the depart-
10 ment, the department shall notify a law enforcement agency within the
11 county where the alleged abuse occurred or, if that county is unknown, the
12 county where the child resides or, if that county is unknown, the county
13 where the reporter came into contact with the child or the alleged
14 perpetrator of the abuse.

15 “(B) When a report of alleged child abuse is received by a law enforce-
16 ment agency, the agency shall notify the department by making a report of
17 the alleged child abuse to the centralized child abuse reporting system de-
18 scribed in ORS 418.190.

19 “(c) When a report of alleged child abuse is received by the department
20 or by a law enforcement agency, the department or law enforcement agency,
21 or both, may collect information concerning the military status of the parent
22 or guardian of the child who is the subject of the report and may share the
23 information with the appropriate military authorities. Disclosure of infor-
24 mation under this paragraph is subject to ORS 419B.035 (7).

25 **“(d) When a report of alleged child abuse is received by the de-
26 partment or by a law enforcement agency, the department or law
27 26 enforcement agency, or both, shall make the following notifications:**

2827 “(A) To the Department of Early Learning and Care, if the alleged
2928 child abuse occurred in a child care facility as defined in ORS 329A.250;
3029 or

1 **“(B) To the Department of Education, if the alleged child abuse**
2 **occurred in a school, was related to a school-sponsored activity or was**
3 **conduct that may be subject to actions taken by the Department of**
4 **Education under ORS 339.370 to 339.400.**

5 “(2) When a report of alleged child abuse is received under subsection
6 (1)(a) of this section, the entity receiving the report shall make the notifi-
7 cation required by subsection (1)(b) of this section according to rules adopted
8 by the **Department of Human Services** under ORS 419B.017.

9 “(3)(a) When a report alleging that a child or ward in substitute care may
10 have been subjected to abuse is received by the department, the department
11 shall notify the attorney for the child or ward, the child’s or ward’s court
12 appointed special advocate, the parents of the child or ward and any attorney
13 representing a parent of the child or ward that a report has been received.

14 “(b) The name and address of and other identifying information about the
15 person who made the report may not be disclosed under this subsection. Any
16 person or entity to whom notification is made under this subsection may not
17 release any information not authorized by this subsection.

18 “(c) The department shall make the notification required by this sub-
19 section within three business days of receiving the report of alleged child
20 abuse.

21 “(d) Notwithstanding the obligation imposed by this subsection, the de-
22 partment is not required under this subsection to notify the parent or
23 parent’s attorney that a report of alleged child abuse has been received if the
24 notification may interfere with an investigation or assessment or jeopardize
25 the child’s or ward’s safety.

26 **“SECTION 4.** ORS 419B.020 is amended to read:

27 “419B.020. (1) If the Department of Human Services or a law enforcement
28 agency receives a report of child abuse, the department or the agency shall
29 immediately[:]

30 “[(a)] cause an investigation to be made to determine the nature and

1 cause of the abuse of the child. [*; and*]

2 “[*(b) Make the following notifications:*]

3 “[*(A) To the Department of Early Learning and Care if the alleged child*
4 *abuse occurred in a child care facility as defined in ORS 329A.250; or*]

5 “[*(B) To the Department of Education if the alleged child abuse occurred*
6 *in a school, was related to a school-sponsored activity or was conduct that may*
7 *be subject to actions taken by the Department of Education under ORS 339.370*
8 *to 339.400.*]

9 “(2) The Department of Human Services shall ensure that an investigation
10 required by subsection (1) of this section is completed if the report is not
11 investigated by a law enforcement agency.

12 “(3) If the alleged child abuse [*reported*] **described** in subsection (1) of
13 this section occurred at a child care facility or in a school, was related to
14 a school-sponsored activity or was conduct that may be subject to actions
15 taken by the Department of Education under ORS 339.370 to 339.400:

16 “(a) The Department of Human Services and the law enforcement agency
17 shall jointly determine the roles and responsibilities of the Department of
18 Human Services and the agency in their respective investigations; and

19 “(b) The Department of Human Services and the agency shall each report
20 the outcomes of their investigations:

21 “(A) To the Department of Early Learning and Care if the alleged child
22 abuse occurred in a child care facility as defined in ORS 329A.250; or

23 “(B) To the Department of Education if the alleged child abuse:

24 “(i) Occurred in a school;

25 “(ii) Was related to a school-sponsored activity; or

26 “(iii) Was conduct that may be subject to actions taken by the Depart-
27 ment of Education under ORS 339.370 to 339.400.

28 ~~“(4) Notwithstanding subsections (1) to (3) of this section, the De-~~
29 ~~partment of Human Services is required under this section to investi-~~
30 ~~gate a report of child abuse only if the alleged perpetrator of the~~

1—~~abuse:~~

2—“(a) Is the child’s parent, legal guardian, legal custodian or Indian
3—custodian;

4—“(b) Has attained 18 years of age and;

5—“(A) Lives in the child’s home;

6—“(B) Has access to the child based on the person’s relationship to
7—the child’s parent, guardian, custodian, household member or
8—caregiver or to any other person who may have authority or control
9—over the child;

10—“(C) Is in a role, position or occupation in which the person has
11—access to, responsibility for, power over or the trust of the child;

12—“(D) Has been accused of subjecting the child to involuntary
13—servitude, as described in ORS 163.263 or 163.264, or trafficking, as de-
14—scribed in ORS 163.266; or

15—“(E) Is determined by the department to be an individual from
16—whom the department can, consistent with ORS 409.185, safeguard the
17—child against further abuse through the provision of child protective
18—services;

19—“(e) Is under 18 years of age and;

20—“(A) Is in a role, position or occupation in which the person has
21—access to, responsibility for, power over or the trust of the child; or

22—“(B) Has been accused of subjecting the child to severe harm as
23—defined in ORS 419B.150 or sexual abuse as described in ORS 419B.005

24—(1)(a)(D);

25—“(d) Is a child care facility, as defined in ORS 329A.250; or

26—“(e) Is an education provider, as defined in ORS 339.370.

271—“[(4)] (5) [If the law enforcement agency conducting the investigation] If a
282—law enforcement agency conducting an investigation under this sec-
293—tion finds reasonable cause to believe that abuse has occurred, the law
304—enforcement agency shall notify the Department of Human Services by mak-

1 ing an oral report followed by a written report to the centralized child abuse
2 reporting system described in ORS 418.190. The department shall provide
3 protective social services of its own or of other available social agencies if
4 necessary to prevent further abuses to the child or to safeguard the child's
5 welfare.

6 “(5) (6) If a child is taken into protective custody by the Department
7 of Human Services, the department shall promptly make reasonable efforts
8 to ascertain the name and address of the child's parents or guardian.

9 “(6)(a) (7)(a) If a child is taken into protective custody by the Depart-
10 ment of Human Services or a law enforcement official, the department or law
11 enforcement official shall, if possible, make reasonable efforts to advise the
12 parents or guardian immediately, regardless of the time of day, that the child
13 has been taken into custody, the reasons the child has been taken into cus-
14 tody and general information about the child's placement, and the telephone
15 number of the local office of the department and any after-hours telephone
16 numbers.

17 “(b) Notice may be given by any means reasonably certain of notifying
18 the parents or guardian, including but not limited to written, telephonic or
19 in-person oral notification. If the initial notification is not in writing, the
20 information required by paragraph (a) of this subsection also shall be pro-
21 vided to the parents or guardian in writing as soon as possible.

22 “(c) The department also shall make a reasonable effort to notify the
23 noncustodial parent of the information required by paragraph (a) of this
24 subsection in a timely manner.

25 “(d) If a child is taken into custody while under the care and supervision
26 of a person or organization other than the parent, the department, if possible,
27 shall immediately notify the person or organization that the child has been
28 taken into protective custody.

29 “(7) (8)(a) If a law enforcement officer or the Department of Human
30 Services, when taking a child into protective custody, has reasonable cause

1 to believe that the child has been affected by [sexual abuse and] rape **or**
2 **sexual abuse** of a child as defined in ORS 419B.005 (1)(a)(C) **or (D)** and that
3 physical evidence of the abuse exists and is likely to disappear, the court
4 may authorize a physical examination for the purposes of preserving evidence
5 if the court finds that it is in the best interest of the child to have such an
6 examination.

7 **(b)** Nothing in this [section] **subsection** affects the authority of the de-
8 partment to consent to physical examinations of the child at other times.

9 “[(8)] **(c)** [A minor child of 12 years of age or older] **If the child has at-**
10 **tained 12 years of age, the child** may refuse to consent to the examination
11 described in **this** subsection [(7) of this section].

12 **(d)** The examination shall be conducted by or under the supervision of
13 **an individual who is** a physician licensed under ORS chapter 677, a physi-
14 cian associate licensed under ORS 677.505 to 677.525 or a nurse practitioner
15 licensed under ORS chapter 678 and, whenever practicable, **who is** trained
16 in conducting such examinations.

17 “(9) When the Department of Human Services completes an investigation
18 under this section, if the person who made the report of child abuse provided
19 contact information to the department, the department shall notify the per-
20 son about whether contact with the child was made, whether the department
21 determined that child abuse occurred and whether services will be provided.
22 The department is not required to disclose information under this subsection
23 if the department determines that disclosure is not permitted under ORS
24 419B.035.

25 “(10) When the Department of Education receives a notification under
26 [subsection (1) of this section] **ORS 419B.015** or a report on the outcomes of
27 an investigation under subsection (3) of this section, the Department of Ed-
28 ucation shall act under, and is subject to, ORS 339.389.

29 **“SECTION 4a.** ORS 419B.020, as amended by section 4 of this 2026 Act,
30 is amended to read:

1 “419B.020. (1) If the Department of Human Services or a law enforcement
2 agency receives a report of child abuse, the department or the agency shall
3 immediately cause an investigation to be made to determine the nature and
4 cause of the abuse of the child.

5 “(2) The Department of Human Services shall ensure that an investigation
6 required by subsection (1) of this section is completed if the report is not
7 investigated by a law enforcement agency.

8 “(3) If the alleged child abuse described in subsection (1) of this section
9 occurred at a child care facility or in a school, was related to a school-
10 sponsored activity or was conduct that may be subject to actions taken by
11 the Department of Education under ORS 339.370 to 339.400:

12 “(a) The Department of Human Services and the law enforcement agency
13 shall jointly determine the roles and responsibilities of the Department of
14 Human Services and the agency in their respective investigations; and

15 “(b) The Department of Human Services and the agency shall each report
16 the outcomes of their investigations:

17 “(A) To the Department of Early Learning and Care if the alleged child
18 abuse occurred in a child care facility as defined in ORS 329A.250; or

19 “(B) To the Department of Education if the alleged child abuse:

20 “(i) Occurred in a school;

21 “(ii) Was related to a school-sponsored activity; or

22 “(iii) Was conduct that may be subject to actions taken by the Depart-
23 ment of Education under ORS 339.370 to 339.400.

24 “(4) Notwithstanding subsections (1) to (3) of this section, the Department
25 of Human Services is required under this section to investigate a report of
26 child abuse only if the alleged perpetrator of the abuse:

27 “(a) Is the child’s parent, legal guardian, legal custodian or Indian
28 custodian;

29 “(b) Has attained 18 years of age and;

30 “(A) Lives in the child’s home;

1 “(B) Has access to the child based on the person’s relationship to the
2 child’s parent, guardian, custodian, household member or caregiver or to any
3 other person who may have authority or control over the child;

4 “(C) Is in a role, position or occupation in which the person has access
5 to, responsibility for, power over or the trust of the child;

6 “(D) Has been accused of subjecting the child to involuntary servitude,
7 as described in ORS 163.263 or 163.264, or trafficking, as described in ORS
8 163.266; or

9 “(E) Is determined by the department to be an individual from whom the
10 department can, consistent with ORS 409.185, safeguard the child against
11 further abuse through the provision of child protective services;

12 “(c) Is under 18 years of age and:

13 “(A) Is in a role, position or occupation in which the person has access
14 to, responsibility for, power over or the trust of the child; or

15 “(B) Has been accused of subjecting the child to severe harm [*as defined*
16 *in ORS 419B.150*] or sexual abuse [*as described in ORS 419B.005 (1)(a)(D)*];

17 “(d) Is a child care facility, as defined in ORS 329A.250; or

18 “(e) Is an education provider, as defined in ORS 339.370.

19 “(5) If a law enforcement agency conducting an investigation under this
20 section finds reasonable cause to believe that abuse has occurred, the law
21 enforcement agency shall notify the Department of Human Services by mak-
22 ing an oral report followed by a written report to the centralized child abuse
23 reporting system described in ORS 418.190. The department shall provide
24 protective social services of its own or of other available social agencies if
25 necessary to prevent further abuses to the child or to safeguard the child’s
26 welfare.

27 “(6) If a child is taken into protective custody by the Department of Hu-
28 man Services, the department shall promptly make reasonable efforts to as-
29 certain the name and address of the child’s parents or guardian.

30 “(7)(a) If a child is taken into protective custody by the Department of

1 Human Services or a law enforcement official, the department or law
2 enforcement official shall, if possible, make reasonable efforts to advise the
3 parents or guardian immediately, regardless of the time of day, that the child
4 has been taken into custody, the reasons the child has been taken into cus-
5 tody and general information about the child's placement, and the telephone
6 number of the local office of the department and any after-hours telephone
7 numbers.

8 “(b) Notice may be given by any means reasonably certain of notifying
9 the parents or guardian, including but not limited to written, telephonic or
10 in-person oral notification. If the initial notification is not in writing, the
11 information required by paragraph (a) of this subsection also shall be pro-
12 vided to the parents or guardian in writing as soon as possible.

13 “(c) The department also shall make a reasonable effort to notify the
14 noncustodial parent of the information required by paragraph (a) of this
15 subsection in a timely manner.

16 “(d) If a child is taken into custody while under the care and supervision
17 of a person or organization other than the parent, the department, if possible,
18 shall immediately notify the person or organization that the child has been
19 taken into protective custody.

20 “(8)(a) If a law enforcement officer or the Department of Human Services,
21 when taking a child into protective custody, has reasonable cause to believe
22 that the child has been affected by rape or sexual abuse of a child as defined
23 in ORS 419B.005 (1)(a)(C) or (D) and that physical evidence of the abuse ex-
24 ists and is likely to disappear, the court may authorize a physical examina-
25 tion for the purposes of preserving evidence if the court finds that it is in
26 the best interest of the child to have such an examination.

27 “(b) Nothing in this subsection affects the authority of the department to
28 consent to physical examinations of the child at other times.

29 “(c) If the child has attained 12 years of age, the child may refuse to
30 consent to the examination described in this subsection.

1 “(d) The examination shall be conducted by or under the supervision of
2 an individual who is a physician licensed under ORS chapter 677, a physician
3 associate licensed under ORS 677.505 to 677.525 or a nurse practitioner li-
4 censed under ORS chapter 678 and, whenever practicable, who is trained in
5 conducting such examinations.

6 “(9) When the Department of Human Services completes an investigation
7 under this section, if the person who made the report of child abuse provided
8 contact information to the department, the department shall notify the per-
9 son about whether contact with the child was made, whether the department
10 determined that child abuse occurred and whether services will be provided.
11 The department is not required to disclose information under this subsection
12 if the department determines that disclosure is not permitted under ORS
13 419B.035.

14 “(10) When the Department of Education receives a notification under
15 ORS 419B.015 or a report on the outcomes of an investigation under sub-
16 section (3) of this section, the Department of Education shall act under, and
17 is subject to, ORS 339.389.

18 **“SECTION 5.** ORS 339.389 is amended to read:

19 “339.389. (1) When the Department of Education receives from the De-
20 partment of Human Services notification of a report of abuse or receives a
21 report on the outcomes of an investigation of abuse, as provided by ORS
22 **419B.015**, 419B.019 or 419B.020, and the notification or report involves a
23 child and a person who is a school employee, contractor, agent or volunteer,
24 the Department of Education may notify, as soon as practicable, any educa-
25 tion provider that the Department of Education determines must be notified
26 to ensure the safety of children.

27 “(2) When providing notice to an education provider under subsection (1)
28 of this section, the Department of Education:

29 “(a) Shall include any information the department determines is necessary
30 to ensure the safety of children, including the name of the school and the

1 name of the person who allegedly committed the suspected abuse.

2 “(b) May not disclose the name and address of, or any other identifying
3 information about, the person who made the report of suspected abuse.

4 “(3) The Department of Education may provide information related to the
5 notification or report received as described in subsection (1) of this section
6 to the Teacher Standards and Practices Commission if the department de-
7 termines that:

8 “(a) The commission must be notified to ensure the safety of children; and

9 “(b) The notification or report involves a person who is licensed by the
10 commission.

11 “(4)(a) Notwithstanding ORS 192.311 to 192.478, any information received
12 as provided by this section is not a public record and is not subject to public
13 inspection.

14 “(b) Any person or entity who receives information under this section may
15 not release the information, unless as otherwise provided by law.

16 “(5) The State Board of Education may adopt rules for the purposes of
17 implementing this section.

18 **“SECTION 6.** ORS 409.185 is amended to read:

19 “409.185. (1) The Director of Human Services shall oversee the develop-
20 ment of standards and procedures for assessment, investigation and enforce-
21 ment of child protective services.

22 “(2)(a) The Department of Human Services shall take action to implement
23 the provision of child protective services as outlined in ORS 417.705 to
24 417.800 and based on the recommendations in the 1992 ‘Oregon Child Pro-
25 tective Services Performance Study’ published by the University of Southern
26 Maine.

27 “(b) In all substantiated cases of child abuse and neglect, the role of the
28 department is to complete a comprehensive family assessment of risk of
29 abuse or neglect, or both, assess service needs and provide immediate pro-
30 tective services as necessary.

1 “(c) The department shall provide remedial services needed to ensure the
2 safety of the child.

3 “(d) In all cases of child abuse and neglect for which a criminal investi-
4 gation is conducted, the role of law enforcement agencies is to provide a le-
5 gally sound, child sensitive investigation of whether abuse or neglect or both
6 have occurred and to gather other evidence and perform other responsibil-
7 ities in accordance with interagency agreements.

8 “(e) **Except as provided in ORS 419B.020**, the department and law
9 enforcement agencies shall conduct the investigation and assessment
10 concurrently[.]. **The investigations must be** based upon the protocols and
11 procedures of the county child abuse multidisciplinary team in each juris-
12 diction.

13 “(f) When the department and law enforcement agencies conduct a joint
14 investigation and assessment, the activities of the department and agencies
15 are to be clearly differentiated by the protocols of the county child abuse
16 multidisciplinary team.

17 “(g) Nothing in this subsection is intended to be inconsistent with ORS
18 418.702, 418.747 and 418.748 and ORS chapter 419B.

19 “(h) In all cases of child abuse for which an investigation is conducted,
20 the department shall provide a child's parent, guardian or caregiver with a
21 clear written explanation of the investigation process, the court hearing
22 process and the rights of the parent, guardian or caregiver in the abuse in-
23 vestigation and in the court proceedings related to the abuse investigation.

24 “(3) Upon receipt of a recommendation of the Children's Advocate under
25 ORS 417.815 (2)(e), the department shall implement the recommendation or
26 give the Children's Advocate written notice of an intent not to implement
27 the recommendation.

28

29 **“SUBSTANTIATION OF REPORTS OF CHILD ABUSE**

30

1 “**SECTION 7.** Section 8 of this 2026 Act is added to and made a part
2 of ORS 419B.005 to 419B.050.

3 “**SECTION 8.** Notwithstanding ORS 419B.026, an abuse investigation
4 under ORS 419B.020 may, but is not required to, result in one of the
5 findings described in ORS 419B.026 (1) if: ~~the alleged perpetrator of~~
the

65 abuse:

7 “(1) The alleged perpetrator of the abuser Wwas under 18 years of age
at the time of the alleged abuse, unless; and

8 “(a2) ~~Has been accused of subjecting a child to severe harm or~~
sexual

6 abuseThe alleged perpetrator is no four or more more than four
years older than the child; and

97 “(b3) ~~The conduct does not constitutes a person felony under the~~
rules of the Oregon Criminal Justice Commission.

108 “**SECTION 9.** ORS 419B.030 is amended to read:

119 “419B.030. (1) A central state registry shall be established and maintained
120 by the Department of Human Services. The local offices of the department
131 shall report to the state registry in writing when an investigation has shown
1412 [reasonable cause to believe], ~~by a preponderance of the evidence,~~
reasonable cause to believe that a

1513 child's condition was the result of abuse even if the cause remains unknown.
1614 Each registry shall contain current information from reports cataloged both
1715 as to the name of the child and the name of the family.

1816 “(2) When the department provides specific case information from the
1917 central state registry, the department shall include a notice that the infor-
2018 mation does not necessarily reflect any subsequent proceedings that are not
2119 within the jurisdiction of the department.

2220 “**SECTION 10.** ORS 418.259 is amended to read:

2321 “418.259. (1) The investigation conducted by the Department of Human
2422 Services under ORS 418.258 must result in one of the following findings:

2523 “(a) That the report is substantiated. A report is substantiated when there
2624 is reasonable cause to believe that the abuse of a child in care occurred.

~~2725~~ “(b) That the report is unsubstantiated. A report is unsubstantiated when
~~2826~~ there is no evidence that the abuse of a child in care occurred.

~~2927~~ “(c) That the report is inconclusive. A report is inconclusive when there
~~30~~—is some indication that the abuse occurred but there is insufficient evidence

to conclude that there is reasonable cause to believe that the abuse occurred.

“(2) When a report is received under ORS 418.258 alleging that a child in care may have been subjected to abuse, the department shall notify the case managers for the child, the attorney for the child, the child’s court appointed special advocate, the parents or guardians of the child, any attorney representing a parent or guardian of the child and any governmental agency that has a contract with the child-caring agency or developmental disabilities residential facility to provide care or services to the child that a report has been received.

“(3)(a) The department may interview the child in care who is the subject of suspected abuse and any witnesses, including other children, without the presence of employees of the child-caring agency, proctor foster home or developmental disabilities residential facility, the provider of services at a certified foster home or department personnel. The department shall inform the child in care that the child may have the child’s parent or guardian, if the child has not been committed to the custody of the department or the Oregon Youth Authority, or attorney present when participating in an interview conducted in the course of an abuse investigation.

“(b) When investigating an allegation of inappropriate use of restraint or involuntary seclusion, the department shall:

“(A) Conduct the interviews described in paragraph (a) of this subsection;

“(B) Review all relevant incident reports related to the child in care and other reports related to the restraint or involuntary seclusion of the child in care;

“(C) Review any audio, video or photographic recordings of the restraint or involuntary seclusion, including the circumstances immediately before and following the incident;

“(D) During an interview with the child in care who is the subject of the suspected abuse, ask the child about whether they experienced any reportable injury or pain as a result of the restraint or involuntary seclusion;

1 “(E) Review the training records related to all of the individuals who
2 were involved in the use of restraint or involuntary seclusion; and

3 “(F) Make all reasonable efforts to conduct trauma-informed interviews
4 of each child witness, including the child in care who is the subject of sus-
5 pected abuse unless the investigator makes a specific determination that the
6 interview may significantly traumatize the child and is not in the best in-
7 terests of the child.

8 **“(4) The department shall report to the central state registry es-
9 tablished under ORS 419B.030 in writing when an investigation con-
10 ducted by the department under ORS 418.258 has shown reasonable
11 cause to believe that a child in care’s condition was the result of abuse
12 even if the cause remains unknown.**

13 “[(4)] **(5)** The department shall notify the following when a report of abuse
14 is substantiated:

15 “(a) The Director of Human Services.

16 “(b) Personnel in the department responsible for the licensing, certificate
17 or authorization of child-caring agencies.

18 “(c) The department’s lead personnel in that part of the department that
19 is responsible for child welfare generally.

20 “(d) With respect to the child in care who is the subject of the abuse re-
21 port and investigation, the case managers for the child, the attorney for the
22 child, the child’s court appointed special advocate, the parents or guardians
23 of the child, any attorney representing a parent or guardian of the child and
24 any governmental agency that has a contract with the child-caring agency
25 to provide care or services to the child.

26 “(e) The parents or guardians of the child in care who is the subject of
27 the abuse report and investigation if the child in care has not been commit-
28 ted to the custody of the department or the youth authority. Notification
29 under this paragraph may not include any details or information other than
30 that a report of abuse has been substantiated.

1 “(f) Any governmental agency that has a contract with the child-caring
2 agency to provide care or services to a child in care.

3 “(g) The local citizen review board established by the Judicial Department
4 under ORS 419A.090.

5 “[(5)] **(6)** The department shall report on a quarterly basis to the interim
6 legislative committees on child welfare for the purposes of public review and
7 oversight of the quality and safety of child-caring agencies, certified foster
8 homes and developmental disabilities residential facilities that are licensed,
9 certified or authorized by the department in this state and of proctor foster
10 homes that are certified by the child-caring agencies. Information provided
11 in reports under this subsection may not contain the name or any identifying
12 information of a child in care but must contain all of the following:

13 “(a) The name of any child-caring agency, including an out-of-state
14 child-caring agency, proctor foster home or developmental disabilities resi-
15 dential facility, or, provided there are five or more certified foster homes in
16 the county, the name of the county where a certified foster home is located,
17 where the department conducted an investigation pursuant to ORS 418.258
18 that resulted in a finding that the report of abuse was substantiated during
19 that quarter;

20 “(b) The approximate date that the abuse occurred;

21 “(c) The nature of the abuse and a brief narrative description of the abuse
22 that occurred;

23 “(d) Whether the abuse resulted in a reportable injury, sexual abuse or
24 death;

25 “(e) Corrective actions taken or ordered by the department and the out-
26 come of the corrective actions; and

27 “(f) Information the department received in that quarter regarding any
28 substantiated allegations of child abuse made by any other state involving
29 a congregate care residential setting, as defined in ORS 418.322, in which the
30 department has placed Oregon children.

“[(6)] (7) The department’s quarterly report under subsection [(5)] (6) of this section must also contain all of the following:

3 "(a) The total number of restraints used in programs that quarter;

4 “(b) The total number of programs that reported the use of restraints of
5 children in care that quarter;

6 “(c) The total number of individual children in care who were placed in
7 restraints by programs that quarter;

8 “(d) The number of reportable injuries to children in care that resulted
9 from those restraints;

10 “(e) The number of incidents in which an individual who was not appro-
11 priately trained in the use of the restraint used on a child in care in a pro-
12 gram; and

13 “(f) The number of incidents that were reported for potential inappropriate
14 use of restraint.

15 “[7] (8) In compiling records, reports and other information during an
16 investigation under ORS 418.258 (1) and in issuing findings, letters of con-
17 cern or reprimands, the Director of Human Services or the director's
18 designee and the department may not refer to the employee, person or entity
19 that is the subject of the investigation as an 'alleged perpetrator' but must
20 refer to the employee, person or entity as the 'respondent.'

21 “[(8)] **(9)** As used in this section, ‘program,’ ‘reportable injury’ and ‘re-
22 straint’ have the meanings given those terms in ORS 418.519.

“REPORT

26 “**SECTION 11.** The Department of Human Services shall monitor
27 the department’s implementation of the modifications to child abuse
28 investigations made by section 8 of this 2026 Act and the amendments
29 to ORS 339.389, 409.185, 418.259, 419B.005, 419B.015, 419B.020 and 419B.030
30 by sections 1 to 6, 9 and 10 of this 2026 Act. The department shall

1 submit a report in the manner provided in ORS 192.245 to the interim
2 committees of the Legislative Assembly related to human services no
3 later than September 15, 2028. The report must describe the steps that
4 the department took to implement section 8 of this 2026 Act and the
5 amendments to ORS 339.389, 409.185, 418.259, 419B.005, 419B.015, 419B.020
6 and 419B.030 by sections 1 to 6, 9 and 10 of this 2026 Act and include,
7 at a minimum:

8 “(1) A description of training provided to support the implementa-
9 tion;

10 **“(2) An assessment of staff understanding and consistency in ap-**
11 **plication of updated definitions of abuse under ORS 419B.005, as**
12 **amended by sections 1 and 2 of this 2026 Act;**

13 **“(3) An assessment of staff understanding and consistency in ap-**
14 **plication of the standard of proof by a preponderance of the evidence**
15 **required for disposition determinations;**

16 **“(4) An evaluation of the impact of the policy changes reflected in**
17 **section 8 of this 2026 Act and the amendments to ORS 339.389, 409.185,**
18 **418.259, 419B.005, 419B.015, 419B.020 and 419B.030 by sections 1 to 6, 9**
19 **and 10 of this 2026 Act on the quality and sufficiency of documentation**
20 **supporting disposition determinations; and**

21 **“(5) Relevant data following implementation of section 8 of this 2026**
22 **Act and the amendments to ORS 339.389, 409.185, 418.259, 419B.005,**
23 **419B.015, 419B.020 and 419B.030 by sections 1 to 6, 9 and 10 of this 2026**
24 **Act.**

25 **“SECTION 12. Section 11 of this 2026 Act is repealed on January 2,**
26 **2029.**

“MISCELLANEOUS

30 **“SECTION 13. (1)(a) The amendments to ORS 339.389, 409.185,**

1 419B.015 and 419B.020 by sections 3, 4, 5 and 6 of this 2026 Act become
2 operative on July 1, 2026.

3 **“(b) Section 8 of this 2026 Act and the amendments to ORS 418.259,**
4 **419B.005, 419B.020 and 419B.030 by sections 1, 2, 4a, 9 and 10 of this 2026**
5 **Act become operative on January 1, 2027.**

6 **“(2) The Department of Human Services and law enforcement**
7 **agencies may take any action before the operative dates specified in**
8 **subsection (1) of this section that is necessary to enable the depart-**
9 **ment or law enforcement agencies, on or after the operative dates**
10 **specified in subsection (1) of this section, to undertake and exercise**
11 **all of the duties, functions and powers conferred on the department**
12 **or law enforcement agencies by section 8 of this 2026 Act and the**
13 **amendments to ORS 339.389, 409.185, 418.259, 419B.005, 419B.015, 419B.020**
14 **and 419B.030 by sections 1 to 6, 9 and 10 of this 2026 Act.**

15 **“SECTION 14. (1) The amendments to ORS 339.389, 409.185, 419B.015**
16 **and 419B.020 by sections 3, 4, 5 and 6 of this 2026 Act apply to investi-**
17 **gations of child abuse initiated on or after July 1, 2026.**

18 **“(2) The amendments to ORS 419B.020 by section 4a of this 2026 Act**
19 **apply to investigations of child abuse initiated on or after January 1,**
20 **2027.**

21 **“(3) The amendments to ORS 419B.005 by sections 1 and 2 of this**
22 **2026 Act apply to acts occurring on or after January 1, 2027.**

23 **“(4) Section 8 of this 2026 Act and the amendments to ORS 418.259**
24 **and 419B.030 by sections 9 and 10 of this 2026 Act apply to reports of**
25 **abuse occurring on or after January 1, 2027.**

26 **“SECTION 15. The unit captions used in this 2026 Act are provided**
27 **only for the convenience of the reader and do not become part of the**
28 **statutory law of this state or express any legislative intent in the**
29 **enactment of this 2026 Act.**

30 **“SECTION 16. This 2026 Act being necessary for the immediate**

1 **preservation of the public peace, health and safety, an emergency is**
2 **declared to exist, and this 2026 Act takes effect on its passage.”.**

3 _____