

Comparison: Abuse Definitions

ORS 419b.005 (Current)	ORS 418.275 (Current)	HB 3835B	SB 1547 (with -8)
		A child-caring agency, developmental disabilities residential facility, proctor foster home or certified foster home engages in abuse of a child in care if the child-caring agency, developmental disabilities residential facility, proctor foster home, certified foster home, caretaker or other person fails to make a reasonable effort to protect the child in care from abuse as described in this section or ORS 419B.005	A child-caring agency, developmental disabilities residential facility, proctor foster home, certified foster home, caretaker or other person with a duty of care to a child in care abuses the child in care if the child-caring agency, developmental disabilities residential facility, proctor foster home, certified foster home, caretaker or other person fails to make a reasonable effort to protect the child in care from abuse as described in this section or ORS 419B.005.
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.	Any physical injury to a child in care caused by other than accidental means, or that appears to be at variance with the explanation given of the injury	Commits an act that causes physical injury to the child in care if the act is nonaccidental or if the injury appears to be at variance with the individual's explanation of the act causing the injury	Assaults the child in care. Commits an act that causes physical injury to the child in care and the act is nonaccidental or the injury appears at variance with the individual's explanation of the act causing the injury.

Negligent treatment or maltreatment of a child including but not limited to	Neglect of a child in care	Neglects the child in care by:	Neglects the child in care by:
The failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.	Failure to provide the care, supervision or services necessary to maintain the physical and mental health of a child in care;	Failing to provide the care, supervision or services necessary to maintain the physical and mental health of the child in care; or	Failing to provide the care, supervision or services that a person has a duty to provide to the child in care that is necessary to maintain the physical and mental health of the child in care; or
Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.	The failure of a child-caring agency, proctor foster home, certified foster home, developmental disabilities residential facility, caretaker or other person to make a reasonable effort to protect a child in care from abuse	Failing to make reasonable efforts to protect the child in care from abuse as described in this section or ORS 419B.005	Failing to make a reasonable effort to protect the child in care from abuse as described in this section or ORS 419B.005.
	Abandonment, including desertion or willful forsaking of a child in care or the withdrawal or neglect of duties and obligations owed a child in care by a child-caring agency, caretaker, certified foster home, developmental disabilities residential facility or other person.	Abandons the child in care, including by deserting or willfully forsaking the child in care or by withdrawing or neglecting duties and obligations owed to the child in care by the individual.	Abandons the child in care, including deserting or willfully forsaking the child in care or withdrawing or neglecting duties and obligations owed to the child in care by the individual.

	Willful infliction of physical pain or injury upon a child in care	Willfully inflicts physical pain or injury upon a child in care.	Willfully inflicts physical pain or injury upon the child in care.
	An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427, 163.465, 163.467 or 163.525	Commits an act involving the child in care that constitutes a crime under ORS 163.263, 163.264, 163.266, 163.375, 163.405, 163.411, 163.415, 163.425, 163.427, 163.465, 163.467 or 163.525.	Commits an act involving the child in care that constitutes a crime under ORS 163.263, 163.264, 163.266, 163.413, 163.465, 163.467, 163.535, 163.537, 163.547, 163.575, 163.670, 163.700 or 163.701.
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.	Verbal abuse to threaten significant physical or emotional harm to a child in care through the use of:	Verbally abuses the child in care by threatening significant physical or emotional harm to the child in care, including through:	Verbally abuses the child in care by threatening significant physical or emotional harm to the child in care through any means , including:
	Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule	The use of derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule;	The use of derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule;

	Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate sexual comments	Harassment, coercion, humiliation, mental cruelty or inappropriate sexual comments; or	Harassment, coercion, humiliation, mental cruelty or inappropriate sexual comments; or
	Intimidation" means compelling or deterring conduct by threat.	Intimidation, including by compelling or deterring conduct by threat	Intimidation, including by compelling or deterring conduct by threat.
	Financial exploitation.	Engages in financial exploitation of the child in care by:	Engages in financial exploitation of the child in care by:
	Wrongfully taking the assets, funds or property belonging to or intended for the use of a child in care	Wrongfully taking the assets, funds or property belonging to or intended for the use of the child in care;	Wrongfully taking the assets, funds or property belonging to or intended for the use of the child in care;
	Alarming a child in care by conveying a threat to wrongfully take or appropriate moneys or property of the child in care if the child would reasonably believe that the threat conveyed would be carried out.	Alarming the child in care by conveying a threat to wrongfully take or appropriate moneys or property of the child in care if the child in care would reasonably believe that the threat conveyed would be carried out;	Alarming the child in care by conveying a threat to wrongfully take or appropriate moneys or property of the child in care if the child in care would reasonably believe that the threat conveyed would be carried out;
	Misappropriating, misusing or transferring without authorization any moneys	Misappropriating, misusing or transferring without authorization any moneys	Misappropriating, misusing or transferring without authorization any moneys

	from any account held jointly or singly by a child in care.	from any account held jointly or singly by a child in care; or	from any account held jointly or singly by a child in care; or
	Failing to use the income or assets of a child in care effectively for the support and maintenance of the child in care.	Failing to use the income or assets of a child in care effectively for the support and maintenance of the child in care.	Failing to use the income or assets of the child in care effectively for the support and maintenance of the child in care.
Sexual abuse, as described in ORS chapter 163	Sexual abuse.	Engages in sexual abuse of the child in care by committing an act that constitutes:	Engages in sexual abuse of the child in care by committing an act that constitutes:
	Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit material or language	Sexual harassment of the child in care;	Sexual harassment of the child in care;
	Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit material or language	Inappropriate exposure of the child in care to sexually explicit material or language; or	Inappropriate exposure of the child in care to sexually explicit material or language; or
	Any sexual contact between a child in care and an employee of a child-caring agency, proctor foster home, certified foster home, developmental disabilities residential facility, caretaker or other person responsible	Sexual contact, as defined in ORS 163.305, with the child in care, regardless of whether the sexual contact is unlawful under ORS chapter 163.	Sexual contact, as defined in ORS 163.305, with the child in care, regardless of whether the sexual contact constitutes a crime under ORS chapter 163.

	for the provision of care or services to a child in care		
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.	Any sexual contact between a person and a child in care that is unlawful under ORS chapter 163 and not subject to a defense under that chapter;	<i>Note: Covered in improved language above.</i>	<i>Note: Covered in improved language above.</i>
	Any sexual contact that is achieved through force, trickery, threat or coercion.	or is achieved through force, trickery, threat or coercion.	<i>Note: Covered in improved language above.</i>
Sexual exploitation, including but not limited to:	[“Sexual exploitation” means sexual exploitation as described in ORS 419B.005 (1)(a)(E)]	Sexually exploits the child in care, including by:	Sexually exploits the child in care by any means, including:
			Directing or encouraging another person to engage in sexual contact, as defined in ORS 163.305, with the child in care;
Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and	Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and	Contributing to the sexual delinquency of the child in care , as described in ORS 163.435;	Contributing to the sexual delinquency of the child in care , as described in ORS 163.435;
Any other conduct that allows, employs, authorizes, permits, induces or	Any other conduct that allows, employs, authorizes, permits, induces or	Engaging in other conduct that allows, employs, authorizes, permits, induces	Engaging in other conduct that allows, employs, authorizes, permits, induces

<p>encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that is designed to serve educational or other legitimate purposes</p>	<p>encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that is designed to serve educational or other legitimate purposes</p>	<p>or encourages a child in care to engage in performing for people to observe or the photographing, filming, tape recording or other exhibition that, in whole or in part, depicts sexual conduct or sexual contact, as those terms are defined in ORS 167.002, or sexually explicit conduct as described in ORS 163.665 and 163.670, or sexual abuse involving the child in care or rape of the child in care, other than conduct that is part of any investigation conducted pursuant to ORS 418.258, 418.259 or 419B.020, or that is designed to serve educational or other legitimate purposes;</p>	<p>or encourages a child in care to engage in performing for people to observe or the photographing, filming, tape recording or other exhibition that, in whole or in part, depicts sexual conduct or sexual contact, as those terms are defined in ORS 167.002, or sexually explicit conduct as described in ORS 163.665 and 163.670, or sexual abuse involving the child in care or rape of the child in care, other than conduct that is part of any investigation conducted pursuant to ORS 418.258, 418.259 or 419B.020, or that is designed to serve educational or other legitimate purposes; or</p>
<p>Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS 163.413 or</p>	<p>Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS 163.413 or</p>	<p>Allowing, permitting, encouraging or hiring the child in care to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as</p>	<p>Allowing, permitting, encouraging or hiring the child in care to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as</p>

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to engage in commercial sexual solicitation as described in ORS 167.008	to engage in commercial sexual solicitation as described in ORS 167.008	described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008	described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.
	The use of restraint or involuntary seclusion of a child in care in violation of ORS 418.521 or 418.523		Imposes a restraint or involuntary seclusion on the child in care in violation of ORS 418.521 or 418.523.
NA	Financial exploitation" does not include age-appropriate discipline that may involve the threat to withhold, or the withholding of, privileges	"Financial exploitation" does not include age-appropriate discipline that may involve the threat to withhold, or the withholding of, privileges	Financial exploitation' does not include age-appropriate discipline that may involve the threat to withhold, or the withholding of, privileges.
	Intimidation" means compelling or deterring conduct by threat.		
	"Intimidation" does not include age-appropriate discipline that may involve the threat to withhold privileges	Intimidation" does not include age-appropriate discipline that may involve the threat to withhold privileges	'Intimidation' does not include age-appropriate discipline that may involve the threat to withhold privileges.
Buying or selling a person under 18 years of age as described in ORS 163.537.			
Permitting a person under 18 years of age to enter or remain in or upon premises			

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where methamphetamines are being manufactured.			
Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a substantial risk of harm to the child's health or safety.			
The restraint or seclusion of a child in violation of ORS 339.285, 339.288, 339.291, 339.303 or 339.308.			
The infliction of corporal punishment on a child in violation of ORS 339.250 (9).			