

HB 4059-2: Family Justice & Child Welfare Reform Act

Oregon's Child Welfare System is in Crisis

THE SYSTEM IS OVERWHELMED

45.8%

of CPS assessments are **OVERDUE**
(as of October 2025)

Caseworkers are stretched thin, delaying response to children who need help most.

WITHOUT IMPROVING SAFETY

83.8%

of children with substantiated parents remain at home

71.8%

are not required to engage in services

In Oregon, substantiation operates independently from services, functioning as a label rather than a pathway to support.

Why? Oregon Is a National Outlier

99.9

referrals per 1,000 children
(National avg: 70.5)

48%

of reports screened in
(National avg: 33%)

21.5%

of assessments founded
(National avg: 16%)

50.9%

substantiated as
"threatened harm"

Some Root Causes: Broad Definitions, Low Standards

BROAD INVESTIGATORY STANDARD

- Oregon investigates any abuse by ANY person—strangers, online predators
- Only state with this requirement
- 5-10% of cases involve non-caregivers
- CPS can't protect from strangers

"THREATENED HARM" IS VAGUE

- Oregon: "substantial risk" of any harm
- Federal law: "imminent risk of serious harm"
- No timeframe or severity required
- Most overturned category on appeal

LOW EVIDENTIARY STANDARD

- Oregon: "reasonable cause" to substantiate (~ reasonable suspicion)
- 1 of only 6 states use this standard
- Most states: "preponderance of evidence" (more likely than not)

Who Is Harmed by the Current System?

BLACK FAMILIES

72%

of Black children in Oregon face CPS investigation by 18
(National avg Black: 53%)
(National avg all: 37%)
Vague standards amplify bias

DOMESTIC VIOLENCE SURVIVORS & CHILDREN

Survivors are labeled as "child abusers" for their partner's conduct
Abusers weaponize CPS reports in custody battles
Current law can punish victims instead of abusers

FAMILIES WITH DISABILITIES

Disability-related caregiving needs are misread as neglect
Poverty & housing instability conflated with abuse
Subjective standards invite ableist assumptions

JOB SEEKERS

Founded findings bar thousands of people from jobs in healthcare, education, childcare, and more
Registry placement is often permanent with no expungement
Low standards = life-altering consequences on suspicion alone

The Solution: HB 4059 Makes Four Targeted Reforms

1

Clarifies "Threatened Harm"

Requires harm be "likely to occur in the near future" and severe (significant physical, sexual, or psychological injury). Uses definitions already established in Oregon statute & rule.

2

Focuses Investigative Scope on Caregivers

Limits CPS to adults with caregiving roles, authority, or ongoing access to children.
Third-party abuse by strangers goes to law enforcement—where it belongs.

3

Addresses Youth Appropriately

Narrows CPS investigations of minors to those who are parents or who are accused of sexual abuse or causing severe injury. Ensures youth receive services, not punitive investigations.

4

Raises the Evidentiary Standard

Requires "preponderance of evidence" (more likely than not) to label someone a child abuser—the same standard used by courts to require services and by 37 other states.

What HB 4059-2 Does and Doesn't Do

MYTH	FACT
"This will prevent DHS from investigating domestic violence or patterns of sexual grooming."	HB 4059-2 protects survivors and children by creating a new child abuse category focused on domestic violence by the abuser, not the victim. It also adds "risk of sexual abuse" to the "sexual abuse" category to protect kids from grooming.
"Raising the substantiation standard means fewer children will receive services and be protected."	HB 4059 uses the same "more likely than not" standard that courts already apply, which studies show can lead to more home visits, more thorough investigations, and better information-gathering, resulting in a fuller understanding of home dynamics that can help identify real risks.
"Requiring that harm be severe and likely to occur in the near future will delay intervention until it's too late."	CPS investigations are intrusive and often traumatic for kids and parents, and shouldn't be the default response to every possible risk. All kids face some risk of harm; HB 4059 reserves CPS for situations where serious harm is likely, so the system can focus on children who are truly in danger.
"Oregon will stop investigating third-party abuse."	DHS will still investigate adults who have ongoing access to children, including teachers, coaches, and others. Reports of third-party abuse are cross-reported to law enforcement, who are equipped to investigate crimes by strangers. This will allow CPS to focus resources where they're effective.
"HB 4059 ties neglect to financial capacity and creates a 'compliance trap' requiring parents to accept services."	This claim is not grounded in the bill. HB 4059 does not change the definition of neglect, condition child safety on a parent's financial capacity, or require parents to accept services. The bill makes no changes to DHS's service provision obligations or parental compliance expectations.

CPS is not law enforcement—its purpose is to determine whether a child's caregivers are acting in ways that keep the child safe.

HB 4059 Aligns with National Best Practices

Current Oregon Law	HB 4059 / National Standard
Threatened harm: "substantial risk" of any harm	"Risk of severe harm that is likely to occur in the near future"
"Reasonable cause" to label someone a child abuser (6 states)	"Preponderance of the evidence," more likely than not (37 states)
CPS investigates abuse by ANY person	CPS focuses on caregivers and some minors (most states)

Benefits of HB 4059

For Children	For Families	For Caseworkers
<ul style="list-style-type: none"> • More attention to serious cases • Resources focused on real danger • More accurate, lasting interventions 	<ul style="list-style-type: none"> • Clearer standards reduce bias • Due process protections • DV survivors not punished for abuser's conduct 	<ul style="list-style-type: none"> • Reduced caseload pressure • Clearer decision-making criteria • Substantiations that hold up in court

THE BOTTOM LINE: Oregon's child welfare system is strained by overly broad definitions, low evidentiary standards, and an investigation scope unmatched by any other state. HB 4059 focuses limited resources on real danger—improving response times and child safety outcomes.