



Testimony of Peter J. Pecora, M.S.W., Ph.D.
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Good morning, Chair Hayward, Vice-Chair Scharf, Vice-Chair Walters, and members of the Committee. My name is Peter Pecora and I'm the Managing Director of Research Services at Casey Family Programs. Founded in 1966, Casey Family Programs works in all 50 states, Washington, D.C., Puerto Rico, the U.S. Virgin Islands, and with tribal nations across North America to influence long-lasting improvements to the well-being of children, families and the communities where they live. Thank you for the opportunity to share some brief remarks.

Research studies and child development data consistently show that children achieve better outcomes when raised in a family. Safe familial bonds benefit a child's physical, social, emotional and intellectual needs well into adulthood. Removing a child from their family and placing them in foster care is one of the most intrusive and traumatizing actions that government can take. Children and families should be assessed to see what serious risks to child safety exist, and if they can be appropriately mitigated by building on the family's strengths and resources without removing the child from the home.

A child protection investigation by itself is traumatic to a child and their family. Investigations are appropriate in certain circumstances, but only when the concern is about imminent serious harm to a child by their parent or caregiver. Research data support efforts to ensure that both policy and practice *clearly* outline the instances when a CPS investigation is essential.

And the act of removing a child from their parents is even more invasive and traumatic. This intervention should only occur when an imminent risk of harm to a child has been determined. While child placement may absolutely be essential in certain situations, it cannot be the only option we have in our toolbox. And it should be an option that we use as the absolute last resort.

Casey Family Programs conducted a review of state definitions of neglect across the country.¹ The purpose of the review was to explore whether the state definitions may contribute to an overly wide "front door" to Child Protective Services (CPS). An overly wide front door leads to unnecessary intrusion into families' lives, and it heightens the risk of unnecessary placement of children in foster care.

The review found that state definitions pertaining to neglect vary widely from one another; and they vary from the federal definition of abuse and neglect found in the Child Abuse Prevention and Treatment Act (CAPTA). I'll highlight two of the important findings.

¹ [23.16-State-definitions-of-child-neglect.pdf](#)

- *First, some state laws focus on parental behavior instead of its impact on children:*
In general, most state statutes define child neglect in terms of parental actions or omissions, rather than the effect of such actions and omissions on children. This is reflected in the lack of references to harm or risk of harm in many of the statutes reviewed.
- *Second, some state laws include lack of supervision as neglect without safeguards.*
Because lack of supervision is often reported to child welfare agencies as neglect, this type of neglect needs to be defined carefully. For example, most neglect definitions combine failure to supervise with failure to provide other necessities such as food, clothing, shelter and medical care. They do this without considering the circumstances under which lack of supervision poses an imminent risk to a child's safety and wellbeing, such as the developmental age of the child.

Based on our review, it is apparent that state definitions of neglect do vary widely and do vary from the federal CAPTA definition. Many state neglect definitions suffer from a lack of specificity, and do not require a showing of serious harm or imminent risk of harm and a connection to parent or caregiver behavior.

This may result in decision-making that is influenced by personal preferences and biases. These flawed definitions may have a disproportionate impact on poor families, families of color and single-parent families, among others. That is why many experts are concerned that some state neglect definitions may be contributing to *unnecessary* CPS interventions.

In conclusion, thank you for holding this important hearing, and asking Casey Family Programs to participate. We look forward to any follow-up requests, and to providing additional technical assistance to the committee. I am also happy to answer any questions you might have now.