

CHAPTER 34

AN ACT

HB 4086

Relating to children; and declaring an emergency.
Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) The Department of Human Services shall commission a study on the scope of child abuse investigations in this state. The department shall contract with a facilitator who specializes in public policy to conduct the study. The contract must require that the facilitator, in consultation with the advisory committee established under subsection (4) of this section:

(a) Provide a presentation of the facilitator's preliminary findings and recommendations, including any recommendations for legislation, to the interim legislative committees on child welfare no later than September 30, 2024.

(b) Submit a final report on the facilitator's findings and recommendations, including recommendations for legislation, to the interim committees on child welfare, in the manner provided in ORS 192.245, no later than September 15, 2025.

(2) The study must at a minimum:

(a) Identify the current scope of mandatory child abuse investigations that must be conducted by the Department of Human Services.

(b) Identify gaps or duplication of work in the state's response to concerns of child abuse.

(c) Determine the national best practices on trauma-informed child abuse jurisdiction, child abuse definitions, child abuse investigations, child abuse multidisciplinary teams and due process.

(3) The facilitator's recommendations must at a minimum describe or propose:

(a) Recommended jurisdiction of child abuse investigations conducted by the department.

(b) Recommended amendments to child abuse definitions.

(c) Other recommended national best practices for investigations of child abuse by the department.

(d) Recommendations for the ongoing interdisciplinary oversight of the facilitator's findings and implementation of the facilitator's recommendations.

(4)(a) The department shall appoint a committee to advise the facilitator in conducting the study and preparing the presentation and report described in this section. The committee membership must include individuals with lived experience with child abuse, including child abuse investigations, and professionals or representatives of organizations involved with children. Such professionals or representatives shall include, but need not be limited to, one or more of each of the following:

(A) Attorneys representing children.

(B) Child care providers.

(C) Child welfare certified resource parents.

(D) Representatives of children's advocacy centers, as defined in ORS 418.782.

(E) Children's behavioral health professionals.

(F) Community developmental disabilities programs.

(G) Representatives of county juvenile departments.

(H) Representatives with extensive experience with the federal Indian Child Welfare Act and Oregon Indian tribes and a deep understanding of rural and urban tribal populations, appointed after consultation with the Commission on Indian Services.

(I) Licensed and classified school employees and school administrators.

(J) Representatives of the Oregon District Attorneys Association.

(K) Representatives of the Oregon Association Chiefs of Police and Oregon State Sheriffs' Association.

(L) Representatives of the Department of Education.

(M) Representatives of the Department of Human Services.

(N) Representatives of the Oregon Youth Authority.

(O) Representatives of the Department of Justice.

(P) Representatives of professionals who are licensed, certified or endorsed to provide services to children.

(Q) Relevant advocates for children.

(R) Representatives of social justice organizations.

(b) The Chief Justice of the Supreme Court shall appoint as a nonvoting member a person who is a circuit court judge who hears dependency cases.

SECTION 2. (1) The Department of Human Services shall commission a study of Oregon's response to children exhibiting problematic sexual behavior. The department shall contract with a facilitator who specializes in public policy to conduct the study. The contract must require that the facilitator, in consultation with the advisory committee established under subsection (4) of this section:

(a) Provide a presentation of the facilitator's preliminary findings and recommendations, including any recommendations for legislation, to the interim legislative committees on child welfare no later than September 30, 2024.

(b) Submit a final report on the facilitator's findings and recommendations, including any recommendations for legislation, to the interim committees on child welfare, in the manner provided in ORS 192.245, no later than September 15, 2025.

(2) The study must at a minimum:

(a) Identify the current state of services and resources available to children exhibiting problematic sexual behavior and which of those services and resources are available to children under 12 years of age.

(b) Identify the current state of services and resources available to the families and caregivers of children exhibiting problematic sexual behavior.

(c) Identify gaps in the response and services available to children exhibiting problematic sexual behavior and to the families and caregivers of such children.

(d) Determine the national best practices on trauma-informed multidisciplinary responses to children exhibiting problematic sexual behavior.

(e) Analyze solutions to identify and provide support, treatment and resources for children exhibiting problematic sexual behavior and for the families and caregivers of such children.

(3) The facilitator's recommendations must at a minimum describe or propose:

(a) Trauma-informed and national best practice strategies for identification of children exhibiting problematic sexual behaviors;

(b) Strategies and definitions to ensure a child is not identified as exhibiting problematic sexual behavior as a result of the child's:

(A) Sexual orientation, gender identity or disability; or

(B) Consensual sexual activity or exploration, provided the activity or exploration is not criminal or abusive in nature;

(c) Services and treatment for children exhibiting problematic sexual behavior, provided such services and treatment are trauma-informed, family centered programs and community-based;

(d) Comprehensive resources and educational opportunities to support family members and caregivers impacted by children exhibiting problematic sexual behavior;

(e) National best practices for assessing the safety of children impacted by another child's problematic sexual behavior; and

(f) Strategies to prevent and minimize out-of-home placement or incarceration of children exhibiting problematic sexual behavior.

(4)(a) The department shall appoint a committee to advise the facilitator in conducting the study and preparing the presentation and report described in this section. The committee membership must include members of families with lived experience with a child exhibiting problematic sexual behavior and professionals or representatives of organizations involved with children exhibiting problematic sexual behaviors. Such professionals or representatives shall include, but need not be limited to, one or more of each of the following:

(A) Attorneys representing children.

(B) Child welfare certified resource parents.

(C) Representatives of children's advocacy centers, as defined in ORS 418.782.

(D) Children's behavioral health professionals.

(E) Community developmental disabilities programs.

(F) Representatives of county juvenile departments.

(G) Representatives with extensive experience with the federal Indian Child Welfare Act and Oregon Indian tribes and a deep understanding of rural and urban tribal populations, appointed after consultation with the Commission on Indian Services.

(H) Representatives of county child abuse multidisciplinary teams with existing problematic sexual behavior subcommittees.

(I) Representatives of the Oregon District Attorneys Association.

(J) Representatives of the Oregon Association Chiefs of Police and Oregon State Sheriffs' Association.

(K) Representatives of the Department of Education.

(L) Representatives of the Department of Human Services.

(M) Representatives of the Oregon Youth Authority.

(N) Representatives of the Department of Justice.

(O) Representatives of professionals who are licensed, certified or endorsed to provide services to children.

(P) Relevant advocates for children.

(Q) Representatives of social justice organizations.

(R) Licensed and classified school employees and school administrators.

(b) The committee must include as a non-voting member a person appointed by the Chief Justice of the Supreme Court who is a circuit court judge who hears dependency cases.

SECTION 3. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Human Services by section 1 (5), chapter 610, Oregon Laws 2023, for the biennium ending June 30, 2025, for child welfare programs, is increased by \$230,946 for carrying out the provisions of sections 1 and 2 of this 2024 Act.

SECTION 4. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3 (5), chapter 610, Oregon Laws 2023, for the biennium ending June 30, 2025, as the maximum limit for payment of expenses from federal funds, excluding federal funds described in section 2, chapter 610, Oregon Laws 2023, collected or received by the Department of Human Services, for child welfare programs, is increased by \$77,640 for carrying out

the provisions of sections 1 and 2 of this 2024 Act.

SECTION 5. Sections 1 and 2 of this 2024 Act are repealed on January 2, 2026.

SECTION 6. This 2024 Act being necessary for the immediate preservation of the public

peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect on its passage.

Approved by the Governor March 27, 2024

Filed in the office of Secretary of State March 27, 2024

Effective date March 27, 2024