



TINA KOTEK
GOVERNOR

June 24, 2025

The Honorable Rob Wagner
President of the Senate
Oregon State Capitol
Salem, Oregon 97301

The Honorable Julie Fahey
Speaker of the House
Oregon State Capitol
Salem, Oregon 97301

RE: Senate Bill 736 and Senate Bill 875

Dear President Wagner and Speaker Fahey:

After careful consideration, pursuant to Article V, Section 15, I am returning Enrolled Senate Bill 736 and Enrolled Senate Bill 875 unsigned for reconsideration by the Legislature.

I am committed to protecting the rights and well-being of children and families engaged with our foster care and child welfare systems. However, both bills make statutory changes that add greater complexity and confusion to Oregon's already fragmented statutory framework for child abuse investigations. In contrast, the framework advanced in House Bill 3835 seeks to clarify the scope of child-in-care investigations under ORS 418 and distinguish it from ORS 419B.

While the underlying intent in SB 875 to support sibling relationships and clarify court authority over contact decisions is well-meaning, it is not clear why this level of prescriptiveness is needed in statute. The bill also includes changes to the definition of a "child in care" under ORS 418.

SB 875 expands this definition to include any child in the legal or physical custody of the Oregon Department of Human Services (ODHS), including children living at home with their parents during in-home safety plans or trial reunifications. This means the law would expand the child abuse investigation framework for specialized child caring agencies to parents' homes. It also shifts the standard from the type of placement to the legal status of the child without clarifying who is considered a perpetrator under the law.

SB 736 presents similar concerns. While we concur that ODHS representatives are not legal counsel for parents, it is unclear why this directive needs to be codified in statute. ODHS can and does provide this information administratively, and prescribing this detail in law sets a concerning precedent for legislating matters better handled in rule or practice.

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More significantly, SB 736 modifies ORS 418 to explicitly exempt parents from its application. While this clarification may appear helpful on its face, it implies that all other adults – even those not employed or acting in a caregiving capacity – could be brought under the child-in-care abuse definitions. This further expands the jurisdiction of ORS 418 without clear guidance or policy justification, compounding the statutory ambiguity that HB 3835 seeks to resolve.

SB 736 contributes to the same fundamental problem as SB 875 does – i.e., the continued piecemeal expansion of ORS 418. Oregon remains the only state in the nation with two separate child abuse statutes, one for children in care and another for all other children. Rather than addressing this systemic issue, these bills deepen the confusion and open the door to inconsistent application and unnecessary investigations.

Both SB 875 and SB 736 exemplify the risks of fragmented policymaking in this area, adding new statutory layers without a unified framework for who is a victim, who is a perpetrator, when abuse occurs, and where it falls under the law. These are the exact questions that the House Bill 4086 (2024) Child Abuse Statutory Alignment Workgroup is tackling. We must allow the workgroup to share its recommendations in advance of future policy decisions.

Therefore, I am returning both bills. I remain fully committed to the goals of protecting children, supporting families, and reducing regulatory complexity. My office, ODHS, and the System of Care Advisory Council (SOCAC) will convene discussions during the 2025 interim to advance coordinated, thoughtful reforms grounded in clarity, legal integrity, and child safety.

Sincerely,



Governor Tina Kotek