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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 413
DEPARTMENT OF HUMAN SERVICES
CHILD WELFARE PROGRAMS

FILED
03/10/2026 10:07 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amend Child Welfare Rules for Child Abuse Determinations to Align with ORS 419B.005.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/24/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Ryan Schott
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 04/15/2026

TIME: 10:30 AM - 11:00 AM

OFFICER: Eric Warner

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 971-277-2343

CONFERENCE ID: 288951124

SPECIAL INSTRUCTIONS:

Special Instructions:

Attendees will need to join the meeting by Microsoft Teams or phone. If you wish to provide comment, please be signed in or call in by no later than 15 minutes after the start time. Join by Microsoft Teams: Meeting ID: 26671626390586
Passcode: bC2ox9QY or call in: +1-971-277-2343 Phone Conference ID: 288951124#

Everyone has a right to know about and use ODHS programs and services. ODHS provides assistance such as sign language and spoken language interpreters, written materials in other languages, braille, large print, audio and other formats. If you need assistance or have questions, please contact CW.PolicyUnit@odhsoha.oregon.gov at least 5 days before the meeting.

NEED FOR THE RULE(S)

These rules relate to the definitions of abuse for determinations made by the Oregon Department of Human Services (ODHS) Child Welfare following assessment of reported child abuse, as described in OAR Chapter 419, Division 015.

Child Welfare needs to amend their abuse determination rules to align with the changes being made by the Office of Training, Investigations, and Safety to align with ORS 419B.005 and current practice.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

2023 EDITION, ORS 419B.005: https://www.oregonlegislature.gov/bills_laws/ors/ors419B.html

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Child Welfare is committed to ensuring that all rules, practices, and determinations are applied equitably and without bias. These amendments align abuse determination rules with updates made by the Office of Training, Investigations, and Safety and ensure consistency with ORS 419B.005 and current practice. As part of this work, Child Welfare recognizes the historic and present-day racial disparities in child welfare systems and affirms its responsibility to reduce and prevent disproportionate impacts on children, families, and communities of color. Aligning definitions and procedures across programs helps promote clarity, reduce discretionary variations, and support equitable outcomes. By modernizing these rules, Child Welfare seeks to strengthen fairness, transparency, and cultural responsiveness in abuse determinations, contributing to a more just and accountable system for all Oregon families.

FISCAL AND ECONOMIC IMPACT:

The Department estimates that there will not be any fiscal impact to state agencies, clients, the public or businesses, including small businesses.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The Department estimates there will not be any cost of compliance to state agencies, units of local governments, or members of the public. (2) The Department estimates these rules will not have any effect on small business. (a) No small businesses are affected by this adoption; (b) The Department estimates there will not be any cost expected for reporting, record keeping, or administrative activities or cost to comply with the rules. (c) There is no cost of professional services, equipment supplies, labor and increased administration required for small businesses to comply with the rule(s).

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not identified in the development of these rules, however, are invited to provide input during the public comment period.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Change is based on state law and there is no room for interpretation.

AMEND: 413-015-1015

RULE SUMMARY: OAR 413-015-1015 sets forth "Making the CPS Assessment Disposition Determination" and is being amended to align language with statute and changes made within the OTIS program rules.

CHANGES TO RULE:

413-015-1015

Making the CPS Assessment Disposition Determination

(1) Except as provide section (3) of this rule, abuse of a child, for the purpose of determining the CPS assessment disposition, includes, among others, the behavior, conditions, and circumstances described in this section.¶

- (a) Abandonment, including parental behavior showing an intent to permanently give up all rights and claims to the child.¶
- (b) Child selling, including the selling of a child that consists of buying, selling, bartering, trading, or offering to buy or sell the legal or physical custody of a child.¶
- (c) Mental injury (psychological maltreatment), includes 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.¶
- (d) Neglect, including failure, through action or omission, to provide and maintain adequate food, clothing, shelter, medical care, supervision, protection, or nurturing that is likely to endanger the health or welfare of the child. Chronic neglect is a persistent pattern of family functioning in which the parent or caregiver does not sustain or meet the basic needs of a child resulting in an accumulation of harm that can have long term effect on the child's overall physical, mental, or emotional development. Neglect may include each of, but is not limited to the following:¶
 - (A) Physical neglect, which includes each of the following:¶
 - (i) Failing to provide for the child's basic physical needs including adequate shelter, food, and clothing.¶
 - (ii) Permitting a child to enter or remain in or upon premises where methamphetamines are being manufactured.¶
 - (iii) Unlawful exposure of a child to a substance controlled substance, as defined in ORS 475.005 that subjects a child to severe a substantial risk of harm to the child's health or safety. When the CPS worker is making a determination of physical neglect based on severe a substantial risk of harm to the child's health due to unlawful exposure to a substance, this determination must be consistent with medical findings.¶
 - (B) Medical neglect is a refusal or failure to seek, obtain, or maintain necessary medical, dental, or mental health care. Medical neglect includes withholding medically indicated treatment from infants who have disabilities and life-threatening conditions. However, failure to provide the child with immunizations or routine well-child care alone does not constitute medical neglect. When the CPS worker is making a determination of medical neglect, this determination must be consistent with medical findings.¶
 - (C) Lack of supervision and protection, including failure to provide supervision and protection appropriate to the child's age, mental ability, and physical condition.¶
 - (D) Desertion, which includes the parent or caregiver leaving the child with another person and failing to reclaim the child, or parent or caregiver failure to provide information about their whereabouts, providing false information about their whereabouts, or failing to establish a legal guardian or custodian for the child.¶
 - (E) Psychological neglect, which includes serious inattention to the child's need for affection, support, nurturing, or emotional development. The parent or caregiver behavior must be related to the observable and severe harm of the child's psychological, cognitive, emotional, or social well-being and functioning.¶
- (e) Physical abuse, including an injury to a child that is inflicted or allowed to be inflicted by non-accidental means that results in harm. Physical abuse may include injury that could not reasonably be the result of the explanation given. Physical abuse may also include injury that is a result of discipline or punishment. Examples of injuries that may result from physical abuse include:¶
 - (A) Head injuries;¶
 - (B) Bruises, cuts, punctures, lacerations;¶
 - (C) Internal injuries;¶
 - (D) Burns or scalds;¶
 - (E) Injuries to bone, muscle, cartilage, and ligaments;¶
 - (F) Poisoning;¶
 - (G) Electrical shock;¶
 - (H) Substantial pain, physical impairment; and¶
 - (I) Death.¶
- (f) Sexual abuse, which includes:¶
 - (A) A person's use or attempted use of a child for the person's own sexual gratification, the sexual gratification of another person, or the sexual gratification of the child. Sexual abuse includes, but is not limited to, incest, rape, sodomy, sexual penetration, fondling, and voyeurism.¶
 - (B) Sexual exploitation.¶
 - (C) Sex trafficking.¶
- (g) Threat of harm, including all activities, conditions, and circumstances that place the child at threat of severe harm of physical abuse, sexual abuse, neglect, mental injury, or other child abuse.¶
- (2) Except as provided in section (3) of this rule or when the abuse is familial or third party abuse, abuse of a child in care when the child in care lives with a resource family or receives services from a respite provider certified by Child Welfare includes, among others, the behavior, conditions, and circumstances described in this section.¶
 - (a) 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 resource parent or respite provider certified by Child Welfare, a

caregiver, or other person.¶

(b) Financial exploitation.¶

(A) Financial exploitation includes:¶

(i) Wrongfully taking the assets, funds, or property belonging to or intended for the use of a child in care.¶

(ii) 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 in care would reasonably believe that the threat conveyed would be carried out.¶

(iii) Misappropriating, misusing, or transferring without authorization any moneys from any account held jointly or singly by a child in care.¶

(iv) Failing to use the income or assets of a child in care effectively for the support and maintenance of the child in care.¶

(B) Financial exploitation does not include age-appropriate discipline that may involve the threat to withhold, or the withholding of, privileges.¶

(C) Involuntary seclusion. Involuntary seclusion means confinement of a child in care alone in a room or an enclosed space from which the child in care is prevented from leaving by any means. A resource parent or respite provider certified by Child Welfare may not put a child in care into involuntary seclusion.¶

(i) Involuntary seclusion includes:¶

(I) Involuntary seclusion of a child in care for the convenience of a resource parent or respite provider certified by Child Welfare.¶

(II) Involuntary seclusion of a child in care to discipline the child in care.¶

(III) Involuntary seclusion of a child in care as a form of punishment.¶

(IV) Involuntary seclusion of a child in care done in retaliation.¶

(ii) Involuntary seclusion does not include age-appropriate discipline, including, but not limited to, a time-out if the time-out is in a setting from which the child in care is not prevented from leaving by any means.¶

(c) Neglect, which includes:¶

(A) Failure to provide the care, supervision, or services necessary to maintain the physical and mental health of a child in care; or¶

(B) The failure of a resource parent or respite provider certified by Child Welfare, a caregiver, or other person to make a reasonable effort to protect a child in care from abuse.¶

(d) Physical abuse, which includes:¶

(A) Any physical injury to a child in care caused by other than accidental means, or that appears to conflict with the explanation given of the injury; or¶

(B) Willful infliction of physical pain or injury upon a child in care.¶

(e) Sexual abuse, which includes:¶

(A) Sexual harassment.¶

(B) Sexual exploitation.¶

(C) Exposing a child in care to sexually explicit material or language that does not serve a legitimate medical, scientific, or educational purpose. This also includes any exposure to sexually explicit conduct involving a child.¶

(D) Sexual contact with a child in care, including, but not limited to:¶

(i) Any sexual contact between a child in care and a resource parent or respite provider certified by Child Welfare, a caregiver, or other person responsible for the provision of care or services to a child in care;¶

(iii) Any sexual contact between a person and a child or young adult that is unlawful under ORS chapter 163 and not subject to a defense under that chapter, including, but not limited to:¶

(I) Rape (ORS 163.355, 163.365, 163.375); ¶

(II) Sodomy (ORS 163.385, 163.395, 163.405);¶

(III) Unlawful sexual penetration (ORS 163.408, 163.411);¶

(IV) Sexual abuse (ORS 163.415, 163.425, 163.427); or¶

(V) Incest (ORS 163.525).¶

(iii) Any sexual contact that is achieved through force, trickery, threat, or coercion.¶

(E) Private indecency (ORS 163.467).¶

(F) Public indecency (ORS 163.465).¶

(G) Sex trafficking.¶

(f) Verbal abuse.¶

(A) Verbal abuse includes threatening severe harm, either physical or emotional, to a child in care through the use of:¶

(i) Derogatory or inappropriate names, insults, verbal assaults, profanity, or ridicule; or¶

(ii) Harassment, coercion, threats, compelling or deterring conduct by threats, humiliation, mental cruelty, or inappropriate sexual comments.¶

(B) Verbal abuse does not include age-appropriate discipline that may involve the threat to withhold privileges.¶

(g) Wrongful use of restraint. A resource parent or respite provider certified by the Child Welfare or a caregiver

may not use a restraint on a child in care.¶

(A) Wrongful restraints do not include:¶

(i) Holding the child in care's hand or arm to escort the child in care safely and without the use of force from one area to another; or¶

(ii) Assisting the child in care to complete a task if the child in care does not resist the physical contact. ¶

(B) A resource parent or respite provider certified by Child Welfare may use a physical intervention if:¶

(i) The intervention is necessary to break up a physical fight or to effectively protect a person from an assault, serious bodily injury or sexual contact;¶

(ii) The physical intervention uses the least amount of physical force and contact possible; and¶

(iii) The physical intervention is not a prohibited restraint described in ORS 418.519 and 418.523.

Statutory/Other Authority: ORS 409.050, ORS 418.005

Statutes/Other Implemented: ORS 409.185, ORS 419B.005 - 419B.050, ORS 418.205 - 418.327, ORS 418.519 - 418.523