

House Bill 3005

Sponsored by Representative NELSON (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells DHS when records about reported or founded child abuse may be expunged. (Flesch Readability Score: 67.5).

Prescribes when records related to reported or founded child abuse may be expunged.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to expunction of records relating to child abuse; and prescribing an effective date.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Abuse" has the meaning given that term in ORS 419B.005.**

6 (b) **"Neglect" means failure to provide the care, supervision or services necessary to**
7 **maintain the physical and mental health of a child, including the failure to provide adequate**
8 **food, clothing, shelter or medical care if the failure is likely to endanger the health or wel-**
9 **fare of the child, or the failure to make a reasonable effort to protect the child from abuse.**

10 (c) **"Public body" means a public body as defined in ORS 174.109 and the Oregon Health**
11 **and Science University.**

12 (2) **At the request of a person who was the subject of a report of suspected child abuse,**
13 **the Department of Human Services shall expunge all records in the department's possession**
14 **related to the abuse report and any resulting investigation, if:**

15 (a) **The suspected abuse involved only neglect;**

16 (b) **The report of abuse was closed at screening or was investigated and determined to**
17 **be unfounded or unable to be determined;**

18 (c) **At least seven years have elapsed since the department closed the abuse report or**
19 **concluded its investigation of the abuse report; and**

20 (d) **The subject person has not been the subject of any subsequent reports of suspected**
21 **child abuse.**

22 (3) **At the request of a person who was the subject of a founded report of child abuse, the**
23 **department after a hearing may expunge all records in the department's possession related**
24 **to the abuse report and the resulting investigation if:**

25 (a) **The abuse did not involve sexual abuse or sexual exploitation of the child or a child**
26 **fatality or near fatality;**

27 (b) **The child who was abused has attained 18 years of age or, if the child is under 18**
28 **years of age, at least seven years have elapsed since the department concluded its investi-**
29 **gation of the abuse report;**

30 (c) **The subject person has not been the subject of any subsequent reports of suspected**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **child abuse;**

2 (d) **The child who was abused receives notice of the hearing; and**

3 (e) **The hearings officer determines that there is no just cause to deny the subject**
4 **person's request to expunge the records.**

5 (4) **When the department expunges records as provided by this section, the department**
6 **shall:**

7 (a) **Remove any record of the reported or founded abuse from the department's database;**
8 **and**

9 (b) **Issue a notice of expunction to each public body in this state that the department**
10 **reasonably suspects may have records of the reported or founded abuse, including the De-**
11 **partment of Early Learning and Care and law enforcement agencies.**

12 (5)(a) **Upon receipt of a notice of expunction, the records that are the subject of the**
13 **expunction may not be disclosed by any public body.**

14 (b) **A public body that receives a notice of expunction shall respond to any inquiry about**
15 **the reported or founded abuse by indicating that no record or reference concerning the abuse**
16 **exists.**

17 (c) **The Department of Early Learning and Care shall remove any reference to the re-**
18 **ported or founded abuse from the Central Background Registry.**

19 (6) **The Department of Human Services shall establish by rule a procedure for the**
20 **expunction of records relating to reports and investigation of suspected child abuse and**
21 **neglect, consistent with this section.**

22 **SECTION 2. Section 1 of this 2025 Act applies to the expunction of records relating to**
23 **reported or founded abuse created before, on or after the effective date of this 2025 Act and**
24 **to persons who were the subject of reported or founded abuse occurring before, on or after**
25 **the effective date of this 2025 Act.**

26 **SECTION 3. (1) Section 1 of this 2025 Act becomes operative on January 1, 2026.**

27 (2) **The Department of Human Services and the Department of Early Learning and Care**
28 **may take any action before the operative date specified in subsection (1) of this section that**
29 **is necessary to enable the departments to carry out section 1 of this 2025 Act and to exer-**
30 **cise, on and after the operative date specified in subsection (1) of this section, all of the du-**
31 **ties, functions and powers conferred on the departments by section 1 of this 2025 Act.**

32 **SECTION 4. This 2025 Act takes effect on the 91st day after the date on which the 2025**
33 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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