April 6, 2017

Senator Floyd Prozanski, Chair
Members of the Senate Judiciary Committee
900 Court St. NE
Salem, Oregon 97301

Chair Prozanski and Senators,

Children First for Oregon is the primary research source for child wellbeing data in Oregon. With our partners in United for Kids, we work every day to make Oregon the best place to be a kid. That is why we must oppose SB 327-1: it would act, in practice, to make Oregon less safe for kids.

Kids get hurt on playgrounds. People of all ages get hurt while recreating. Not all of these injuries deserve to be compensated—accidents happen. However, if you take your child to the playground and she is injured because it wasn't properly maintained, a jury should be allowed to decide if the action or inaction of the government caused that injury. SB 327-1 actually rewards cities and counties for negligence in not maintaining their park equipment. In essence, there is no incentive to properly construct or maintain the structures our children play on.

There is a reason that we allow juries to decide if a physician or a police officer is negligent: it holds them accountable for the damages they cause and makes us safer. We carry homeowners insurance in case someone is hurt in our homes. Why wouldn't the same argument hold for governments providing recreation sites to children? Families whose children are seriously harmed by improperly maintained structures will spend their lives and resources to care for that child through no fault of their own. SB 327-1 removes the protections to children and their families that would be guaranteed if an injury caused by negligence happened anywhere else. Governments should be held to the same standard that we have in our own homes.

860,000 children in Oregon look to this body to protect them. SB 327-1 does not. Other options are available to you and, on behalf of kids, we ask you to look to those reasonable options.

Thank you for your consideration and your work on behalf of Oregon's kids.

Sincerely,

Elizabeth Cushwa
Strategic Director