

Submitter: Annette Smith
On Behalf Of:
Committee: House Committee On Early Childhood and Human Services
Measure, Appointment or Topic: HB3835

My name is Annette Smith and I am a dependency attorney representing kids and parents in dependency proceedings since 2011. I have represented children in Douglas, Lane, and Jackson counties and have child clients placed all over Oregon. I also represent children placed with relatives in other states.

I have represented children placed in many different facilities and group homes, as well as those in hotels and temporary lodging diversion homes and AirBnB's.

I am writing to express my extreme concern for legislation that removes important protections for such vulnerable young people by making it easier to abuse them in the name of treatment. Making it easier to get away with inappropriate seclusion and restraint is not going to make life better for children in congregate care or the folks who work there.

No healthy therapeutic relationship can be built on the foundations of fear, mistrust, neglect, or abuse. The risk of moral injury is high when those entrusted with the care of children use tactics of bullying, physical aggression, unfair punishment or fear tactics to gain behavior compliance while ignoring children's needs for actual mental health care, nurturing relationships, play, joy, safety and trust. Abusing children and calling it "care" creates permanent and devastating barriers to those same children seeking mental health care later in life. It creates resistance to children seeking to treat or heal mental health issues and trauma often caused or exacerbated by the system itself. It can also cause children to develop unhealthy relationships later in life because the people meant to keep them safe betrayed them and harmed them.

Rather than supporting behavior modification programs that treat kids like criminals, the State should invest in local, community-based options that keep kids close to home and near natural supports and watchful eyes that provide safe and nurturing care and actual mental health care. When institutional placements are required for stabilization and acute care, those placements should be in Oregon and meet strict guidelines for certification and supervision. Sending kids out of state is so dangerous and children being "out of sight, out of mind" is a cycle we have learned is dangerous and harmful.

Oregon must force the development of programs to serve our youth in state rather than resuming the practice of entrusting our precious young people to corporations profiting off providing low standard care by companies that have demonstrated their

inability to keep kids safe time after time. See the US Senate's Warehouses of Neglect Senate Report:

https://www.finance.senate.gov/imo/media/doc/rtf_report_warehouses_of_neglect.pdf

The State should not do anything to make it easier for people to inappropriately restrain kids without consequence, because the children will never be given the benefit of doubt when a restraint is unnecessary, painful or harms them so long as paid professionals on site claim it was "applied consistently with the intent to support the safety, healthy development and well-being of the child." This is one area where foster youth, especially those already placed in behavioral modification programs, are the most vulnerable. This is exacerbated further when the young person is a child of color, or disabled, or both.

I implore you to vote NO on HB 3835.

Respectfully,

Annette Smith
Attorney at Law