

March 19, 2025

RE: Oppose HB 3835

Dear Chair Hartman, Vice Chair Nguyen, Vice Chair Scharf, and Members of the Committee,

I am writing to oppose HB3835.

Ryan Hass of OPB recently published "A breakdown of sexual abuse allegations, arrests and investigations at St. Helens School District." This article chronicles years of sexual abuse of children in the St. Helens School District, failure of DHS to be notified of the abuse and for investigations to be conducted, and a failure of the school district to keep children safe. While child abuse is on the rise in Oregon, I do not support changing what "counts" as abuse—and who "counts" as an abuser—which is exactly what this bill will do.

The bill, taken as a whole, prohibits Oregon DHS from investigating a wide array of abuse and neglect of children in its care, will lead to fewer investigations of horrific abuse, and less accountability for the agencies charged with keeping children safe.

Sec. 10(1), Sec. 10(1)(b), Sec. 11 (1) This means that "abuse" for this bill only includes acts done by foster parents and employees, contractors and other agents of regulated facilities for children. Under this bill, all other acts of abuse would not count as acts that could be investigated. Moreover, DHS could not investigate a foster parent or a child caring agency's failure to protect a child from abuse by someone who was not the foster parent/agency's own employee or contractor. DHS could not investigate abuse by a third party (or the failure to protect the child from third party abuse) because it literally does not count as abuse.

Under Sec. 10(1), Sec. 10(1)(b), Sec. 11 (1) of HB 3835, for most purposes, abuse by a person who is not actually a foster parent or an employee of a facility that DHS regulates does not count as abuse and cannot be investigated by DHS. If an 18-year-old sexually abuses a 12-year-old at a DHS facility, under HB 3835, DHS could no longer investigate if the abuse took place, nor whether the facility tried to protect the 12-year-old. Or, if a foster parent's boyfriend molests a 12-year-old foster child, the boyfriend could not be investigated by DHS for abuse, and the foster parent could not be investigated by DHS unless they actively participated in the molestation and abuse.

Under HB 3835, DHS would never have investigated if a foster child in St. Helens was being abused by a teacher, the case would have been closed for lack of jurisdiction. DHS is responsible for all children in its care and should investigate whether children in its care are being abused, no matter who abuses them.

Under Sec. 1 (1)(i), Sec. 1(2)(a), Sec. 1(3)(a), and Sec. 22(1)(L) of HB 3835, the bill further limits when abuse "counts" by defining a new term, a "responsible individual," and stating that seclusions and restraints are only prohibited when those "responsible individuals" actually perform the seclusion or restraint.

These are just some of the specific concerns about changing the abuse laws. But

there are many more problems with HB 3835. I urge you to oppose HB 3835.

Sincerely,
Clayborne Dyer
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