

March 19, 2025

RE: Oppose HB 3835

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

Please oppose HB 3835 to protect Oregon's most vulnerable children from abuse. This bill would change what "counts" as abuse and who "counts" as an abuser in a way that would allow certain individuals and staff at institutions to get away with severely abusing and neglecting children. It would also allow the cruel practice of seclusion and restraint of children including in schools--unless a child dies or is permanently disfigured.

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.

"Abuse" under this bill only includes acts done by foster parents and employees, contractors and other agents of regulated facilities for children. 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, if an 18-year-old sexually abuses a 12-year-old at a DHS facility, 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 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.

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.

I therefore strongly urge you to oppose HB 3835 and never pass such a bill.

Thank you for your consideration.

Sincerely,
Phoenix Oaks
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