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To: House Committee on Early Childhood and Human Services  
From: Lisa Kay Williams, Supervising Attorney  
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**Re: Oppose HB 3835**

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

Youth, Rights & Justice (YRJ), a non-profit public defense provider, has been dedicated exclusively to juvenile law for 50 years. Each year, we provide holistic, client-centered representation to hundreds of children, youth, and parents in Oregon's juvenile court system.

Through our advocacy for Oregon's children, youth, and parents, we often see the same systemic problems and we work to change the policies that contribute to these problems. One glaring systemic problem is that Black and Indigenous children are overrepresented in the child protective services investigations and overrepresented in the foster care population to an even greater extent.

YRJ opposes HB 3835 because it allows a previous expensive and harmful practice to repeat itself- sending our children out of state to group and institutional placements - while it fails to adequately provide needed workable solutions such as creating therapeutic foster care placements.

**Harm Resulted from Prior Out-of-State Placement Practice**

Lauren Drake, Oregon Public Broadcasting, documented the damaging and expensive practice of sending children to out-of-state facilities in [\*Out of State, Out of Mind\*](#).

In 2019, child welfare officials stated that "kids were being sent to facilities with unique programs to meet the specific needs of each child." However, the reality was far different: children experienced abuse, neglect, and were left to fend for themselves in these out-of-state settings.

In 2018 and 2019, child welfare spent an average of \$10,718 per month, per child on out-of-state facilities, which was reported to be more money than Oregon paid in-state providers, with fewer services to children and with lower standards of care than required for in-state providers.

### **Group and Institutional Placements Proven to Produce Poor Outcomes**

Research shows that children placed in group and institutional (congregate care) settings face numerous negative consequences:

- Children often experience these placements as prison-like, punitive, and traumatic.
- Children in these settings are more likely to re-enter foster care after they reunify with their families, compared to those in other out-of-home care settings.
- They are almost 2.5 times more likely to enter the juvenile justice system than their peers in foster care.
- Educational outcomes are poorer for children in group care, including lower test scores in basic English and math.
- These children are less likely to graduate high school compared to those in family foster care.
- They face an increased risk of physical abuse in group settings.
- They are less likely to achieve permanency compared to children in non-relative foster homes.
- They lack opportunities to develop essential life skills and form positive relationships.

Casey Family Programs. [\*What are the outcomes for youth placed in congregate care settings?\*](#) June 29, 2022.

### **Federal and State Law Requires Oversight of Child Welfare's use of Congregate Care**

In 2018, Congress enacted the Family First Prevention Services Act (Family First) to enhance the well-being and outcomes of children in foster care. The law established minimum standards for care in congregate settings, mandated independent assessments of foster children's needs, and required court approval and ongoing oversight of placements in congregate care settings. This act was based on research showing that children placed in group and institutional care had worse outcomes than those in family-like settings. Family First requires a structured decision-making process, with court oversight, to ensure that only children who will benefit are placed in congregate care settings, where they receive appropriate, evidence-based interventions for the shortest time necessary to achieve safety, therapeutic, and permanency goals.

Senate Bill 171 (2019), Oregon's implementation of the Family First, is codified in ORS 419B.351.

### **HB 3835 Exempts Out-of-State Placements from Court Approval under ORS 419B.351.**

Section 36 of the bill, subsection (7)(b) states that “The out-of-state placement of a child under this subsection is not subject to \*\*\* court approval under ORS 419B.351.”

### **HB 3835 Replaces Public Reporting of Out-Of-State Placements with Reports to SOCAC**

Section 39 of the bill replaces monthly public reporting on the number of children in out-of-state placements with a quarterly report to the System of Care Advisory Council. The harmful and costly practice of placing children out of state should not be allowed. However, if the legislature chooses to approve this practice, it is crucial that it be subject to public monitoring and oversight.

The United State Senate’s report [\*Warehouses of Neglect: How Taxpayers Are Funding Systematic Abuse in Youth Residential Treatment Facilities\*](#) recommends that states improve oversight activities of residential treatment facilities to compel providers to raise the bar on standards.

### **Increase Availability and Use of Placement Types that Promote Positive Outcomes**

Oregon should focus efforts and dollars on increasing capacity in Oregon placements that provide evidence-based, trauma informed care, which promote positive outcomes, such as treatment foster care.

**YRJ urges the committee to oppose HB 3835.**