

To: House Committee on Early Childhood and Human Services

From: Andrea Kennedy-Smith

Date: 3/20/25

Re: Support for HB 3835 SOCAC Bill

Dear Chair Hartman, Vice Chair Nguyen, Vice Chair Scharf, and members of the committee,

My name is Andrea Kennedy-Smith and I've been a Paralegal at the Oregon Department of Human Services, Child Welfare Program for the last 18 years. I am a member of SEIU Local 503 and am the President of Local 200 for ODHS and OHA non institutions employees.

I am writing in support of ODHS HB 3835 and asking for your support. I am speaking as a union leader, state employee and mother of two children with disabilities, specifically to my experiences with a child that is unable to regulate his emotions and becomes aggressive and violent. My 11-year-old son was in the general public education setting in Yamhill County up until December of last year. In December of last year, my son became increasingly aggressive and violent towards school staff and his classmates.

Unfortunately, multiple school staff were assaulted, and staff were not allowed to restrain my son. My son transitioned to a facility that the school district contracts with that is trained, educated and experienced with children with behavioral issues that are unable to maintain in the general public education setting.

I will share that one of the safety measures is seclusion and by that, I mean, removing my child from the larger classroom for safety reasons. I am in support of this safety measure having my son placed in a room where he cannot assault others. Often times, my son needs space and time to calm down and that can take time. Sometimes it takes an hour and that's not something you can control. Each child is different, and we should trust the trained experienced staff to apply the appropriate safety measures.

My son has been restrained due to violence, and I am in support of a trained restraint protocol for safety reasons. I trust that the staff have ongoing training and support to perform restraints. I know that they go through ongoing training monthly and have debriefs with myself and my husband when restraints happen. I want the staff to be safe. I want the other children to be safe.

In my capacity as a Child Welfare employee, these types of incidents are beyond our training and jobs. As Child Welfare is deemed a child caring agency, please keep in mind that restraining and seclusion are not what we are trained in and are prohibited from doing, nor do we want to.

You need to understand the situation we are placed in as Child Welfare staff when children become violent and attack staff. I have a co-worker that was driving on the

highway and the foster youth put a bag over their head. I myself was assaulted by a foster youth in our office. I have heard many stories from my co-workers that have been punched, kicked, and spat on by foster youth. Again, we are not allowed to put our hands on foster youth, nor do we want to. But where are the safety protections for staff? Where are the behavioral residential facilities for foster youth? Where are the behavioral/mental health professionals? Those are the individuals needed in times of crisis.

Oregon lacks the appropriate facilities our foster youth need. When ODHS places foster children out of state, we already have an extensive process in place with documentation, including court involvement/updates/approvals that is a heavy workload for the case carrying worker. Mind you, they have a full caseload with many other foster youths, while they are working on the lengthy process to get approval for out of state placement. Changes to restraint and seclusion policies and out-of-state placements will require investment from the legislature to ensure that foster youth receive the services they need.

The utilization of a restraint protocol should not require a mandatory reporter to make a report. Making a report based on someone doing their job is outrageous and a waste of tax dollars to investigate unless there was injury that was deemed maliciously intentional. If a mandatory report was made every time a restraint protocol was used, staff would be afraid to do their jobs. It will in fact, make children less safe. Often times restraints are used to keep children safe, for example, while they are trying to run across a high traffic road.

Thank you for your time,

Andrea Kennedy-Smith