March 20, 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. I do not support changing what is considered abuse, who may be investigated for abuse, and what can be substantiated as abuse in an investigation—which is exactly what this bill will do.

Sec. 10(1), Sec. 10(1)(b), and Sec. 11 (1) of HB 3835 changes the definition of what counts as “abuse,” depending on who is doing the abusing. Only abuse by a foster parent or by an employee of a facility regulated by DHS counts as abuse under this bill. This means that foster children can be physically or sexually abused by a school principal, a foster parent’s boyfriend, an older child, a coach, a mentor, or another adult in their lives—DHS will not investigate any of these acts because of the changes to Sec. 22 (1)(L), Sec. 32 (b), and the definitions in Section 1. Further, DHS could not even investigate whether the foster parent or the facility did its job in trying to protect the child from abuse, even if the foster parent or the facility staff knew the abuse was going on. This is absolutely shameful.

The bill similarly limits what “counts” as a restraint or seclusion to an act of restraint or seclusion done by a “responsible individual.” The term “responsible individual” is defined in Sec. 1 (1)(i) as a foster parent, a teacher or other educational employee, or an employee or contractor of a regulated facility for children. Under this bill, DHS will not and cannot investigate situations where a child is held down by someone else or locked in a small room by someone else who does not fit this narrow definition. This is a major departure from current law.

The bill also redefines a “chemical restraint,” which is the term for when someone misuses a medication on someone to make them sleepy or compliant, not to make them well. According to the APM Reports by Curtis Gilbert and Lauren Dake titled “Youth were abused here”, DHS has a sordid history of sending children to out-of-state providers who gave medications like Benadryl to children as young as nine to make them groggy. Under HB 3835, if a child got a low dose of Benadryl for allergies, a facility could start giving them high doses of Benadryl just to sedate them, without that misuse of the medicine “counting” as a chemical restraint.

Sec. 1 (1)(j)(B), Sec. 22(1)(L), Sec. 32 (b) the bill changes the definition of restraint to exclude any conduct where the abuser has the “intent” of supporting the safety or development of a child—even if the abuser’s conduct results in a broken arm, concussion, or other serious harm to a child. Under Sec. 32(3)(b), Sec. 1 (3)(a), Sec. 3 (1), and Sec. 13 (2) of HB 3835, the state’s child abuse investigators are not allowed to investigate when a child is put in handcuffs or pressed to the floor. This legislation would allow any abuser to simply claim they didn’t intend to harm a child and be exempt from a finding of abuse by DHS.

These are some of the specific concerns but there are many more problems. I urge you to oppose HB 3835.

Sincerely,
Edna Parker
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