



March 25, 2025

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

On behalf of Creating Opportunities—the Regional Family Network serving Marion, Polk, and Yamhill Counties—I am writing to express our strong opposition to HB 3835. This bill would dramatically weaken Oregon’s ability to protect children with disabilities from abuse, neglect, and harmful practices such as inappropriate restraint and seclusion.

Last year, our network received a devastating call from a father whose 7-year-old daughter had just been rushed to the emergency room. He found her limp, bruised, and emotionally shut down after being forcibly held in a so-called “calming room” at school for more than an hour and a half. According to school staff, she was running down a hallway trying to find the school counselor when multiple adults used floor mats to physically block her exit. She was not a danger to herself or anyone else. She was trying to get help. And instead, she was traumatized by the very system meant to protect her.

Unfortunately, stories like this are not isolated. Children with disabilities are disproportionately subjected to restraint and seclusion. According to federal data, students with disabilities represent 13% of the student population but account for more than 78% of those subjected to physical restraint and 77% of those subjected to seclusion.

HB 3835 takes Oregon in the wrong direction by codifying language that protects institutions and individuals—not children. It changes the definitions of “restraint” and “seclusion” in a way that excludes harmful conduct if the adult involved *intended* to support the child’s safety or development, even if the result was traumatic or dangerous. Under this bill, an incident of seclusion—no matter how extreme—would not be investigated unless it was for the purpose of retaliation, punishment, or convenience. That means if a child is locked in a room for hours without access to food, water, or a toilet, it may not qualify as abuse unless the adult admits to using it as punishment.

The bill also narrows what counts as abuse, limiting DHS’s authority to investigate reports to only those involving certified or DHS-paid providers. This would exclude individuals such as a foster parent’s partner or a relative caregiver who may be involved in daily care. Even more concerning, HB 3835 requires reports to be made only through a specific hotline, and DHS is prohibited from investigating abuse unless that process is followed precisely—further reducing access to protection and justice.

Additionally, HB 3835 removes existing court oversight for placing foster youth with intellectual and developmental disabilities in out-of-state facilities. This change ignores a well-documented history of abuse, neglect, and poor outcomes in those settings. These placements are high-risk and must continue to have judicial review to safeguard children’s rights and well-being.

Advocates, families, and disability rights organizations have fought for decades to ensure that children with disabilities are treated with dignity, respect, and compassion. HB 3835 undermines that progress and places children at greater risk of harm.

At Creating Opportunities, we support accountability that is thoughtful, effective, and child-centered. That means investing in statewide support infrastructure, training, and realistic standards that allow caregivers and educators to respond appropriately to children’s needs—particularly in partnership with the Oregon Department of Education. What we do not support is lowering the definition of abuse to protect systems instead of protecting children.

On behalf of the more than 2,000 families in our network, we urge you to oppose HB 3835. Our children deserve better.

Thank you for your time and consideration.

Sincerely,

Cheryl Cisneros

Creating Opportunities