

March 18, 2025

TO: House Committee on Early Childhood and Human Services

FROM: Grace Fortson, Our Children Oregon

SUBJECT: Opposition for HB 3835

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

My name is Grace Fortson, I am the Policy and Advocacy Manager with Our Children Oregon (OCO). OCO is a statewide nonprofit committed to whole child wellbeing through the Children's Agenda—a comprehensive legislative agenda created and supported by our more than 135 member organizations across the state. I am here to represent strong personal and organizational opposition to this bill.

I want to express some gratitude to everyone who testified today. There is so much care for children here today. I agree that there is a need to improve the regulatory environment and clarify what is ok and not ok. I believe that SB 1113 does clarify those things without further endangering our children.

Unfortunately, HB 3835 does further endanger children in Oregon.

To contextualize this bill, I'd like to point out that just a couple weeks ago, a story broke detailing a lawsuit against the Oregon Youth Authority (OYA). This lawsuit alleges repeated and known sexual abuse of children within the custody of OYA¹. Reducing protections for children in custody when there are

¹ <https://www.opb.org/article/2025/03/13/oregon-youth-authority-doctor-sexual-abuse/>

reports of systemic abuse is unconscionable. The language of this bill limits the jurisdiction of DHS in cases of both abuse and neglect [see section 10(1) and 10(1)b)] which means that the state is opening up more possibilities for children to be abused without proper recourse or intervention. In the status quo, there are already horrific abuses endured by children. The use of the word "intent" in section 3(b) (line 19), is highly vague and again decreases the possibility for accountability in instances of abuse and neglect. In fact, the word "accountability" is not included in any of the bill language around providers or responsible individuals in reference to abuse, neglect, restraint, or seclusion.

I also want to highlight that many in support of this bill cite rampant fear among providers that they will be falsely accused of child abuse. The numbers bear out that the majority of restraint/seclusion are not investigated. Of those that are investigated, the majority are not founded for abuse. It is pertinent to ask where this culture of fear comes from and how to address it without reducing protections for Oregon's children. In the same vein, I want to highlight that the issue of capacity to handle Oregon's highest acuity children is complex and multifaceted. This bill does not have any substantial methods to reduce staff turnover and increase capacity besides reducing protections for children. That cannot be the way that we increase capacity.

Furthermore, a legislatively mandated committee to review and ensure best-practice definitions of child abuse for the state already exists. The Jurisdiction Advisory Committee was tasked with this work in HB 4086. Given that there is already a committee working on best-practices for defining child abuse, mandated reporters, and more, it is unwise to push forward this bill without input from this committee. Additionally, experts indicate that this bill

will not be in line with national standards put forth by the Stop Institutional Child Abuse Act (recently passed into law)².

I'd like to conclude with the acknowledgement that restraint and seclusion are traumatizing techniques that should be reserved for the most severe circumstances. While the intentions of this bill keep that in mind, the current language effectively communicates that these techniques can be used more freely than in the status quo. Reflections of lived experience in the NAMI Multnomah Report state that "The tackles and restraints make it hard to heal from your own trauma when people are tackling and kids are screaming"³. The unfortunate reality is that Black children are restrained and secluded more than their white peers⁴. Additionally, children with disabilities are disproportionately restrained and secluded⁵. Without sufficient care, this bill will disproportionately endanger these vulnerable groups.

The equity analysis completed by SOCAC acknowledges the disproportionate rates of restraint and seclusion across racial/ethnic groups and across ability. The same report states that "It is not known if clarifying the definitions of seclusion and restraint will disproportionately affect specific racial and ethnic groups or students with disabilities." Given the data presented earlier in this testimony and by SOCAC demonstrating that restraint and seclusion are disproportionately used against minoritized youth, we can assume that any change in definitions will disproportionately impact the same minoritized youth. **For these reasons, we urge you to vote NO on HB 3835.**

² <https://www.merkley.senate.gov/merkleys-bipartisan-stop-institutional-child-abuse-act-now-law/>

³ <https://www.oregon.gov/oha/HSD/BH-Child-Family/Documents/NAMI%20Multnomah%20Report.pdf>

⁴ <https://pmc.ncbi.nlm.nih.gov/articles/PMC10543036/>

⁵ <https://endseclusion.org/2019/11/01/restraint-and-seclusion-by-the-numbers/>

Thank you,

Grace Fortson, Policy and Advocacy Manager, Our Children Oregon

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