



Testimony for HB 3835
House Committee on Early Childhood and Human Services
3/27/25

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

Prevent Child Abuse Oregon is a statewide nonprofit dedicated to the primary prevention of child abuse and neglect. Our approach is rooted in community-led decision making, and our efforts focus largely at the systems-change level with an emphasis on cross-sector collaboration, education and training, and policy. We stand, first and foremost, for the rights and protection of children and the prevention of abuse and neglect in every environment, including state care.

After careful review and consideration, we cannot support this bill in its current form. We do, however, support the further exploration of definition and policy changes that work for children as well as foster families, associated organizations, and institutions. With regard to this bill, we have solicited and received robust input from multiple partners, including: violence and abuse prevention advocates, disability rights advocates, parents and caregivers, and providers who work with kids who would be directly impacted by HB 3835.

Through our discussions we have heard the following concerns:

- Parents, caregivers, and disability rights advocates shared that key partners were not included in discussions around this bill, including but not limited to FACT Oregon, who supports thousands of families each year navigating raising a child experiencing disability¹.
- Subjective language in HB 3835 raises concerns about oversight and abuse investigations (e.g. use of the word “intent”), sparking uncertainty around the actual impacts this legislation could have on children in care settings, especially children who already experience disproportionate seclusion and restraint, including children with disabilities and children of color.²
- There have been conflicting statements around how this bill will or will not impact child abuse definitions under ORS 419b and ORS 418. Impacts to these would intersect with the legislatively mandated (HB 4086) Jurisdiction Advisory Committee that is simultaneously working on recommendations to the legislature regarding best-practices for defining child abuse and the jurisdiction of child welfare.³

¹ <https://factoregon.org/reach-impact>

² <https://www.oregon.gov/odhs/licensing/childrens-care-agencies/pages/sb710.aspx>

³ <https://sites.google.com/view/hb4086jac/home>

- Parents and caregivers are noting concerns that this legislation may impact the requirements to notify them after restraint or seclusion is used with their children. Children with disabilities would be disproportionately impacted by this change.
- Concerns about how this legislation, including the -1 amendments, may decrease the accountability threshold for out-of-state placements.
 - To add further context to this concern, please see Senator Merkley's Stop Institutional Child Abuse Act, which passed unanimously with bipartisan and bicameral support.⁴ Experts indicate HB 3835 would be in contrast to this work.
- This legislation does not address the needed upstream, primary prevention strategies for care settings that would support workforce recruitment, retention, and reduce the instances of crises that lead to seclusion and restraint. This includes, but is not limited to: increased training for providers around co-regulation, sensory-safe environments, collaborative problem solving, trauma-responsive care, as well as increased wages and benefits to providers working in high stress environments (eg. paid time off, increased wages, adequate supervision, comprehensive health insurance benefits, etc.).

We appreciate all of the thought that has gone into this bill and the countless hours spent on development of the concept, refinement, and testimony to this point. As you know, the scope of issues and definitions represented in this bill are vast and complex. We appreciate many components of this legislation that would support the providers working in these care settings. Further consideration, specifically community-led deliberations, are essential prior to addressing these comprehensive policy changes and PCAO stands ready to assist with this critical process. We have a statewide imprint and are dedicated to making systems work better for all children, particularly the most vulnerable. We are confident that legislation can be created that satisfies the mandate for safety and wellness when restraint and seclusion are necessary, while simultaneously prioritizing efforts to prevent the use of these interventions and support our workforce.

Thank you for your consideration and your dedication to fostering safe, supportive, trauma-responsive conditions for children and providers in care settings.

Respectfully,

PCA Oregon Team
info@preventchildabuseoregon.org

⁴ <https://www.merkley.senate.gov/merkleys-bipartisan-stop-institutional-child-abuse-act-now-law/>