

Submitter: Lindsay Bigelow

On Behalf Of:

Committee: House Committee On Rules

Measure, Appointment or Topic: HB3835

My name is Lindsay Bigelow, and I am the Chief Investigator at the Office of Training, Investigations and Safety (OTIS). I have proudly served with the Oregon Department of Human Services (ODHS) for 21 years—12 of those with OTIS. During my tenure, I've witnessed the evolution of policies designed to protect our most vulnerable children and young adults in out-of-home care settings.

While these reforms are essential, the passage of Senate Bill 710 in 2021 introduced serious challenges. The bill significantly broadened the definition of child abuse to include incidents that were previously handled as personnel or training issues. Though well-intentioned, the law's lack of nuance has led to confusion and unintended harm—to both youth and care providers.

Under SB 710, the following are now considered child abuse:

- A staff member correctly performs a trained restraint but is overdue on refresher training.
- A child in crisis is restrained but not given access to water or the bathroom every 30 minutes.
- A program supervisor misses a required five-minute authorization for a restraint's continuation.
- A youth with a known history of aggressive behavior is restrained before meeting the exceedingly high threshold of "imminent serious bodily injury"—described by a bill sponsor as meaning "someone is leaving in an ambulance."
- 

These rigid classifications leave no room for context or professional discretion. They treat minor procedural lapses the same as willful harm. This one-size-fits-all approach has had a chilling effect: frontline staff are afraid to act in crisis situations for fear of being labeled abusers. Others have left the field entirely, further straining an already overwhelmed system.

This environment has directly contributed to the closure of long-standing programs and a dramatic reduction in available placements for high-needs youth. As a result, some of Oregon's most vulnerable children are being housed in hotels under ODHS supervision for weeks or even months—hardly the stable, therapeutic environment they need and deserve.

The intent behind SB 710 was to safeguard youth, but the current implementation is failing them. We must restore professional discretion to child abuse investigations involving restraint and seclusion. Investigators and care providers must be empowered to assess each situation with the context, training, and experience

necessary to distinguish between a lapse in documentation and true abuse.

For these reasons, I strongly support HB 3835. We need laws that protect children while also supporting the professionals committed to their care.

Thank you for your time and consideration.