

Submitter: Amy Quattlebaum
On Behalf Of:
Committee: House Committee On Rules
Measure, Appointment or Topic: HB3835
Chair Bowman and members of the committee:

I am writing today to express strong opposition to HB3835.

Oregon has been one of the leading states in this country when it comes to strong regulations regarding the use of restraint and seclusion on children in schools or facilities.

As a concerned educator and parent, I am deeply concerned about the negative effects of any proposed rolling back of the existing safeguards that were put in place to protect all children from abuse, but especially those who are the most vulnerable in our state-children with disabilities (who end up in alternate placements), and children in foster care.

There is every need to maintain (if not strengthen) the existing safeguards for ensuring that children do not experience abuse by the very systems that are expected to protect them.

As an educator, working in special education, the very nature of my work brings me front and center to issues regarding restraint and seclusion. Nobody experiences more restraint and seclusion more than children with disabilities.

Under the bill, restraint gets re-defined as being lawful or wrongful, but only “wrongful restraint” is considered abuse, and DHS will only investigate wrongful restraint.

Whether it's discipline, restraint, or seclusion-when a child is involved in an incident, there should be nothing prohibiting the investigation of the use of any actions (legal or not) that ultimately led to the death or injury of a child. Children die in lawful restraint situation all the time. Many more are injured by restraints. This bill proposes reducing the ability to investigate these incidents.

There is also no reason to restrict the scope of DHS investigations solely to specific categories of people (eg “foster parent” or “employee of a facility”) as there are always people present in these environments who also have access to children that do not fit neatly into these categories. Anyone who has access to a vulnerable child can potentially harm or abuse the child, and there's no good reason to limit by law who DHS can and cannot investigate connected with an incident of suspected abuse. DHS is responsible for all children in its care and should investigate whether children

in its care are being abused, no matter who abuses a child.

HB 3835 changes the law to permit retaliation against foster children who complain about abuse. Current law protects children against retaliation. There is no reason to change this now, it only serves to protect and embolden abusers, and will only serve to silence the voices of vulnerable children. Given the track record by DHS around abuse of children placed in foster care (particularly children and out-of-state placements-several disturbing investigative reports have been done on this topic in the last decade), there is no reason whatsoever to weaken protections for whistle blowers, and those who wish to shed light on some of the horrific abuses that take place in some of these facilities or placements.

HB 3835 would effectively prohibit investigation of most use of seclusion and restraint, except for the most extreme versions. In addition, the bill would authorize the use of restraint and seclusion in many settings by providing numerous subjective loopholes that providers and school districts could easily take advantage of by claiming an “intent to help the child” or by otherwise claiming that seclusion was “developmentally appropriate” (for what it’s worth, seclusion is never developmentally appropriate, and is nearly always used for staffing convenience). It is extremely disheartening to see a bill that effectively rolls back existing protections.

Oregon’s kids need better protections from abuse, not watered down standards that permit less oversight, and weaker standards. If HB 3835 passes, more children will be harmed, and they will have fewer protections from abuse than they do today. We cannot move backwards. The Oregon Legislature cannot let this happen.