

May 11, 2025
RE: Oppose HB 3835 A

Dear Chairwoman Hartman, Vice-Chair Sharf, Vice-Chair Nguyen, and contributing members of the committee.
I am writing to oppose HB3835 Amendments.

As a mom to a child with disabilities this legislation makes me fearful to allow him to attend public school or other settings without direct supervision due to the risk of harm even “unintended”. The urgent need for training to understand children’s brain development and co-regulating is life saving for everyone involved. Threats of restraint or seclusion create an environment of fear for everyone involved. There must be a balance between providing children the proper services they need in crisis and assisting staff working directly with them. This legislation continues to miss the mark by removing key protections. The knee jerk reaction to remove protections and oversight due to regulatory issues does not absolve the state and care providers from ensuring the safety and protection of our most vulnerable population.

Changing the guidelines to protect special interest groups including residential facilities, hospitals and other care providers is going to create more harm not less. Only this time more people will fall through the cracks.

We need more training to change how we operate, top-down approach to managing youth in crisis. We have changed the way we manage ourselves, understanding how our own regulation helps others regulate around us.

If 3835a passes, mandatory abuse reporting requirements would no longer apply to prohibited restraints like those described above. This means it will often be up to kids themselves to speak up and ask permission to access a phone to call the hotline. And kids with DD who are nonverbal? It’s not clear how they can take on the task of reporting abusive restraints they endure. And we all know how hard it is for kids to get people to believe them. Direct language stating it’s not abuse if the child’s statement does not align with the injuries in line 7-9 page 7.

HB 3835A changes the definitions of child abuse. For example, prone restraint, supine restraint, mechanical restraint, restraints by the neck or genitals and even restraints imposed when there is NO EMERGENCY/NO THREAT OF HARM will no longer be defined as abuse in Oregon

Under HB 3835A, if ODHS learns about suspected abuse of a child in its care from any source other than the child abuse hotline, ODHS is EXCUSED FROM INVESTIGATING and is not required to take any action to keep kids safe. This is what happened with Give Us This Day, when ODHS officials looked the other way for years despite overwhelming evidence that kids were being harmed.

If HB 3835A passes, there will be no penalty for any state official that ignores signs of abuse in favor of protecting capacity or provider relationships.

Under HB 3835A, ODHS Child Welfare would be allowed to send a child thousands of miles away for “treatment” without any requirement to first have the youth examined by a physician. Kids could be sent packing with nothing more than a paper review by a person that’s never even met them. And that out of state facility? It is not required to have on-site nursing or any physician or licensed mental health provider on staff

If we do not change our approach, we will continue down the same path. I fear for my son’s future at encountering someone who doesn’t understand his disabilities and reacts in a manner that causes irreparable trauma. His behavior at times can be intimidating but by taking the time to regulate his nervous system we can change the overall outcome.

I ask you to oppose HB 3835 A amendments, focus on how we can change our approach rather than move the goal post to reduce oversight and restrictions on how we manage challenging behaviors.

Sincerely,
Katie Zinno
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