

May 12, 2025

Chair Bowman, Vice Chairs Drazen and Pham and members of the House Rules Committee-

My name is Amy Fellows and I live in Eugene. I am the parent of a child who experienced Restraint & Seclusion at 8 years old and is still impacted by it today at 16. This traumatic practice impacts children for a lifetime.

I urge you to vote NO on HB3835A. Although I am relieved to learn the education section has been removed from the latest amendment, the changes don't make the bill any safer for our Oregon youth experiencing systemic abuse in residential placements, foster care or Developmental Disability residential settings or who may be sent out of state. In fact, the latest amendment makes it so supine and prone restraints are no longer considered wrongful or abusive and many children have died from prone restraints in this country.¹

I am deeply troubled that HB3835 appears to be the state's response to the lawsuits ODHS lost from Disability Rights Oregon (an organization of civil rights attorneys and advocates) and Court Appointed Special Advocates (CASA) for the abuse of youth in Oregon's foster system. Yet, I do not see the recommendations from the Report of the Special Master from the CASA lawsuit reflected in this bill.

I have been a lived experience family member of the SOCAC Legislative Committee for the last year and have asked many of these questions, as have other family and youth advocates and we have not received answers that make this bill safer for Oregon's most vulnerable children.

How does this bill ensure individuals as well as the agencies are investigated and held accountable for abuse, while it weakens what is considered abuse and what will be investigated?

¹ A 26-Year Study of Restraint Fatalities Among Children and Adolescents in the United States: A Failure of Organizational Structures and Processes
https://rccp.cornell.edu/downloads/2021_Article_Restraint%20Fatalities.pdf?fbclid=IwY2xjawKMauZleHRuA2FlbQIxMABicmlkETFzbVJLT1BwOWt0cVdvN0NCAR50adL7O1I-KnDRPSKDS-k-zbml7G0ePPsPTPKRRRLGBeEvPQZDG9puTsY70dA_aem_DZokElranl6JaFiK_xEYkg

How do our kids get justice?

How do we move upstream when more and more of Oregon's children are being thrown in the river by our systems?

SOCAC and other spaces are not having conversation about how to support our terribly misunderstood neurodivergent and kids with trauma in a way that creates real **felt safety** and decreases adult/child power struggles and escalations that lead to Restraint & Seclusion.

Upstream approaches that are much more effective than the current standard of behaviorism are:

- 1) adults understanding their own nervous system for **co-regulation** with children in their care
- 2) having **sensory safe environments** and understanding how dysregulation from sensory challenges impacts neurodivergent and traumatized children and
- 3) **Collaborative Problem Solving**

I know this trifecta of strategies work because many of us parents have learned to use them in our homes. This is how we keep our kids out of traumatic settings that this bill will hold less accountable. A system leader at a SOCAC meeting in fact said that the word accountability is too punitive and asked for it to be removed from the bill language.

Properly trained upstream approaches is how we move towards a "Just Culture", not making staff less accountable when abuse occurs. The workforce issues this bill purports to solve with less accountability does not recognize the **moral injury** staff have every time they non-consensually put their hands on traumatized children. If they don't have moral injury, that is even more frightening.

Guy Stephens at the Alliance Against Seclusion and Restraint (<https://endseclusion.org>)

would be a great person for Oregon to consult with as we struggle with this complex issue. I want to invite all of you to come to the **August 6 Youth IDD Mental Health Summit at Oregon State University** where Guy Stephens will be keynote speaker. It would be an excellent place for the creators of HB3835 to come and learn approaches ODHS, schools and

residential settings can use to prevent the lasting trauma of restraint and seclusion. <https://iddmhsummit.com>

Please vote NO on HB3835A.

Thank you for your consideration and time,

Amy Fellows, MPH
Eugene, OR