

TO: House Committee on Rules

FROM: Disability Rights Oregon

DATE: May 12, 2025

RE: Opposition to HB 3835A and -A5 Amendment

Chair Bowman, Vice-Chairs Drazan and Pham, and Members of the Committee,

Disability Rights Oregon (DRO) opposes HB 3835A and the -A5 amendment. House Bill 3835A, with or without the -A5 amendment would give a green light to child abusers. This bill would impair the state's ability to investigate child abuse, allow DHS to move its own goalposts in terms of what acts of child abuse "count" and which abusers "count" for the purposes of its internal statistical data. All this would be done primarily to falsely make DHS's own statistics on child abuse for children in its care look better. In addition, the bill would return Oregon to a known, failed practice of sending its children out of state.

### **Seclusion and Restraint**

In an elaborate shell game of legislative definitions, the bill technically prohibits a variety of seclusion and restraint practices. However, DHS could never investigate seclusion or restraint unless those acts fall within a far narrower definition of "abusive seclusion," or "abusive restraint." The bill eliminates any real consequence for or even the prospect of tracking most seclusion and restraint.

Children with intellectual and developmental disabilities, as well as children with mental illnesses are overwhelmingly the victims of seclusion and restraint. This bill would prohibit abuse investigators from considering incidents like:

- Handcuffing a 10-year-old to a chair
- Locking a 6-year-old in a closet for six hours without access to a bathroom
- Dosing a 7-year-old with Benadryl to make them go to sleep because they are talking too much and annoying the provider

None of these acts would count as abusive restraint or abusive seclusion.

## **Abuse and Neglect**

DHS's abuse investigators—OTIS—are supposed to investigate abuse to children in DHS's care and DHS-regulated facilities. Under HB 3835A, acts done by a wide variety of people against children in care would no longer be investigated by DHS because of who the abuser is. A foster parent's boyfriend could sexually assault a foster child; that would no longer "count" as abuse that OTIS could investigate. OTIS could no longer investigate suspicious injuries on a child in a group home, unless the complainant specifically knew that a staffer had injured the child. Only "abusive restraints" and "abusive seclusion" would count as abuse that OTIS would investigate. Children who are beaten, molested, exploited, isolated, and harmed in DHS's custody deserve protection. Children who are abused care about being safe, regardless of who abuses them.

## **Out-of-State Placement**

In June 2024, Oregon's senior U.S. senator, Ron Wyden, led the release of a 128-page bipartisan committee report exposing the systematic, for-profit exploitation of foster youth by the same companies that Oregon DHS had used extensively to house foster children: UHS, Acadia, Sequel (in its successor organization Vivant). "[T]he operating model for these facilities is to warehouse as many kids as possible while keeping costs low in order to maximize profits. Too often, abuse and neglect is the norm at these facilities, and they're set up to let this happen."

In October 2024, Senator Wyden wrote to the Attorney General to request a national investigation by the U.S. Department of Justice into their practices. His letter stated that "children suffer routine harms inside RTFs, including sexual, physical, and emotional abuse, unsafe and unsanitary conditions, inadequate provision of behavioral health treatment, and substandard educational activities." Those problems were "endemic to the operating model." Senator Wyden asked the Attorney General to investigate these firms for Medicaid fraud, restraint and seclusion, inadequate care, and harm to children.

Also in October 2024, the Oregon Department of Human Services began pressing a legislative concept that would become HB 3835, seeking to restore Oregon's ties to this same national network of exploitive for-profit facilities, where children are abused and neglected, and state Medicaid dollars are wasted in acts of fraud. The committee should reject this effort to re-engage with a system that routinely harms children.

## About Disability Rights Oregon

Since 1977 Disability Rights Oregon has been the State's Protection and Advocacy System.<sup>1</sup> We are authorized by Congress to protect, advocate, and enforce the rights of people with disabilities under the U.S. Constitution and Federal and State laws, investigate abuse and neglect of people with disabilities, and “pursue administrative, legal, and other appropriate remedies”.<sup>2</sup> We are also mandated to “educate policymakers” on matters related to people with disabilities.<sup>3</sup>

If you have any questions regarding DRO’s position on this legislation, please contact Ben Gurewitz at [bgurewitz@droregon.org](mailto:bgurewitz@droregon.org).

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<sup>1</sup> See ORS 192.517.

<sup>2</sup> See 42 U.S.C. § 15041 et seq; 42 U.S.C. § 10801 et seq.

<sup>3</sup> See 42 U.S. Code § 15043(a)(2)(L).