



May 13, 2025

Chair Bowman, Vice Chairs Drazen & Pham, and Members of the Committee:

My name is Amber Myre, and I am the Chief Executive Officer of Living Opportunities, a nonprofit organization that has been providing essential services to individuals with intellectual and developmental disabilities in Southern Oregon for 50 years. Our mission is to support individuals in leading independent and fulfilling lives in their communities, and we have proudly served thousands of individuals and families in that time.

I am writing to express strong opposition to HB 3835, even as amended by the -A5 language. The changes proposed in this bill would significantly weaken protections for children in care, particularly those with intellectual and developmental disabilities who are already among the most vulnerable in our systems.

Children with I/DD are often less able to advocate for themselves and more likely to experience communication barriers that make it difficult to report mistreatment or explain what happened to them. For these children, robust oversight and clear, enforceable definitions of abuse are not just important, they are essential safeguards.

The -A5 amendments narrow the definition of abuse in a way that makes it far more difficult to intervene when serious harm occurs. Under this bill, seclusion would only be considered abuse if it can be proven that the person responsible acted with intent to discipline, retaliate, punish, or for their own convenience. This means that even if a child is secluded for hours without access to the bathroom, denied food or water, or left in conditions that are clearly harmful and traumatic, it may not qualify as abuse unless that specific intent can be established. This narrow interpretation puts children with I/DD at heightened risk, especially because they may not be able to articulate intent or provide clear accounts of what happened.

Similarly, the new definition of restraint creates alarming gaps in protection. Restraints that cause significant physical harm, such as broken bones, or that violate established training protocols, would not automatically be considered abuse. In some cases, even mechanical restraints like handcuffs or prone holds would not meet the new threshold, unless there is intent, or the restraint is likely to cause life-threatening injury. For children with I/DD, who may react unpredictably to restraint or experience severe trauma as a result, this approach fails to account for the real and lasting damage such practices can cause.

The bill also reduces independent oversight by limiting who can be investigated for abuse. OTIS would only be allowed to investigate if the suspected perpetrator is one of a narrow group of staff or certified caregivers. In practice, this means that if a child with I/DD comes to school with unexplained bruises or injuries, and OTIS cannot immediately identify who caused them, an investigation might not proceed at all. The existing law allows for broader investigations in such



circumstances, ensuring that children do not fall through the cracks simply because a perpetrator has not been named. The new language strips away that protection.

Further, HB 3835-A5 weakens transparency and diminishes legislative oversight. DHS would no longer be required to report instances of seclusion, restraint, or even sexual abuse unless it finds that an agency failed to protect a child from a known threat. This means that if a child with I/DD is sexually assaulted in a seclusion room, but DHS concludes the agency could not have known, the incident would not be reported. That is unacceptable. Children in care deserve a system that values transparency and prevention, not one that hides failures behind technicalities.

In short, this bill undermines core safeguards that are especially critical for children with intellectual and developmental disabilities. It narrows the definition of abuse, limits who can be held accountable, and significantly reduces the visibility of serious incidents involving seclusion and restraint. As someone who has spent decades working to ensure that people with I/DD live safe, supported, and fulfilling lives, I cannot support legislation that places them at greater risk.

I urge the Committee to oppose HB 3835-A5 and protect the integrity of our state's oversight and child welfare systems. Our most vulnerable children deserve better.

Thank you for your time and consideration.

Sincerely,

Amber Myre
Chief Executive Officer
Living Opportunities