



**TESTIMONY ON HB 3835
HOUSE COMMITTEE ON RULES
MAY 13TH, 2025**

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

My name is Grace Benefiel, and I am a rising 2L at Willamette University School of Law. I also have a background in social work as a Residential Advocate at New Avenues for Youth, and as a Case Manager at Metropolitan Public Defender. I am writing on behalf of the Oregon Criminal Defense Lawyers Association in my capacity as the Legislative Extern in opposition to HB 3835.

HB 3835 harms children by allowing the use of harmful restraints and seclusions, limiting abuse investigations, implicitly prohibiting children from reporting abuse, and removing children from their community and sending them to out-of-state facilities.

HB 3835 changes the definition of restraint and seclusion by stating that abuse has only occurred if the person acts with the intent to discipline, punish, or retaliate against the child. By introducing an element of intent, this bill allows for an abuser to be exempt from an abuse finding so long as they claim that their “intent” was simply to help the child. This means that a child can be secluded for hours on end, or suffers from physical harm from restraints, so long as the abuser’s intent was in good faith. Tactics previously deemed harmful will now be acceptable in order to subdue a child in crisis.

By changing what constitutes abusive restraint and seclusion, **HB 3835 effectively limits the reporting of abuse against children.** While the numbers of reported abuse may go down, this bill does not prevent abuse from happening in the first place.

HB 3835 requires that CCAs only need to give children an explanation of how to report abusive restraints and abusive seclusion. Without actual assistance or ability non-verbal children and children with disabilities may not be able to report abuse. By leaving the reporting in the hands of children, it will likely lead to even less reporting because the child may be afraid to come forward about abuse, or may misunderstand the procedure. This provision creates a power imbalance which will disadvantage an already vulnerable population.

Lastly, **HB 3835 allows children to be sent to out-of-state facilities away from friends and family.** Instead of investing in new facilities and expanding existing resources in Oregon, this bill will allow for a child to be sent away if there is no “suitable” placement for them. Vulnerable children who already have difficulty advocating for themselves will be placed in unfamiliar settings far from their support systems. In doing

so, the message seems clear that our children have no safe place here, and Oregon is unwilling to invest in their needs.

Having worked with many youth in DHS custody who have spent time at various facilities, I have heard horror stories of restraint and seclusion. While the youth I have worked with came away without physical injury, their emotional trauma is heartbreaking to say the least. One of my youth even requested not to work with me directly because I resembled someone who had previously restrained or secluded them and just looking at me brought back those memories.

I have several years of experience working with youth and adults who have behavioral and cognitive difficulties. I know firsthand how few options there are for youth placement. However, HB 3835 does not solve the lack of resources, it merely unloads our youth on another state. Rather than protecting our state's children, this bill would allow more harm to come to them for the sake of lower abuse reports, investigations, and higher job security. Oregon needs a better solution to these problems, but this bill is not that solution.

I respectfully request that you oppose HB 3835 for the sake of Oregon children.

Thank you for your consideration,

Grace Benefiel
Legislative Extern¹
Oregon Criminal Defense Lawyers Association²

¹ Under the direction and supervision of Mae Lee Browning, Legislative Director of OCDLA. Her email is MLBrowning@ocdla.org.

² OCDLA's 1,200 members statewide include public defense providers, private bar attorneys, investigators, experts, and law students. Our attorneys represent Oregon's children and parents in juvenile dependency proceedings, youth in juvenile delinquency proceedings, adults in criminal proceedings at the trial and the appellate level, as well as civil commitment proceedings throughout the state of Oregon. Our mission is championing justice, promoting individual rights, and supporting the legal defense community through education and advocacy.