

RE: FORMAL OPPOSITION TO LC 238 > HB 4042 > HB 4042-1 THE "SHELL GAME" AMENDMENT AND THE LEGALIZATION OF WAREHOUSING

Members of the Committee:

My name is Brant Soler. I am a father and an advocate for non-verbal Oregonians with Intellectual and Developmental Disabilities (IDD). I am writing to urge a total rejection of HB 4042-1. Do not be misled by the -1 amendment. While it surgically removes the controversial ICWA exception, it performs a legislative "shell game" to distract from the fact that the most dangerous provisions of this bill remain fully intact and are now being re-numbered to avoid scrutiny.

I. The Re-Numbered Loophole: Warehousing Minors in Adult Settings (Section 4)

The -1 amendment re-numbers the original Section 5 to Section 4. This provision still authorizes DHS to place children and wards in "adult settings." * The Reality: This is a direct violation of the *Olmstead* mandate and a betrayal of child welfare standards. Placing a minor in an adult facility, denying them age-appropriate, developmental, and trauma-informed care, is not a "capacity solution." It is state-sanctioned neglect. We are legalizing the warehousing of children because the state has failed to build adequate community-based beds.

II. Licensing Malpractice (Section 1)

The amendment leaves Section 1 untouched. DHS still retains the discretion to merely "place conditions" on a license even after serious safety or restraint violations.

- The Reality: This creates a "pay-to-play" regulatory environment. Facilities that have already proven they cannot keep children safe will be allowed to remain operational under perpetual "plans of correction." In any other industry, this would be called malpractice; in child welfare, HB 4042-1 calls it "flexibility."

III. The Danger of "Portable" Restraint (Section 3)

Section 3 remains a threat to every non-verbal child in Oregon. By making physical restraint certifications "portable" between employers, the state is inviting "bad actor" employees to carry their history of physical intervention from one facility to another without site-specific re-evaluation or accountability.

CONCLUSION

The -1 amendment is a cosmetic fix for a foundational failure. You cannot "clean up" a bill that seeks to lower the bar for child safety and civil rights.

The state is asking for the legal authority to place the most vulnerable non-verbal children into settings that are unequipped to handle them, under the watch of facilities that are shielded from licensing revocation. HB 4042-1 is a retreat from our moral and legal obligations. Shut this bill down and leave it on the floor.

Respectfully,

Brant Soler

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