

Dear Chair Pham and Members of the House Committee on Behavioral Health,

My name is Fernando Cervantes, and I submit this testimony in strong opposition to HB 4042.

HB 4042 grants broad authority to place children into congregate or institutional care based on agency-defined “medical necessity,” without requiring meaningful parental consent, independent medical review, or individualized judicial findings. Once a placement is labeled medically necessary, families face significant barriers to challenging or reviewing that decision.

The bill normalizes congregate care as a standard placement option rather than a last resort, allowing placements without first exhausting family-based or community alternatives. It also permits children to be placed in adult residential settings without clear safeguards or independent oversight.

HB 4042 further allows institutional placements to be extended through administrative rulemaking instead of individualized court review, reducing transparency and accountability. The bill relies on a vague “best interest of the child” standard and embeds financial incentives into placement decisions through Medicaid and provider agreements.

Children with disabilities, especially nonverbal children, are disproportionately affected by these changes. When the state removes a child from their home, it assumes a heightened duty of care. HB 4042 shifts decision-making away from courts and families rather than strengthening protections for children in state custody.

Sincerely,

Fernando Cervantes