

February 12, 2018

The Honorable Representative Jeff Barker, Chair
The Honorable Representative Jennifer Williamson, Vice-Chair
The Honorable Representative Andy Olson, Vice-Chair
House Committee on Judiciary, Members

Pearl Buck Center
3690 W.1st Ave.
Eugene, OR 97402

RE: House Bill 4009—Testimony in Support

Dear Chair Barker, Vice-Chairs Williamson and Olson, and Members of the Committee:

- Lise Schellman
- Pearl Buck Preschool and Family Supports Director
- At Pearl Buck Preschool and Family Supports we work exclusively with families where a parent has cognitive limitations. This can include intellectual disabilities, traumatic brain injury, significant learning disabilities, or mental health issues. Our population is uniquely vulnerable to misguided removals because their strengths and needs are misunderstood. In 2012 the National Council on Disability white paper Rocking the Cradle stated that *"Even today, 22 years after the passage of the Americans with Disabilities Act, parents with disabilities are the only distinct community of Americans who must struggle to retain custody of their children. Removal rates where parents have a psychiatric disability have been found to be as high as 70 percent to 80 percent; where the parent has an intellectual disability, 40 percent to 80 percent."*

Families we have worked with have had children removed, or kept in state custody far longer than is typical for families without mental health or cognitive issues 22 times in the past 24 months. If this number is extrapolated state-wide the amount of needless suffering and wasted state resources is substantial.

Section 1 of HB 4009 will help ensure children are kept with their parents with cognitive limitations unless there is a safety risk. It takes the onus off the caseworker/supervisor to make this judgment, and brings the issue to court where a judge can weigh the evidence and make a reasoned determination.

As an example, last year we had a family where both parents cognitive limitations and the mother had severe anxiety based on her having had her rights terminated with her 2 older

children. The family lived what many would see as an eccentric lifestyle, but they were dedicated parents whose lives revolved around their two children. The father was wrestling with his son one day and a neighbor thought he was being too rough and called child welfare. The caseworker removed the children, who were 3 and 4 at the time, although there was no identified safety issue. The parents got their children back almost 2 years later. One child had been molested in a foster placement and had become sexually reactive and began wetting the bed. The other child who had been developing typically was in special education and was disruptive and angry all the time. The children were finally returned home, and except for the counseling they need for the trauma they experienced in foster care are back on track and doing well in school. This is one of the more extreme cases, because of the particular foster placements, but the unwarranted removal and length of time in foster care are fairly common. The irony in this case is that the children were kept in care 6 months longer because of caseworker concerns that the parents couldn't handle the children's foster-care-induced special needs.

- Section 2-6 of HB 4009 is relevant to a family we are currently working with.

A mom with 2 young children had her rights terminated for her 2 older children 7-8 years ago. They are currently 11 and 13 and were living with a grandparent who was their legal guardian. Mom was devastated at their loss and has made changes, including seeking our help, to stabilize her new family. About a year ago the older children began running away and arriving on their mother's doorstep. Mom called DHS each time this happened and both the mom and the grandparent were investigated. It became apparent that the grandparent was abusive, and the children have been temporarily placed with mom but are still officially in the grandparent's custody although the grandparent is not allowed to be with them without supervision. They are happy where they are, have integrated with the younger children and are now part of a family. The new law would make it possible for them to remain their mother in the family they have chosen.

I urge your yes vote.

Sincerely,

Lise Schellman

Signed