

March 9, 2021

To: Chair Gelser and Members of the Senate Human Services, Mental Health and Recovery Committee

From: Leslie Sutton, Policy Chair, Oregon Developmental Disabilities Coalition

RE: Support for SB 707 Notices to Children and Wards Placed in Out-of-State Facilities

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The Oregon Developmental Disabilities Coalition (DD Coalition) is a group of approximately 38 organizations across Oregon that promote quality services, equality and community integration for Oregonians with intellectual and developmental disabilities and their families. Our membership includes the Oregon Self Advocacy Coalition, which supports 13 local self-advocacy groups around Oregon. Many of these groups include people who lived at Fairview Training Center before Oregon closed Fairview in 2000 amid Department of Justice litigation and allegations of human rights violations. The violations that ultimately closed Fairview included using chemical and physical restraints on people who lived at Fairview.

Oregon no longer allows chemical restraints or certain physical restraints in its licensed and regulated residential settings for people with IDD. We learned from evidence and listening to youth and adults who experienced these actions that these measures cause trauma and are not therapeutic. Yet, many states do not have the same protections in licensing standards or regulation against chemical and physical restraint, abuse or incident reporting that Oregon has enacted. Incident reports and videos show that youth with disabilities sent to out-of-state facilities between 2016 and 2019 experienced chemical or extended physical restraints and abuse.

The facilities where out-of-state youth were sent are licensed as a wide range of entities ranging from childcaring, education, health care or behavioral health care facilities. They are subject to a patchwork of federal laws related to licensing, regulation, record keeping and access to records. Because they are out of state, Oregon cannot regulate those facilities. So, we need to protect the rights of Oregon children and youth who are in these facilities. One way to do that is with SB 707 to ensure the youth can access their records and have civil rights of actions.

These are children and youth who have little recourse when a critical incident like restraint, abuse and neglect occurs and we want to ensure that there is accountability about incident reporting. Sometimes transparency is the best way to get there. These facilities have records and videos of what these youth experienced there. SB 707 is a step in the right direction that will allow them access to their records for civil actions or to heal from their experience.

We are grateful these children and youth are back in Oregon; however, we are deeply sorry they experienced the trauma of being sent out of our state, away from their communities and that any of them were subjected to neglectful and abusive treatment. No child or youth deserves that. The costs to the state were substantial to move children and youth out of our state, however, the costs to these children and families are lifelong and immeasurable. SB 707 ensures that facilities who harmed Oregon youth can be held accountable, that our youth have access to their own records to tell their own stories.