

Senate Committee on Human Services, Mental Health and Recovery
Testimony of John Devlin
In Support of SB 707
March 9, 2021

My name is John Devlin. I am a civil rights attorney and a member of the Oregon Trial Lawyers Association, and I am testifying on OTLA's behalf. OTLA members use the civil justice system to fight for the rights of children who have experienced abuse or neglect. We believe that holding wrongdoers accountable makes our community safer. OTLA supports SB 707 because it is an essential step in ensuring that children get justice and institutions are held accountable.

“The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury.” The U.S. Supreme Court made that statement more than two hundred years ago, in the landmark decision of Marbury v. Madison.

In early 2019, news outlets began reporting that the State of Oregon was sending children in its foster care system to out of state residential facilities. Later that year, Oregon Public Broadcasting published the results of an extensive investigation in a report entitled “Out of State, Out of Mind.” The OPB investigation focused on Sequel Youth & Family Services, a for-profit corporation that contracted with the State of Oregon to take custody of children in the Oregon foster care system. In 2017, a private equity firm with over \$2,000,000,000 of capital under management made a majority equity investment in Sequel, which had over \$150,000,000 in revenue in 2020. The OPB report detailed abuse suffered by multiple Oregon children in Sequel facilities.

In September 2020, American Public Media published the results of its year-long investigation into Sequel's operations across the country in a report entitled “Youth were abused here.” That investigation revealed that Sequel had shut down several of its treatment facilities, that some states had stopped sending their children to Sequel facilities, and that disability rights groups in multiple states had reported excessive use of restraints in Sequel facilities. NBC News aired its own investigative report in December 2020, noting that records showed “government inspections flagging violations at Sequel locations in at least nine states.” That report was entitled: “A profitable ‘death trap’: Sequel youth facilities raked in millions while accused of abusing children.”

Lawsuits have been filed across the country on behalf of children who allege that they experienced abuse and neglect in Sequel facilities.

If a child in the Oregon foster care system suffered harm after being sent to a Sequel facility, or any other out of state facility, that child has a right to seek compensation and accountability through the civil justice system. Unfortunately, many children either do not know about that right or do not know how to initiate that process. They do not have anyone to fight for them.

SB 707 ensures that those children understand their rights.

SB 707 requires Oregon DHS to notify any child placed in an out of state facility that the child has a right to access the civil justice system if the child believes that he or she received negligent treatment at the facility. SB 707 also requires Oregon DHS to provide the child's representative with a copy of that notice and with all information related to the facility and any injuries suffered by the child.

Every child who was sent to an out of state facility needs an independent person, acting solely on their behalf and in their best interest, to review what happened to that child and to bring civil claims if the child was harmed. Without SB 707, many of those children will never have an opportunity to seek justice and accountability.

The children that Oregon sent to out of state facilities had rights. SB 707 ensures that they will have a remedy if anyone violated those rights.

Thank you for the opportunity to testify today in support of this important bill.