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February 11, 2021

To: Senate Committee On Human Services, Mental Health and Recovery
From: Amy Miller, Executive Director

Re: Support for SB 386: Trauma-informed interviews of child witnesses and victims

Dear Chair Gelser, Vice-Chair Anderson, and Members of the Committee,

Youth, Rights & Justice is Oregon's only non-profit juvenile public defense firm. Every year, YRJ represents over 1200 children and parents in Oregon's juvenile court system. All of our clients come from low-income families. Most have suffered significant trauma and many have physical, mental health and/or substance abuse issues. Approximately 45% are children of color. Because of our unique position handling court-appointed juvenile cases, we often see the same systemic problems and we work to change the policies that contribute to these problems.

We are writing to express our support for SB 386. This bill promotes a trauma-informed approach to interviewing child witnesses and victims by informing the child of their ability to request the presence of a parent or guardian during the interview. Interviews can be frightening, confusing, and triggering, particularly for vulnerable children. In many cases, the presence of a parent or guardian during a law enforcement interview helps children find a sense of safety, a fundamental principle of a trauma-informed approach.¹

In Oregon, crime victims have the right to have an attorney or advocate present during any interviews by defense counsel.² This is because interviews can be stressful and traumatic experiences for victims, and an advocate provides support, comfort, and safety. For children, support, comfort, and safety typically comes from their parents or guardians.

In our experience, child victims and witnesses are often interviewed by law enforcement and DHS without the presence of a parent or supportive adult with whom the child has a

¹ SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach, https://ncsacw.samhsa.gov/userfiles/files/SAMHSA_Trauma.pdf.

² ORS 135.970(2). See also ORS 138.625(5) (similar right in postconviction proceedings); ORS 419C.276(3) (similar right in juvenile delinquency proceedings).

longstanding and trusting relationship. This is a gap in our protective system that further exacerbates trauma and can cause harm to children.

It is our understanding that agencies who conduct child interviews may consider developing internal policies that minimize trauma by allowing for parental notification and presence during interviews. If there is an opportunity to provide input, we would encourage consideration of the following:

- *Asking* the child which supportive adult they would want present during the interview, recognizing that, particularly for children in the juvenile dependency and delinquency systems, the child's most supportive adult may not be the child's parent or guardian.
- For children who are involved in the juvenile dependency or delinquency systems, providing the child's attorney with notice and an opportunity to be present during the interview along with the child's supportive adult.

Thank you for your consideration of this important issue.

Sincerely,

Amy Miller
Executive Director