

Stephanie Driskell
530-965-0174
driskell.stephanie2@gmail.com
407 G Avenue La Grande Oregon 97850

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We know what happens when children are harmed by a systems that are supposed to protect them. The research is clear and the outcomes are predictable: children who experience trauma are far more likely to struggle with addiction, to become homeless, or to cycle into violent crime.

When ODHS and the family court allow harm to continue — or worse, when they create that harm through placements and custody findings — they are building the next wave of Oregon’s social crises. They will rely on our shelters, emergency rooms, prisons, recovery programs, tax dollars.

Granting control to those who perpetrate abuse, the system perpetuates a society less willing to follow the rules and less able to report when things are wrong.

The state claims sole authority to decide custody, then the state should also bear responsibility for the harm caused by those decisions.

ODHS cannot be the accuser, the judge, and the reviewer of its own conduct. Family court is deferring to ODHS and ODHS is deferring to Family Court. This circular reasoning is perpetrated and perpetuated by those profiting from this process.

This isn’t just our roads.

This is our everything.

Create a plan that stops ODHS and the family court from perpetuating this cycle. Require an independent oversight mechanism — outside the agency — to:

- Review current cases for systemic harm,
- Ensure custody placements reflect safety, not funding incentives, and
- Hold the state accountable for mitigating the harm it causes when it takes sole control of a child’s custody.

Salem is a 6hr drive, one way, as it is for much of the state. The dynamics across the state are complex, solutions are needed, especially for child safety. Please form a neutral committee to revise and correct the course of our state.

Thank you

What Could Be Done Legislatively

1. Redacted access to forensic interviews and parent-submitted evidence for independent oversight.
2. Corrective pathway when state or court findings contradict evidence.
3. Balanced evidence requirement — ODHS must include all evidence, not just agency summaries.
4. Independent review panel for forensic practices, outside ODHS and independent of funding.
5. Consequences when ODHS fails to follow policy or procedure, including limits on qualified immunity and tied funding.

Appendix: Supporting Legal Authority

- Wood v. Ostrander (9th Cir. 1989) – State-created danger doctrine: liability when the state’s action increases risk.
- Wyatt B. v. Kotek (9th Cir. 2025) – Children in trial home visits remain in state custody and must be protected.
- Beltran v. Santa Clara County (9th Cir. 2008) – No immunity for social workers who fabricate evidence.
- Costanich v. DSHS (9th Cir. 2010) – Fabrication violates due process; qualified immunity doesn’t shield it.
- Tamas v. DSHS (9th Cir. 2008) – Duty to protect foster children once in state custody.
- K.H. v. Morgan (7th Cir. 1990) – Liability for knowingly placing children in unsafe foster homes.
- L.W. v. Grubbs (9th Cir. 1992) – Officials liable when they expose people to known danger.

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