

Lilyann Miller

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### TESTIMONY

Chairwoman Hartman, Vice-Chair Sharf, Vice-Chair Nguyen, and contributing members of the committee.

Hello, for those of you who don't know, my name is Lilyann Miller, and I am a current foster youth in addition to being a youth in care consultant and representative. A little background on me, I have approximately 6 years of experience, a cumulation of lived and professional, in foster care and the residential and behavioral health systems. I also have experience providing my expertise specifically to the Oregon Youth Authority on how several of their policies will affect youth in care. I come before the committee to bring my personal experience in the system and analysis of how this bill will affect youth in care.

This bill may be having its picture painted as one of necessary reform, but the truth is that this bill in its most simplistic form is an attack on the protections for the youth in Oregon under a guise of "eliminating unclear laws and a culture of fear." One of the most concerning parts of this legislation to me and many others is not only the redefinition of restraint and seclusion, but the redefining of when and how it is appropriate to use them. For lack of better terms, this piece of legislation is gutting Senate Bill 710, which introduced such important protections for youth in care. What scares me most is the supporters of this bill speaking of supine restraints as though there wasn't a reason for them being banned in the state. The Department's example for the needed use of supine restraints was when a specific person's eyes were being gouged out. I assume members of the committee are familiar with the CPI team control position, but for those of you who aren't, this restraint, which follows current outlined laws is when two staff, one on each side of the client, secure the child's wrist and wrap their arm around the staff member's waist, bending the client at their waist and securing their shoulder with their other arm. I ask the committee, if said client was properly restrained following CPI procedures, would the client have access to "gouging out the person's eyes?" This very clearly illustrates that this piece of legislation isn't about protecting our youth, and it never was. This legislation was fully constructed with the intent to make staff lives easier. In what world will redefining when and how it is appropriate to restrain someone help our youth? There isn't one.

The supporters of this bill speak about sending older kids to adult programs to "meet their needs." Members of this committee, when I tell you that every single youth in care who I have met that is over the age of 16 would be perfectly content being placed and remaining in a youth facility or program. Why is that you might ask? Because it doesn't matter how close they are to being 18, they are still a child. Allowing placement in adult facilities will bring oversight down significantly, along with rules that are approved for adult care and not youth.

Another part of this legislation is focused on sending youth in care out of state again. I remind this committee that there are so many reasons why Oregon's youth were brought back. The supporters say that the reasoning behind this is so that youth can get care that meets their needs if it is unavailable in Oregon. I would like to remind the committee that this is currently part of the law. Senate Bill 1605, which brought our youth home, also outlines exceptions for sending youth out of state, like when such placements are determined by Medicaid to be medically necessary and appropriate, for example, if suitable treatment is not available in Oregon. So, I ask again, why is this a part of said legislation? Solely to make it easier to send youth out of state where there is less oversight and accountability.

Members, I close with this. In my nearly six years of experience, I have never seen a situation in which a client assaults a staff, and they aren't placed in a physical restraint and given consequences, but I have seen the current system we have misused. I have seen youth brought to the floor and not because they were continuing to assault staff, but because they were screaming while in a restraint, but it was documented that the client was "dropped from the restraint." I ask the committee, why would we open more possibilities for maltreatment when it is already occurring with the protections we have. I would also like to remind the committee that staff aren't trained to document strictly what happens during these situations. They are trained to specifically find and define reasoning for the restraint, even if there isn't one. This is my concerns. If there are already work around for this, why would we change when we allow them and allow more intense and severe restraints. This is a step back for our Oregon youth who we claim are always at the center of policymaking. My question is when will we stop breaking promises to our kids and when will we stop giving them protection just to strip it away barely 4 years later? We as youth in Oregon deserve better. I would also like the record to note that all stated in this committee that extends a violation of current law has been recorded and reported to the child abuse hotline. Thank you for your time, I can take questions now.