

March 18, 2025

RE: Oppose HB 3835

Dear Chair Hartman, Vice Chair Nguyen, Vice Chair Scharf, and Members of the Committee,

I am writing to oppose HB3835. I do not support making it easier to restrain or seclude children—which is exactly what this bill will do.

In most places in the bill, the definition of “wrongful seclusion,” not “seclusion,” is what matters. Under Sec. 22(1)(L), Sec. 32 (b), and Sec. 1 of HB 3835, only “wrongful seclusion” is abuse, and DHS will only investigate wrongful seclusion.

Under Sec. 2(a) and subsection (1)(i) of this section of the bill, seclusion is only “wrongful” if it is done for the purposes of retaliation, punishment or convenience. In effect, this means that, as long as a school district or a care provider can say that they had a legitimate purpose in putting the child in seclusion in the first place—for instance, to help the child calm down—the seclusion is never wrongful under the proposed definition simply because it went on for six hours, or because the child was isolated in a dark, locked closet with no access to food, water, or toilet facilities. This is a radical departure from the current law. Seclusion, even for a legitimate purpose, can be abuse if it goes on too long or if the conditions of the seclusion can harm children.

These are just some of the many, many concerns and problems with HB 3835. I am also opposed to provisions of the bill related to abuse, abuse investigations, hoteling for foster care children, out of state placements of foster care children, lack of meaningful oversight, and more.

I urge you to oppose HB 3835.

Sincerely,
Gwendolyn Oakley
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