

Submitter: Casey Dreher
On Behalf Of:
Committee: House Committee On Early Childhood and Human Services
Measure, Appointment or Topic: HB3835

Chairs Hartman, and Members of the Committee:

My name is Casey Dreher, and I live in Cottage Grove, Oregon. I am a former foster youth, veteran, juvenile attorney, and a Commissioner on the Governor's Child Foster Care Advisory Commission. I'm a graduate of Eastern Oregon University and the University of Oregon School of Law. My testimony today is my own, and not representative of any specific group. I am writing today to strongly urge you and your colleagues to oppose HB 3835.

Prior to legislative changes in 2021, a child could be woken up in the middle of the night, put in restraints, loaded in a van, and transported out-of-state to a behavioral health facility with little oversight or protections from Oregon. Legislative changes made our children safer. As always, there are unintended consequences. There are more targeted ways to solve the issues that have arisen, prompting the changes this bill wishes to see. However, this bill is a reversion back to the old methods and takes it further by removing liability for child abuse and allowing for dangerous, untrained holds that threaten child safety.

This bill changes the definition of child abuse to allow for holds in school settings and in foster care. It requires no further training but also removes criminal liability. This is a dangerous change that will result in injury and even death to minors with lawsuits to follow. It only takes a quick search online to find countless stories across the United States where foster parents have killed foster children with untrained restraints. Oregon should strive for solutions that make our children safer, not put them in further jeopardy of harm.

This bill removes the ability of a child 14 or older to have a say in their medical care. Often times when a juvenile dependency case is opened, the parent deflects blame onto the youth and urges them into a facility to deflect from their own parental deficiencies. Consent protects children from being fed into the "troubled teen industry". This is yet another example of how this bill takes a small problem and creates a larger problem as a solution. A small, targeted change is more appropriate than a complete stripping of their rights. Furthermore, ORS 419B should be adjusted to ensure that a child directly or through their legal representation has a say in proposed treatment.

Regarding "secure transport" and removing licensing and training, this is very

concerning to those of us in the legal community. While broadening availability for medical transport is a good idea, removing licensing and training is an awful way to accomplish that goal. These are our most vulnerable youth often with a history of abuse, the state can easily broaden availability of training rather than removing it entirely.

Regarding "treatment access", this is one more example of the overbreadth of this bill. If the goal is to allow treatment across state line for a day trip to Vancouver or Walla Walla, that is not the concerning issue. The concern is a revision to pre-2021 to allow out-of-state placements again. Interconnected, we have found that school transitions have a much larger effect on abysmal graduation rates of foster youth. What that tells us is that even though placements may disrupt a youth, the social connection to friends, teachers, and their community are just as important to future success. Furthermore, we cannot guarantee or monitor safety of out-of-state placements. The solution is to invest in Oregon and what we lack rather than giving up on these kids by shipping them out of sight, out of mind. Kids deserve to stay close their connections and supports.

The overall theme of this bill is that it aims to fix targeted problems by destroying current protections. This is a situation where it is much more prudent to write a bill creating limited exceptions through a legal process rather than simply hoping another state can do better than us. Invest in Oregon and our children. Please oppose HB 3835.