

March 20, 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. Oregon should be working to make Oregon's foster care children safer, not endangering their lives.

OPB's Lauren Dake published "Oregon continued to put foster kids in hotels for years, defying legal settlement". This article identified more than \$25 million in spending to house 462 foster care children in hotel between 2018 and 2023 in violation of a legal settlement and harming children. This common practice deprive children in foster care of a loving, supportive, and stable foster home and threatens their safety.

Under Sec. 10(1) and Sec. 1 (1)(i) of HB 3835, DHS employees themselves would not be bound by the restricts on seclusion and restraint. A DHS staffer staying in a hotel room with a child could lock them up or hold them down for no legitimate reason. The seclusion and restraint law would not apply to them, because they don't count as a "responsible individual." Under current law, DHS staff and DHS contractors are permitted to seclude or restrain a child in emergency situations, such as a child attempting to commit suicide or a youth who appears to be running into a street when they do not understand the danger.

Sec. 17 (1)(b), Sec. 17 (1)(c), Sec. 1(3), and Sec. 1(2) of HB 3835 changes the law to permit retaliation against foster children who complain about abuse. Current law protects children against retaliation for reporting restraint and seclusion; the bill would change this to "wrongful restraint" and "wrongful seclusion." sounder this new scheme, a child could be retaliated against for complaining about a restraint that doesn't count as a "wrongful restraint"—like being handcuffed or zip-tied, or physically restrained in a way that broke their arm but didn't constitute permanent disfigurement or death by the abuser's actions.

The bill, taken as a whole, prohibits Oregon DHS from investigating a wide array of abuse and neglect of children in its care, will lead to fewer investigations of horrific abuse, and less accountability for the agencies charged with keeping children safe.

These are just some of the specific concerns about how HB 3835 fails to protect foster care children. But there are many more problems with HB 3835.

I ask you to oppose HB 3835.

Sincerely,
Ali Lux
Portland, OR 97233