

March 26, 2025

To: Chair Hartman and Members of the Committee

From: Em Braman, Executive Director, The Arc Oregon

RE: Opposition for HB 3835

Chair Hartman and Members of the Committee,

On behalf of The Arc Oregon, I am writing today to oppose HB 3835. For over **70 years**, The Arc Oregon has provided advocacy, support, and services to people with intellectual and/or developmental disabilities (I/DD) and their families. The Arc Oregon and local chapters of The Arc across Oregon have deep concerns the impact of these changes will have on children with intellectual and developmental disabilities. The changes in this bill would weaken current rules that ensure the safety of children in Oregon. We are here to protect Oregon's children, this bill is not a step in the right direction.

Oregon has worked hard to get current restrictions on seclusion and restraints to ensure the safety of children and youth here in Oregon. Now is not the time to weaken these restrictions so that it is easier to restrain and seclude children.

This bill changes the language and definitions for restraint and seclusion to favor institutions and not the child. Under Section 1 (1)(j)(B) excludes actions that are done to support the safety or development of the child even when they result in injury to the child. This language change puts children with disability at an increased risk of harm as many of them are unable to communicate abuse thus making the child, their family, and child caring agency reliant on the self-reporting of the abuser.

Sec. 22(1)(L), Sec 32 (b) and Sec 1 state that only "wrongful seclusion" would only be considered abuse and only investigated when it is retaliation, punishment or convenience. As identified in the beginning of the bill

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seclusion is known to cause long term trauma, why are we changing the law to make it easier for children to experience this trauma creating experience?

We are also concerned about the limiting of abuse reporting to the hotline. Abuse is abuse no matter how it is reported. These changes will make it harder for people to report abuse yet abuse will still be happening.

The Arc Oregon does appreciate that Oregon lacks access to mental and behavioral treatment for youth with high acuity needs, especially for treatment for substance abuse disorders and eating disorders and that out of state treatment may be their only access to appropriate treatment. While there is a distinct need for Oregon youth to be able to access these vital services, we can not support the bill due to the risks associated with the changes in statute around abuse, seclusion and restraint.

We urge the committee to vote no on HB 3835 and to consider SB 1113 as an alternative bill to meet the needs of children and youth in Oregon while keeping them safe.