

RE: STRONG OPPOSITION to HB 4059 – Relating to Child Abuse Definitions and Parental Duties

Dear Chair and Members of the Committee,

My name is Brant Soler. I am writing to express my vehement opposition to HB 4059 (formerly LC 266). While some modifications have been made to the "duty of care" provisions, the core of this bill remains a direct threat to the safety of Oregon's most vulnerable children.

1. The "Imminent Risk" Standard Still Endangers Children Despite the shift from LC 266 to HB 4059, the bill persists in requiring an "imminent risk of severe harm" for state intervention in threatened harm cases. As a disability rights advocate, I must reiterate: this is a "catastrophe standard." For children with complex medical or behavioral needs, neglect often manifests as a slow, steady decline. By the time harm is "imminent" and "severe," the window for life-saving intervention has often closed.
2. Narrowing "Abuse" to Financial Capacity is a Trap HB 4059 modifies "negligent treatment" to account for a parent's financial ability. While we support not criminalizing poverty, the bill conditions this on the parents' duty to accept "appropriate services". This creates a subjective "compliance trap" where the state's failure to provide *accessible* services, such as specialized respite for a child with a disability, could be used to justify intervention while simultaneously raising the bar so high that the state ignores the child until a crisis occurs.
3. The Risk of the "Collective Pattern" Definition. While the bill attempts to address "chronic neglect" through a "collective pattern" of deprivation, it still relies on the outcome of "severe harm" to substantiate the most serious charges. This continues the dangerous trend of LC 266: moving the goalposts of child safety to accommodate a resource-strapped DHS system rather than the needs of the children it serves.

In conclusion, HB 4059 is a slight administrative improvement over LC 266, but it remains fundamentally flawed. It prioritizes departmental "staffing models" and "workload metrics" over the proactive protection of children. I urge you to vote NO on HB 4059. We cannot allow "imminent tragedy" to be the only trigger for child protection in Oregon.

Sincerely,
Brant Soler
Eugene, Oregon