

RE: Strong OPPOSITION TO LC 238 > HB 4042

To: House Interim Committee on Judiciary

From: Teresa Soler, Disability Rights Advocate and Mother

Dear Members of the Committee,

My name is Teresa Soler. I am a mother and advocate who has spent decades navigating the clinical coldness of Oregon's psychiatric systems. I am here to voice my absolute opposition to HB 4042.

Years ago, my son was in a psychological crisis. Instead of a therapeutic environment, the state placed him in a high-security adult Psychiatric Intensive Care Unit (PICU) alongside homicidal patients. He was not violent, yet he was locked in a facility where he witnessed a harrowing suicide attempt and was nearly killed by a patient he mistook for a friend. Today, he is so traumatized by this "care" that he is terrified to seek medical help for even a minor "boo-boo," fearing it is a ticket back to an institutional cage.

HB 4042 does not fix these failures; it legalizes them. It prioritizes "systemwide capacity" over the human safety of our children.

The "Adult Setting" Trap: The most dangerous provision of this bill is found in Section 5(4). It grants the Department of Human Services (DHS) the authority to place children in "adult settings" if deemed "medically appropriate".

Euphemisms for Expediency: In bureaucracy, "medically appropriate" is often a code word for "we have nowhere else to put them".

A Legal Shield for Neglect: This bill creates a legal pathway for the state to house children alongside violent adults, intentionally ignoring the physical and psychological devastation that results from such placements.

Bypassing Safeguards: It allows these placements even when the setting is not a licensed child-caring agency or a qualified treatment program.

Diluting Accountability for Dangerous Facilities: HB 4042 changes how we regulate child-caring agencies (CCAs) in a way that protects the system rather than the child.

Subjective Standards: Rather than closing facilities that fail to protect residents, this bill allows the Director to rescind an intent to revoke a license if they decide concerns have been "ameliorated".

Veil of Paperwork: This is a subjective standard that allows dangerous facilities to remain open behind a curtain of administrative updates while children remain at risk.

The Weight of Compliance: While the bill lists requirements like "behavior management" and "safety," it also allows DHS to merely "place conditions" on a license instead of taking the decisive action required to prevent further abuse.

Bed Counts Over Human Lives: We are often told these bills are necessary to manage "bed counts" and "system capacity". But as I have seen firsthand, a bed in a homicidal unit is not a solution for a child in crisis; it is an abandonment of duty.

Capacity Over Care: This bill prioritizes the "systemwide capacity of the child welfare system" over the safety of the individual child.

A "Medically Necessary" Lie: Using the term "medically necessary" to justify placing a 14-year-old in a room with adults is a betrayal of the state's role as a protector.

Oregon must stop valuing administrative convenience over the lives of children who simply want to be safe. Our children's lives are worth more than a capacity report. I strongly urge a "NO" vote on HB 4042.

Sincerely,
Teresa Soler
Eugene, Oregon