

Written Testimony in Opposition to HB 4059

My name is Scott Lemons, and I speak from an Independent Living perspective. I am the Assistant Director of a Center for Independent Living in Oregon

Independent Living is grounded in a core principle: **early, community-based intervention preserves autonomy, prevents harm, and reduces institutionalization later.** This principle applies across the lifespan—including to disabled children.

HB 4059, as written, moves Oregon away from a principle the state has long recognized as essential to safety and inclusion. The bill narrows when child abuse concerns may be investigated and limits who may be examined during those investigations. In practice, this raises thresholds for action and delays oversight until harm is more severe. For disabled children—particularly those who communicate differently or rely on multiple adults for care—this means abuse must escalate further before protection is permitted.

From an Independent Living standpoint, **waiting for severity is not protection; it is escalation.** When systems are required to wait for serious harm, safety is compromised, autonomy is undermined, and power is removed from the very individuals the system is meant to protect. The outcome is predictable: crisis-driven responses, worse long-term outcomes, and removal from community settings.

Oregon's Independent Living movement emerged in direct response to the harms caused by delayed oversight, including in institutions such as Fairview, where earlier intervention could have prevented irreversible damage. The lesson was clear then and remains clear now: narrowing responsibility increases harm.

We do not have to speculate about the risks of this approach. Oregon is already receiving clear warnings from the courts. Federal courts have repeatedly found that the state cannot reduce harm by narrowing who counts, what counts, or when responsibility applies. Attempts to limit oversight or redefine accountability have been rejected precisely because they increase—not reduce—risk to children.

The consequences of delayed action are not theoretical. A Multnomah County jury recently awarded \$29 million after the Oregon Department of Human Services failed to act on an early child abuse hotline report. That case underscores a critical reality: **delayed intervention is not neutral—it has real, measurable consequences.**

HB 4059 follows the same trajectory the courts have warned against: raising practical thresholds, narrowing responsibility, and delaying intervention—particularly for children who are least able to protect themselves.

Independent Living exists to prevent this trajectory. Centers for Independent Living intervene early so people can remain safely in their homes and communities, rather than responding only after harm has already stripped away autonomy and choice.

For these reasons, and in keeping with Independent Living values, I urge you to oppose HB 4059.

Thank you.