

# THE FATAL FLAW OF THE "CATASTROPHE STANDARD"

Chair Hartman, Vice-Chairs Walters and Wise, and Members of the Committee:

My name is Brant Soler. I am a father to an Oregonian with Intellectual and Developmental Disabilities (IDD). I am submitting this final written testimony because the public record now contains irrefutable evidence that HB 4059-2 is not a safety bill, it is a statistical exit strategy for the state.

## I. The Law Enforcement Veto: A Warning You Cannot Ignore

On Thursday, you heard from the Marion County Sheriff and a local District Attorney. Their testimony was a seismic event for this committee. They confirmed they were never consulted during the drafting of this legislation and stated clearly that the bill is unenforceable and dangerous. When prosecutors tell you that your definitions are too "ambiguous" to hold abusers accountable, the bill is a failure of governance. By raising the bar for DHS investigation, you are not removing danger; you are creating a "statutory no-man's land" where abuse occurs, but the state is legally barred from intervening.

## II. The Erasure of Non-Verbal Oregonians

HB 4059-2 redefines "threatened harm" as "severe harm" that is "reasonably likely to occur in the near future." For a non-verbal child with IDD, this language is a death sentence for their safety.

A non-verbal child cannot vocalize a threat or explain that a situation is escalating. They rely entirely on a system that identifies "substantial risk" before the first bone is broken. By the time a non-verbal child meets your new threshold of "severe/imminent harm," the catastrophe has already occurred. This bill effectively legalizes the "silencing" of trauma that I witnessed firsthand in my son's middle school experience.

## III. Statistical "Optimization" vs. Human Survival

The testimony provided by committee staff attempted to shield the bill's impact behind a screen of baffling statistics. Let us be clear: Section 7 of this bill ties safety standards to DHS staffing metrics.

DHS has a backlog. Rather than solving the staffing crisis or increasing capacity, this bill "clears the backlog" by simply changing the rules so that thousands of reports no longer "qualify" for investigation.

- You are moving the goalposts to improve agency data.
- You are trading the safety of non-verbal children for "statistical cleanliness."

## IV. The "Unfunded Mandate" for Law Enforcement

As the Sheriff noted, when DHS walks away from these cases because they no longer meet the "severe" threshold, the burden does not disappear. It falls on local law enforcement and schools to manage the aftermath of preventable violence. You are creating a vacuum in our public safety infrastructure that will inevitably be filled by tragedy.

A "catastrophe-based" system is no system at all. My son's life, and the lives of all non-verbal Oregonians, have substantially more value than the bureaucratic metrics this bill seeks to protect.

The Marion County Sheriff opposes this. The District Attorney opposes this. The families of the IDD community oppose this. HB 4059-2 is critically flawed and legally indefensible. I urge you to leave this bill on the committee floor.

Respectfully submitted,

Brant Soler

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