

February 23, 2025: Written Testimony re: HB4042.

Chair Gelser Blouin, Vice-Chair Linthicum, and members of the committee:

My name is Annette Smith, and I am a dependency attorney for children in the foster-care system. I am also a Eugene resident. I write in opposition to HB4042.

In my fifteen+ years of representing Oregon foster children, I have seen the power of really wonderful foster placements, and I unfortunately have also seen the destruction from bad placements as well. It is critically important that any placement the state sends a child be licensed and properly vetted. Too often, kids are placed in unsafe circumstances and those entrusted with their safety (child welfare) relinquish virtually all oversight to the program with blind trust that those who work there are properly trained, have the right intentions, and are actually providing the standard of care they say they will. There is only so much one can uncover in a once-a-month visit with a child. Having licensing standards is at least a minimal way to ensure the standard of care is being followed, and that there is a mechanism to hold programs accountable when they are not.

Whenever possible, children should be kept with their parents. We know that is not always possible, and in the majority of all other cases, children should be kept with relatives or chosen family. When someone has a personal connection to the child, and sees that child as a member of their family, they are less likely to turn that child away when behaviors arise. Equally important, resource parents need to be supported and trained so that when things are difficult, they have tools to address the child's needs and the financial and other resources to be able to do so. When kids are with families, rather than institutions, they have more of an opportunity to live a normal life. Institutional placements disrupt normal development of family relationships, peer relationships, and the every day opportunities to experience the world.

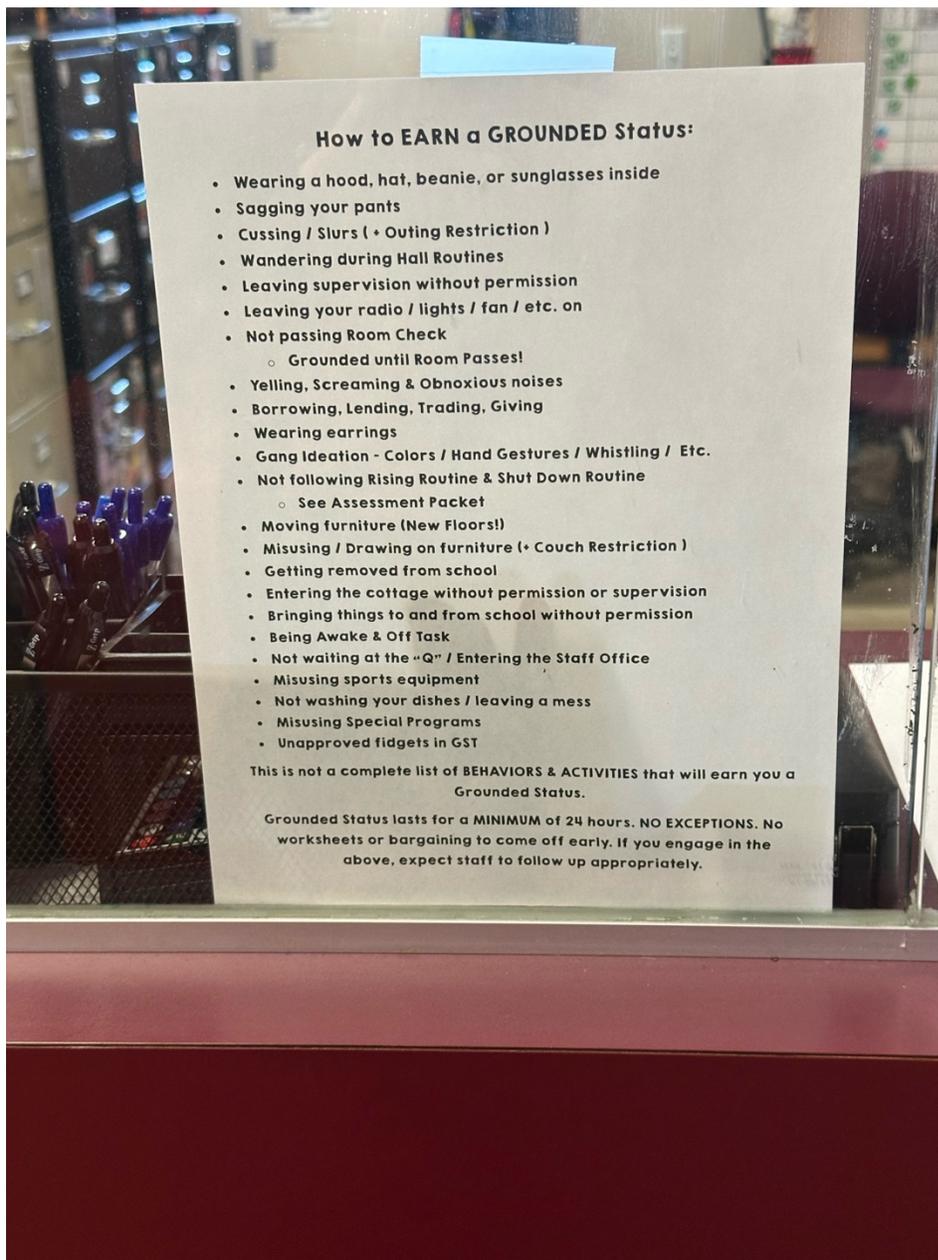
Any attorney that has represented children that have been placed in facilities will tell you what it's like to meet a kid that has been "institutionalized." Many of them learn a different language. They speak in therapy-talk. They talk about being "on level" and being "on restriction." They don't call it brushing their teeth; they call it "doing hygiene." They don't get to go to their bedroom without permission. They have to ask to use the bathroom, day or night. In some facilities, they require a pat-down before going to the bathroom. I have seen the signs on bathroom doors dictating so. Institutionalized kids don't get to help their mom make dinner or decide what to eat each day. They don't get to run to the store with their dad just for the company. Their day is scripted for them from the time they get up,

until the time they go to bed. Sometimes they get to make monitored phone calls to their loved ones (who are preapproved on their list) at set times if they didn't lose the privilege for a variety of reasons. Institutionalized kids learn to comply or get punished.

Institutionalized kids see other kids get put in holds or restrained on a regular basis.

Institutionalized kids don't get to form any lasting friendships because they're discouraged from sharing their last names with each other in program, and are prohibited from staying in touch with each other once they leave. All of these are examples of things my actual clients have shared with me, I have witnessed, or programs have told me.

Here is an actual example of the rules that were posted in one Beaverton area facility:



Some amount of congregate care, for the most extreme cases, will likely always exist. But every effort should be made to keep kids in families before resorting to a facility placement. And every effort should be made to get children out of institutional settings as soon as possible and back into the community before the institutionalization of their childhood turns into incarceration in adulthood. Without length-of-stay requirements, so many children would simply run out the clock on their childhood waiting to be released. That represents years of their lives not forming familial bonds, not finding enduring and meaningful friendships, and not developing critical life skills.

Often, bad things happen to kids in programs. I've had clients placed in programs that intentionally gave them another child's psychotropic medication which has led to years of medical distrust and fear of taking their medication. I've had clients in programs where staff physically assaulted them, including leaving injuries such as fingerprint bruising around the face and neck. I've had clients in programs that overmedicated and /or inappropriately medicated them. I've had clients that have been injured during restraints, and others that have watched as peers were inappropriately restrained. Some of these children have received financial compensation for these harms when the system failures come to light, but many more go on silently enduring. Taxpayers would be appalled if they knew what kind of treatment their well-earned money was funding. The least we can do is require proper licensing and training so that kids are not hurt or killed.

Oregon needs a model of accountability when programs prove they are unable to keep children safe. Regulatory entities need to act when a child is hurt in a program. A few years ago, a young man I represented who was developmentally disabled and in a group home in Monmouth was physically assaulted by two staff members. A mandatory report was made, it was investigated, and the complaint was founded for abuse against both of these staff members. Shortly thereafter, one of those staff members was actually promoted to a higher position within the group home. Nobody, to my knowledge, was fired as a result of the attack that left my client bloody and bruised. Disabled children remained in that program during and after the investigation.

I will end this by saying that I wish it was easier for this committee to hear directly from those most impacted by these systems. It is problematic to expect foster children in the custody of the state to find and take advantage of a platform to voice their concerns when accessing that platform is hard, can spark retaliation, and can require adult support. It can also present even more of a hardship when children are disabled. I once heard a politician say he didn't hear from foster kids. I wasn't surprised. I ask this committee to please seek those voices out proactively. Go visit the children at Saint Mary's Home for Boys; ask how they feel about being co-housed with sexually offending and non-sexually offending peers.

Go see the children at Perry Center or Albertina Kerr. Go check in with kids at Madrona Recovery. Go talk to the kids at Hearts with a Mission, or Robinswood, or Jasper Mountain. Go talk to the girl at Children's Farm Home who has been there for over a year with no plan for discharge. And please do so unannounced. If the only voices you have considered are the providers, and not the children to whom these services are being provided, then I fear you have missed the biggest opportunity to get things right.

Respectfully,

Annette Smith

Attorney at Law