



Disability
Rights
Oregon

TO: Senate Committee On Human Services
FROM: Jake Cornett, Disability Rights Oregon
DATE: February 24, 2026
RE: HB 4042 A Oppose

Chair Gelser Blouin, Vice-Chair Linthicum, and members of the Senate Committee On Human Services,

My name is Jake Cornett, and I am submitting testimony on behalf of Disability Rights Oregon (DRO), Oregon's Protection and Advocacy System for people with disabilities. DRO opposes HB 4042 A as currently drafted.

HB 4042 A amends current child welfare law to expand Oregon's ability to place children in congregate care settings, allowing the agency greater discretion to select congregate care placement. The bill also changes the law to give the agency greater discretion in its response to a child's death or the sexual abuse of a child where that abuse is known to the agency. The bill also amends current law on child restraint.

Children Need Family-Type Settings to Thrive, Not Congregate Care Settings

Over the last decade, we have seen Oregon rely heavily on congregate care settings, including homeless shelters and other settings that house children without offering substantial therapeutic services. Oregon law should reflect that these placements are available in emergencies and only as a last resort. This bill, as currently drafted, increases loopholes to allow Oregon to put a child in a congregate care setting. It also lets Oregon DHS extend the placement of a child in a homeless shelter based on Oregon DHS's independent assessment that such an extension is in the "best interests of the child," without any court input. Children in foster care are, first and foremost, still children. Children overwhelmingly need to live in a family home or a family-like home, not to be warehoused in large placements.

Agencies That Oversee a Child's Death by Abuse or the Known Sexual Abuse of a Child Should Face Serious Licensing Consequences

HB 4042 A changes the law to give Oregon DHS more discretion in its response to serious harms for children. Under current law, when a child dies by abuse in the care of an agency, the agency's license must be either suspended or revoked. Similarly, if an agency knows that a child is being sexually abused in its care and allows the abuse to continue without reporting or addressing the sexual abuse, the agency license must be revoked or suspended.

HB 4042 A would allow Oregon DHS to "place a condition" on the license of a child caring agency who lets a child die by abuse or lets a child be sexually abused in its care, not to revoke or suspend the agency license. That means that Oregon DHS could choose a consequence as light as requiring the agency to tell DHS in six months whether more children have died or been sexually abused in that agency's care. While DRO does not believe that other acts under current

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law (like failing to provide financial reports) should automatically result in a license suspension or revocation, the death of a child by abuse or the known and permitted sexual abuse of a child in the care of an agency are extremely serious outcomes requiring serious licensing consequences. We have seen again and again that Oregon DHS fails to engage in prompt, serious response to deaths and other serious acts of abuse in caring agencies.¹ Unfortunately, long experience shows that the legislature must require certain outcomes from Oregon DHS. Extending discretion to the agency ends in more abuse, more harm, and more deaths.

In conclusion, we urge the Committee to oppose HB 4042 A unless it is amended to correct these proposals.

If you have any questions regarding DRO's position on this legislation, please call Hans Bernard or email him at hans@growthconsulting.net.

About Disability Rights Oregon

Since 1977 Disability Rights Oregon has been the State's Protection and Advocacy System.² We are authorized by Congress to protect, advocate, and enforce the rights of people with disabilities under the U.S. Constitution and Federal and State laws, investigate abuse and neglect of people with disabilities, and "pursue administrative, legal, and other appropriate remedies".³ We are also mandated to "educate policymakers" on matters related to people with disabilities.⁴

¹ Lynne Terry, "Oregon Governor's Office Orders Independent Audit of DHS in Woman's Death," OREGON CAPITAL CHRONICLE, July 8, 2024 at <https://oregoncapitalchronicle.com/briefs/oregon-governors-office-orders-independent-audit-of-dhs-in-womans-death/> (Governor Kotek ordered DHS audit after it failed to respond for a month to the death of a woman in care); Or. Long Term Care Ombuds., "Resident Fatality and Regulatory Gaps at Mt. Hood Senior Living," Apr. 4, 2024, at <https://s3.documentcloud.org/documents/24534715/ltco-investigation-mt-hood-senior-living-final-1.pdf>; Denis C. Theriault, "Foster Care Scandal: Human Services Director Fires Top Child Welfare Officials," Oregonian/OregonLive, March 18, 2016, at https://www.oregonlive.com/politics/2016/03/foster_care_scandal_new_human.html.

² See ORS 192.517.

³ See 42 U.S.C. § 15041 et seq; 42 U.S.C. § 10801 et seq.

⁴ See 42 U.S. Code § 15043(a)(2)(L).