

February 24, 2026

Chair Sara Gelsler Blouin

Vice-Chair Diane Linthicum

Members of the Senate Committee on Human Services

Opposition to HB 4042A

Dear Chair Gelsler Blouin, Vice-Chair Linthicum, and Members of the Committee,

FACT Oregon is a family-led nonprofit that empowers families, youth, and communities to navigate disability systems and advocate for disability justice and policy change so that people with disabilities have what they need to thrive at home, in school, and in their communities.

Every child deserves the opportunity to live in the community, free from serious harm and inappropriate restraint.

HB 4042A fails to reflect those values. We urge you to oppose it for three significant reasons:

1. Expansion of congregate care placement
2. Weakened consequences for serious licensing violations
3. Increased risk of restraint use

Expansion of Congregate Care Placement

HB 4042A creates exceptions to Oregon’s current limits on how long a child may remain in certain residential care facilities and shelter-care homes.

Current law limits placements to 60 consecutive days or 90 cumulative days in a 12-month period. The bill allows the Department, by rule, to extend those limits at a child’s request or by up to 30 additional consecutive or cumulative days if deemed in the child’s best interest.

Time limits exist to prevent prolonged stays in congregate care and to reinforce Oregon’s commitment to community-based placements. Expanding these limits increases the risk that short-term stabilization becomes longer-term institutional care.

Children with intellectual and developmental disabilities are disproportionately placed in residential settings. Oregon has made a clear commitment to least restrictive, community-integrated care. HB 4042A moves away from that commitment.

Serious Violations Must Carry Serious Consequences

HB 4042A expands the Department’s authority to place “conditions” on licenses in response to findings involving child-caring agencies.

While the bill references death, abuse, and failure to cooperate with investigations, it broadens the range of adverse licensing actions available.

There is a meaningful difference between technical noncompliance and egregious harm.

The death of a child due to abuse or neglect, or sexual or serious physical abuse that was known and not addressed, must result in decisive consequences. Licensing exists to protect children. When the most serious violations occur, suspension or revocation should remain the clear response.

Without clear distinctions between levels of harm, Oregon risks weakening accountability for the children most at risk.

Increased Risk of Restraint

HB 4042A modifies statutory language related to restraint and certification requirements, replacing references to “physical intervention” with “restraint” and formalizing certification structures.

Restraint carries significant physical and psychological risks, particularly for children with developmental disabilities and trauma histories. Even with training requirements, expanding and formalizing restraint frameworks increases concern that restraint may become more normalized in practice.

Oregon should continue to prioritize:

- De-escalation
- Trauma-informed care
- Positive behavioral supports
- Reduction and elimination of restraint

Statutory changes should not make it easier for children in care to be restrained.

Vote No on HB 4042A

HB 4042A increases the risk of prolonged congregate placements, weakens clarity around consequences for serious violations, and expands statutory structures related to restraint.

These changes undermine Oregon’s longstanding commitment to community-based care, accountability, and child safety.

For these reasons, FACT Oregon respectfully urges you to vote “NO” on HB 4042A.

Respectfully submitted,

Christy Reese
Executive Director
FACT Oregon