

HOUSE COMMITTEE ON
HEALTH AND HUMAN SERVICES
Subcommittee on Child Welfare

April 25, 2005 Hearing Room E

4:00 P.M. Tapes 6 - 7

MEMBERS PRESENT: Rep. Billy Dalto, Chair

Rep. Debbie Farr

Rep. Mitch Greenlick

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Pamella Andersen, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2009 – Public Hearing

HB 2010 – Public Hearing

HB 2334 – Public Hearing

HB 2336 – Public Hearing

HB 2387 – Public Hearing

Public Comment

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/# Speaker Comments

TAPE 6, A

004 Chair Dalto Calls the meeting to order at 4:04 p.m. Opens a public hearing on HB 2009, HB 2010, HB 2334, HB 2336 and HB 2387.

hb 2009, HB 2010, HB 2334, HB 2336, HB 2387 – PUBLIC HEARING

029 Rep. Jerry Krummel House District 26. Testifies in support of HB 2334 and HB 2336 providing background information on development of the bills. Discusses the Stotts family's case, stating they are victims of the system. Introduces and explains the -1 amendment to HB 2334 (**exhibit a**). Explains the purpose of HB 2336 relative to the Stott's case. Mentions and explains the -3 amendments to HB 2336 (**exhibit b**).

117 Chair Dalto Inquires if the purpose of HB 2334 is practical and realistic.

128 Rep. Krummel Replies it will be difficult to apply in smaller communities. States his preference is that caseworkers in small communities would not work in their home communities. Relates experience of his sister in Washington being moved to another community to work.

149 Rep. Greenlick Questions if the intent is to preclude caseworkers from working on cases where they are acquainted with the victim.

157 Rep. Krummel Responds, no, and clarifies possible professional relationships that would be appropriate. Discusses other connections that impact a caseworker's professional perspectives.

178 Rep. Greenlick Asks how the significance of relationships on the case would be determined.

188 Rep. Krummel States in smaller communities people generally know if they have common relationships

198 Keith Stotts Citizen. Discusses the case of his older daughter, a quadriplegic from a car accident. References their case report (**exhibit c**) and the caseworkers closely related to the case. Notes being removed from his home for seven months and being forced to sign a "safe plan." Relates resulting trauma to their other children and the counseling necessary. Mentions the personal costs of supervised visitation.

294	Chair Dalto	Inquires about Stotts' recommendations and how they tie to the bill.
304	Keith Stotts	Recommends they be informed of their rights in a timely manner.
311	Chair Dalto	Requests confirmation they were not told their rights.
312	Keith Stotts	Confirms they were not told their rights.
316	Chair Dalto	Requests clarification.
321	Keith Stotts	Reports his adult disabled daughter made an allegation against him to a counselor at school.
351	Kathi Stott	Citizen. Elaborates on allegations and the resulting process. HB 2336 would address the timing of notifying persons involved of options available.
395	Keith Stotts	Elaborates on specifics of their case that took place in North Dakota.
413	Chair Dalto	Inquires how long it took for the department to complete its investigation.
425	Keith Stotts	Reports the state didn't conduct an investigation, but indicated law enforcement was doing so. The law enforcement investigation lasted from April 13 to November 18.
458	Chair Dalto	Inquires what goal should be accomplished in thirty days.
464	Rep. Krummel	Notes other cases referred to him, all with the common thread of untimely investigations. Reiterates people need to be informed of their due process rights immediately.

TAPE 7, A

004	Rep. Krummel	Continues testimony, stating Oregon is creating victims because of our department's inaction. States the goal of the Department of Human Services (DHS) should be to keep families together.
026	Rep. Greenlick	Inquires if that goal should be at the cost of protecting children.

027	Rep. Krummel	Responds, no.
031	Rep. Greenlick	States DHS is seeking to balance these two issues. Questions if this is too narrow a timeframe to make an effective decision.
040	Rep. Krummel	Relates the purpose of the -3 amendment is to allow DHS more time if there are extenuating circumstances.
052	Kathi Stotts	Comments in their case there was conclusive evidence within thirty days.
063	Keith Stotts	Elaborates on the agency's ability to either make a determination or indicate an extension is needed.
072	Rep. Greenlick	Inquires about the results of the indictment.
074	Keith Stotts	Reports charges were filed.
092	Julie McFarlane	Supervising Attorney, Juvenile Rights Project. Submits and reviews written testimony in opposition to HB 2334 (exhibit d) and in support of HB 2336 with recommended changes (exhibit e).
120	Chair Dalto	Requests suggestions that would accomplish the goal.
124	McFarlane	References statute quoted in her testimony (exhibit d). States exceptions must be possible for procedures that take longer, and if the exceptions mirrored those in rule, that would be acceptable. Explains the juvenile court process.
189	Chair Dalto	Requests DHS provide a chart of investigation timelines. Questions whether there is a standard procedure for notifying people of their rights, and informing families of the steps in the process and options available.
208	Ramona Foley	Assistant Director, Children, Adults and Families, DHS. Reports a procedure exists and she is surprised both law enforcement and DHS employees failed to notify the Stotts of their rights. Relates the department is developing a document delineating all instructions in multiple languages.
232	Mickey Serice	

Deputy Assistant Director, Children, Adults and Families, DHS. Clarifies there is an existing brochure but another is in development, with bi-lingual instruction also being developed in video format. Notes DHS employees enter a home with law enforcement, necessitating procedural conflicts be avoided.

- 260 Chair Dalto Moves discussion to HB 2009.
- 271 Mickey Serice Deputy Assistant Director, Children, Adults and Families, DHS. Explains existing process for considering placements. Defers to Kathy Ledesma.
- 279 Kathy Ledesma Adoptions Manager, Children, Adults and Families, DHS. Discusses the administrative rule on working with relatives toward the placement of children. Relates details of the shelter hearing process. Notes the ability of the family to recommend placement for the child. Discusses the assessment process and the complications when foster parents are far from the biological parents. Notes percentage of adoptions into relative homes and compares with other states.
- 362 Rep. Greenlick Mentions constituent seeking to adopt their special needs foster children, but who can't afford their medical costs. Inquires about adoption assistance that supports such situations and about the differing arrangements for relatives and non-relatives.
- 407 Ledesma Explains details for differing scenarios.
- 434 Chair Dalto Asks if she has reviewed HB 2387.
- 444 Ledesma Unofficially comments DHS opposes the bill, primarily due to its fiscal impact; however, it is also contrary to good social work. Mentions the Child Welfare League of America, which states adoption should be based on the needs of the child not the family.

TAPE 6, B

- 004 Ledesma Continues testimony. Discusses all considerations made in adoption placements. Relates the bill is contrary to federal law.
- 023 Chair Dalto Inquires what creates the fiscal impact.
- 026 Ledesma

Relates the bill would prolong time in foster care, costing the state approximately \$141,000.

- 033 Chair Dalto States many bills appear to be created as a result of families dissatisfied with outcomes. Inquires if a document exists that informs parties of what is happening in adoption proceedings.
- 055 Ledesma Discusses the letters sent to families so they can understand the details of why they haven't been accepted as an adoptive parent. Notes a release of information can be obtained from the family by someone wishing to have a better understanding of the determinations made.
- 069 Chair Dalto Mentions another bill that allows legislators to review information.
- 084 Rep. Greenlick Requests adoption policies from the Child Welfare League of America be provided to the committee for review.
- 093 Serice Discusses the barriers to incorporating the other bill mentioned by Chair Dalto relating to adoptions and child welfare incidents, and the bill's unintended consequences.
- 118 Chair Dalto Inquires how legislators can effectively advocate for their constituents when complete information is required.
- 141 Serice Discusses the possibilities and ramifications of a public policy allowing information access, and that the records are not exclusively DHS documents.
- 168 Rep. Greenlick Comments there appears to be a constitutional issue.
- 178 Serice Relates DHS policy is to be as open as possible within agency obligations.
- 191 Chair Dalto Requests DHS prepare a policy statement for the committee's April 28 meeting to clarify next steps.
- 211 Sindy Finch Mother of children in foster care. Submits and reviews written testimony in support of HB 2009 (**exhibit f**). Relates personal case of her own children split between two foster homes.
- 261 Chair Dalto Inquires how her recovery is progressing.

264	Finch	Relates her present progress as an outpatient and future intentions to become a drug counselor.
271	Rep. Greenlick	Requests clarification on Finch's opinions on HB 2009.
277	Chair Dalto	Asks if there is a plan to reunite Finch with her children in her home.
279	Finch	Replies no, the caseworker did not believe she would make enough progress to allow for that.
300	Robin Pope	Adoption attorney. Submits and reviews written testimony in opposition to HB 2009 (exhibit g). Believes these provisions are already covered by administrative rule. Discusses the best interests of the child, open adoptions and the attempt to break family cycles of behavior.
350	Julie McFarlane	Supervising Attorney, Juvenile Rights Project. Submits and reviews written testimony in opposition to HB 2009 (exhibit h), as it reiterates what exists in rule. States there is no policy to keep siblings together, but such would make a good study. Reports nationally there has been legislation introduced by a law professor in California.

TAPE 7, B

002	Robin Pope	Adoption attorney. Submits and reviews written testimony in opposition to HB 2387 (exhibit i) due to its limitations on the birth parents' decision making.
051	Chair Dalto	Questions the fluidity of crossing state lines in adoptions.
055	Pope	Reports some adoption agencies are licensed and have offices in multiple states. Notes opposition to the financial facilitation of adoptions.
073	Rep. Farr	Mentions specific provisions of the bill.
077	Susan Cox	Vice President of Policy and External Affairs, Holt International Children's Services. Testifies in opposition to HB 2387. Discusses finding adoptive children through the internet, and the restrictions this bill would place on that ability. Mentions www.adoptuskids.org . Talks about the issue of timing and readiness of the family and child.

126	Chair Dalto	Requests clarification on international placements coming in to Oregon.
129	Cox	Reports the bill does not specify it does not impact international adoptions. Clarifies possible obstacles that could be created due to ambiguity.
150	Kellie Herold	Boys and Girls Aid Society. Submits and reviews written testimony in opposition to HB 2387 (exhibit j). Relates independent adoptions for infants done through attorneys are not addressed.
160	Julie McFarlane	Supervising Attorney, Juvenile Rights Project. Submits and reviews written testimony in opposition to HB 2387 (exhibit k). Relates the bill would violate federal law. Discusses the issue of a DHS brochure for parents explaining the foster parent process, relating concerns a brochure can't provide enough information to parents. Recommends an existing booklet on the web the agency could link to.
198	Chair Dalto	Clarifies his intent for the agency document.
218	Chair Dalto	Questions what Oregon is doing that is similar to Washington's new requirement for face-to-face contact within 24-hours with persons involved in incidents of reported abuse or neglect.
211	Ramona Foley	Assistant Director, Children, Adults and Families, DHS. Explains Washington's former policy and compares it to Oregon's former and present policies. Confirms we are ahead of Washington in some respects.
273	Chair Dalto	Requests a comparison of criminal background checks between Oregon and Washington.
274	Foley	Discusses the criminal background checks performed on new employees.
299	Rep. Greenlick	Comments on the need to hear from the Oregon Youth Authority on what they are doing to protect children.
307	Foley	Elaborates on the limits of the employee background checks that have been completed.

329 Chair Dalto Closes the public hearing on HB 2009, HB 2010, HB 2334, HB 2336 and HB 2387.

The following prepared testimony is submitted for the records without public testimony:

Staff HB 2010, written testimony from League of Women Voters in opposition (**exhibit l**).

Jim Long HB 2010, Guide to Human Services directory list (**exhibit m**).

330 Chair Dalto Adjourns the meeting at 6:00 p.m.

EXHIBIT SUMMARY

- A. **HB 2334, -1 amendment, Rep. Jerry Krummel, 1 p**
- B. **HB 2336, -3 amendment, Rep. Jerry Krummel, 1 p**
- C. **HB 2336, case report, Kevin Stott, 6 pp**
- D. **HB 2334, written testimony, Julie McFarlane, 2 pp**
- E. **HB 2336, written testimony, Julie McFarlane, 3 pp**
- F. **HB 2009, written testimony, Sindy Finch, 2 pp**
- G. **HB 2009, written testimony, Robin Pope, 1 p**
- H. **HB 2009, written testimony, Julie McFarlane, 16 pp**
- I. **HB 2387, written testimony, Robin Pope, 1 p**
- J. **HB 2387, written testimony, Kellie Herold, 2 pp**
- K. **HB 2387, written testimony, Julie McFarlane 2 pp**

The following prepared testimony is submitted for the records without public testimony:

- L. **HB 2010, written testimony of League of Women Voters, staff, 1 p**
- M. **HB 2010, Guide to Human Services listing, Jim Long, 1 p**