

**HOUSE COMMITTEE ON
HEALTH AND HUMAN SERVICES
Subcommittee on Child Welfare**

April 28, 2005
3:00 P.M.

Hearing Room E
Tapes 8 - 10

MEMBERS PRESENT: Rep. Billy Dalto, Chair
Rep. Mitch Greenlick

MEMBERS EXCUSED: Rep. Debbie Farr

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator
Pamella Andersen, Committee Assistant

MEASURES/ISSUES HEARD:
HB 2009, HB 2010, HB 2334, HB 2336, HB 2387 – Public Hearing

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 8, A		
004	Chair Dalto	Calls the meeting to order at 3:36 p.m. Opens a public hearing on HB 2009, HB 2010, HB 2334, HB 2336, and HB 2387. Relates the Department of Human Services will be responding to earlier questions from the committee (EXHIBIT A).
<u>HB 2009, HB 2010, HB 2334, HB 2336, HB 2387 – PUBLIC HEARING</u>		
026	Mickey Serice	Deputy Assistant Director, Children, Adults and Families, Department of Human Services (DHS). Makes himself available for questions.
029	Una Swanson	Child Protective Services, Children, Adults and Families, DHS. Responds to written questions from the committee. Reviews a synopsis of the State Fatality Review Team (SFRT) (EXHIBIT B). Discusses the purpose of the Citizen's Review Board (CRB) and compares it to the SFRT.
079	Rep. Greenlick	Inquires if every death of a child is reviewed.
080	Thurman	Answers and mentions co-sleeping death.
087	Chair Dalto	Inquires regarding definition of co-sleeping death.
088	Thurman	States it is a culturally-accepted practice of sleeping with children that results in children dying of asphyxiation or crushing.
098	Chair Dalto	Inquires regarding the multidisciplinary teams to which DHS makes recommendations.
102	Thurman	Reports every county has a multidisciplinary team.
103	Chair Dalto	Asks what recommendations are made by the SFRT.
105	Thurman	Lists some recommendations such as bicycle helmets and seat belts. Notes they observe and address trends with health and safety, and

address prevention efforts.

- 131 Rep. Greenlick Questions if every childhood death in Oregon is reviewed by someone.
- 132 Thurman Explains which childhood deaths are reviewed by DHS, which are reviewed by county doctors, and which are reviewed by the SFRT.
- 149 Rep. Greenlick Questions how many deaths were reviewed by DHS in the last year.
- 145 Thurman Offers to provide that information as well as a review of a death that is not from child abuse.
- 187 Jacquie Howard Rep. Donna Nelson's office. Submits and reviews written testimony from Betsy L. Close, former State Representative of House District 15 in support of HB 2387 (**EXHIBIT C**). Discusses mass adoptions as a result of the 1997 adoption of the federal Adoption and Safe Families Act. Reviews case of Trentyn Aue.
- 254 Karen Webster Grandmother of a foster child. Testifies on HB 2009. Speaks on her granddaughter's behalf, stating their home is the best home to adopt her. Notes her granddaughter is presently in her fifth foster home. States grandparents should be considered the first line of defense and the first options for adoption and care.
- 300 Chair Dalto Asks if the child's parent recommended the grandparents for placement.
- 307 Webster States the mother's rights haven't been terminated, but believes she would want the children with family if she couldn't keep them herself.
- 321 Chair Dalto Inquires if grandparents should be granted custody if the mother doesn't want them to have it.
- 326 Webster Responds each case should be reviewed individually, but continued involvement in the child's life should be considered.
- 370 Rep. Greenlick Questions if Webster has applied to be her granddaughter's foster parent.
- 372 Webster Reports they have half completed the application process, but the new rule that siblings must be kept together has prevented progress.
- 400 Chair Dalto Asks if Webster would separate the siblings, and if the siblings are close.
- 402 Webster States the children are half-siblings, and even though there is closeness, they feel it would be best to keep the granddaughter with her family.
- 430 Chair Dalto Mentions other testimony stating need of a policy to keep siblings together. Suggests Webster consider raising the half-sibling, too.
- 450 Webster Relates the difficulties of doing that.
- 463 Rep. Greenlick Questions whether Webster has attempted to become her granddaughter's legal guardian and has seen an attorney.
- 468 Webster Responds no, and it could be another 18-24 months before resolution.

TAPE 9, A

- 012 Rep. Greenlick Notes the need for the agency to have flexibility in these cases which complicates policymaking.
- 027 Martha Fiala Therapy center owner. Discusses case of a foster child sent to Mexico to live with grandparents rather than remain with foster parents with

- whom she had been living for years. Relates personal experience of adopting her daughter. Reiterates necessity of seeing each child individually.
- 059 Chair Dalto Inquires if in such a circumstance, a foster parent should have greater right to the child.
- 061 Fiala Confirms, yes, in such a case. Reports some foster parents are very loving. Mentions necessity of children bonding before the age of three.
- 088 Rep. Greenlick Wonders how guidelines can be provided.
- 089 Fiala Mentions the book, Beyond The Best Interests of the Child.
- 100 Chair Dalto Comments Fiala believes the bond is more important than family, which is a difficult position.
- 104 Fiala Mentions instantaneous bond with parents is also a real thing that needs to be respected. Reiterates the need for individual responses.
- 153 Kathy Ledesma Adoption Program Manager, DHS. Relates the permanency planning process for children. Notes due to the difficulty in making determinations, an adoption committee considers all the issues that impact the child. States sibling relationships seem to be the most lasting relationships for a child, and so there is a tight sibling policy in rule. Notes interest in maintaining continuity with the family of origin. Explains the steps in the adoption process. Notes occasionally none of the families originally submitted are chosen. Mentions a backup family is also chosen.
- 208 Chair Dalto Inquires how often children are not placed with any of the submitted families.
- 210 Ledesma Reports that is infrequent. Elaborates on possible factors that influence choices.
- 217 Serice Interjects all families that go before the committee have already been screened.
- 225 Chair Dalto Questions whether people are told why they weren't selected.
- 231 Ledesma Confirms, yes, that is provided through their adoption worker and reasons are always based on the needs of the child.
- 238 Chair Dalto Asks if there is a standardized statewide process.
- 240 Ledesma States the process is not standardized. Notes it is communicated verbally.
- 253 Chair Dalto Explains value of a structured written response to refer to, to reduce interpretation issues.
- 279 Rep. Greenlick Compares situation to telling someone they have cancer - they don't hear everything you say. Questions how many adoptions are done per year and requests categorical distribution percentages.
- 285 Ledesma States 900 to 1000 adoptions are completed per year. Provides breakdown: 36 percent by relatives; 35 percent by non-related foster parents, and the remainder by families recruited by DHS. Reports in 2002-2003, 93 percent of children with a sibling also moving toward adoption, were kept together.
- 320 Rep. Greenlick Inquires about the ratio of in-state vs. out-of-state adoptions.

- 326 Ledesma Replies most children remain in the state, and over half who leave the state go to a relative. Offers to distribute the report submitted to the Committee on Ways and Means to committee members.
- 339 Chair Dalto Questions claims people are not receiving information from the DHS offices. Inquires if the agency is not communicating clearly, or the requestors are not entitled to the information they are requesting.
- 363 Ledesma Reports there are many reasons people do not receive information. States grandparents do not have a right to the information, although they are included in planning.
- 377 Chair Dalto Asks if grandparents can be apprised of the child's status within the system.
- 392 Ledesma Explains the process, noting she will provide information on what is provided to grandparents.
- 426 Rep. Greenlick Notes the confidentiality issue impacts effectiveness. Requests guidance on how the rules can be changed to allow representatives to do their jobs more effectively.
- TAPE 8, B**
- 002 Chair Dalto Requests confirmation research indicates the sibling relationship is the most important.
- 009 Ledesma Confirms, that is correct. Elaborates.
- 020 Serice Submits and reviews a set of documents and information on confidentiality (**EXHIBIT D**). Relates specific constituent issue he researched and references the Release of Confidentiality Form. References a document which lists information DHS cannot share even if a release is received.
- 118 Chair Dalto Asks Serice's thoughts on legislators having a process for gaining access to records.
- 122 Serice Notes there are complicating circumstances. Reviews third document addressing the recommended process.
- 143 Rep. Greenlick Inquires what can be done if a foster parent gives him a release.
- 151 Serice States response is dependent upon whether they have some legal standing to receive information.
- 162 Linda Guss Senior Assistant Attorney General, Department of Justice. Explains her responsibilities in support of DHS.
- 178 Rep. Greenlick Inquires what DHS would like to be able to do under law, and to what extent the law hampers them in fulfilling their duties.
- 189 Serice States the agency wishes to be as open as possible, and scale back from there. Notes the question they must consider is what will the party receiving the information do with it once they receive it.
- 219 Rep. Greenlick Requests confirmation if legislators received confidential information they would then become bound by confidentiality in their role in the process.
- 223 Guss States there is a redisclosure restriction, necessitating once information is received it can't be shared.

- 241 Chair Dalto Questions on HB 2010, if the Department of Justice has a conflict of interest in providing legal advice to DHS.
- 250 Guss States she is not able to answer as she hasn't analyzed the question.
- 259 Chair Dalto Inquires as to the legal definition of conflict of interest.
- 260 Guss Requests clarification of the question, as she is unprepared to address attorney ethics. Offers to have the matter reviewed.
- 295 Jessica Stevens Service Employees International Union (SEIU). Testifies in opposition to HB 2010 as presently written. Lists specific concerns with the bill. Introduces Francis and Dyche.
- 347 Carla Francis DHS, SEIU. Submits and reviews written testimony in opposition to HB 2010 and HB 2009 (**EXHIBIT E**). Addresses inadequate funding for foster parents. Notes the type of necessary oversight needs to be clarified. Relates her experience placing children in foster care, often with relatives, particularly grandparents. Reviews possible safety and protection issues that can preclude relatives being a viable resource.

TAPE 9, B

- 003 Chair Dalto Responds on the question of oversight, the committee sees inconsistent application of procedures resulting in varying outcomes.
- 016 Francis States what might look like inconsistency is the result of policies written to take into account individual situations.
- 025 Rep. Greenlick Comments there is no zero-fault system. Questions what barriers exist to minimizing the issues, apart from overworked staff.
- 050 Francis Relates time spent on a computer or in training is a barrier to spending needed time with clients. Mentions the need to invest time in recruiting foster homes. Relates details of her job that keep her at her desk.
- 089 Chair Dalto Discusses inconsistencies between the Oregon City and Gresham call-intake centers and the impact on effectiveness. States the need to ensure best practices are statewide.
- 120 Rep. Greenlick Observes if procedures at the call-intake centers were done correctly, then there was concern procedures weren't documented correctly.
- 129 Francis States value in reviewing other systems, noting Oregon is on the cutting edge in many respects.
- 142 Chair Dalto Asks who is reviewing other systems for best practices. Mentions caseworker creating a protocol in Gresham, and questions how that could be implemented statewide. Comments this type of review needs to be done.
- 167 Rep. Greenlick Mentions technology advances that would help.
- 198 Lianne Dyche SEIU. Submits and reviews written testimony in opposition to HB 2334 (**EXHIBIT F**). Relates concern with differing procedural effectiveness in rural and urban communities. Mentions the familiarity of neighbors in rural communities, and questions whether a DHS worker would need to be brought in from another community. States existing rule that addresses relieving a DHS employee of a case if they know the parties. Comments on the urgency in an abuse situation. Suggests the phrase "acquainted with" be revisited.

- 254 Rep. Greenlick States the committee is questioning what happens after a call is received and determined to require immediate action.
- 284 Karen Nibler League of Women Voters. Mentions the League's national position. Submits and reviews written testimony in opposition to HB 2010 (EXHIBIT G). States the League supports HB 2221.
- 334 Rep. Greenlick Inquires if the League would support HB 2010 if it specified the oversight going to the Governor's Office instead of the Attorney General's office. Asks how an organization can be created that provides system oversight.
- 339 Nibler Relates no, that would not be sufficient to garner the League's support. Believes putting more resources such as attorneys, at the local level, would improve the system.
- 374 Chair Dalto Inquires who would coordinate and lead the effort statewide if changes are addressed at the local level.
- 388 Nibler Responds the department should address it from within.
- 393 Chair Dalto Believes Nibler is missing the point of the bill.
- 398 Nibler Resists adding another layer of bureaucracy. Requests the agency be given room to improve from within.
- 417 Chair Dalto Questions how much that would cost in increased budget.
- 452 Ramona Foley Assistant Director, DHS. States with no new resources, it needs to be determined how existing work can be re-engineered. Comments on the desperateness of the situation.

TAPE 10, A

- 008 Foley Continues testimony. Reports the need for courage to say existing procedures aren't working, and determine what can be done differently. Comments the biggest hurdle is the Oregon culture of taking pride in doing everything differently, rather than supporting the most effective method. Notes consistency in issues of safety is essential.
- 060 Rep. Greenlick States system redesign is critical.
- 069 Chair Dalto Comments someone has to require people to conform.
- 070 Foley Mentions the expert they have contracted to evaluate the department's procedures. Questions whether there is the public will to make the recommended changes.
- 078 Chair Dalto States more workers working a damaged system, won't help; the system must be fixed, first.
- 090 Foley Mentions moving non-case-carrying staff to carrying some of the case-load is the only way to reduce case loads of others. Mentions results of the Critical Incidence Response Team (CIRT) review which noted how many people have to touch each case. Comments on the offices with no significant outcomes or chaos, where things run pretty well.
- 140 Rep. Greenlick Requests Foley consider alternatives for the placement of the oversight office.
- 144 Foley Relates she is reviewing other state models.
- 152 Chair Dalto Requests information about staffing ratios of management to caseworkers, questioning whether existing resources can be re-

- allocated.
- 160 Foley Reports frontline supervisors are supervising ten caseworkers, when the national standard is six or seven. Commits to provide details.
- 176 Chair Dalto Closes the public hearing on HB 2009, HB 2010, HB 2334, HB 2336, and HB 2387. Adjourns the meeting at 5:48 p.m.

EXHIBIT SUMMARY

- A. Overview of Child Welfare, Committee Questions to Department of Human Services, staff, 1 p**
- B. Overview of Child Welfare, report on State Fatality Review Team, Una Swanson, 1 p**
- C. HB 2387, written testimony of Betsy L. Close, Rep. Donna Nelson, 3 pp**
- D. Overview of Child Welfare, information packet, Mickey Serice, 15 pp**
- E. HB 2009, written testimony, Carla Francis, 2 p**
- F. HB 2334, written testimony, Lianne Dyche, 2 p**
- G. HB 2010, written testimony, Karen Nibler, 1 p**