

HOUSE COMMITTEE ON
HEALTH AND HUMAN SERVICES

January 17, 2005 Hearing Room D

8:30 AM Tapes 1 - 3

MEMBERS PRESENT: Rep. Billy Dalto, Chair

Rep. Bob Jenson, Vice-Chair

Rep. Carolyn Tomei, Vice-Chair

Rep. Gordon Anderson

Rep. Deborah Boone

Rep. Tom Butler

Rep. Mitch Greenlick

MEMBER GUEST: Speaker Karen Minnis

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Pamella Andersen, Committee Assistant

ISSUES HEARD: Organizational Meeting

Adoption of Committee Rules

Introduction of Committee Members and Staff

Department of Human Services - Informational Meeting

Critical Incident Response Team

Children, Adults & Families (CAF)

Child Protective Services & Foster Care Services for Children

Invited Public Testimony

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 1, A		
004	Chair Dalto	Calls the meeting to order at 8:32 am. Welcomes Rep. Boone as the newest member of the committee and introduces the Vice Chairs. Opens the organizational meeting.

ORGANIZATIONAL MEETING

016	Chair Dalto	Invites consideration of the proposed Committee Rules (EXHIBIT A).
020	Rep. Tomei	MOTION: Moves to ADOPT the proposed Committee Rules dated 1/17/2005.
027		VOTE: 6-0-1 EXCUSED: 1 - Butler
	Chair Dalto	Hearing no objection, declares the motion CARRIED.
029	Chair Dalto	Announces the possibility of the committee meeting outside the capitol on Saturdays and one evening a month.
048	Rep. Anderson	Notes concerns regarding the difficulties associated with weekend meetings. Prefers evening meetings.
054	Chair Dalto	Opens informational meeting.

DEPARTMENT OF HUMAN SERVICES - INFORMATIONAL MEETING

068	Chair Dalto	Announces that public testimony will be taken later in the meeting.
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080	Ramona Foley	Assistant Director, Children, Adults and Families, Department of Human Services (DHS). Introduces CIRT (Critical Incident Report Team) process in order to gain feedback; reviews the documents provided: the Child Welfare Protocol (EXHIBIT B); the Status of Children (EXHIBIT C); the 30-Day CIRT Review Report (EXHIBIT D).
145	Chair Dalto	Requests comparison of family structure and dynamics from 1995 to the present.
150	Foley	<p>Lists the major family stressors identified in 2003:</p> <ul style="list-style-type: none"> • · alcohol and drug abuse; • · unemployment; • · domestic violence; and • · criminal backgrounds. <p>Ms. Foley outlines the impact of increased methamphetamine use and the increase in families that have been impacted by these problems. She highlights Governor’s task force and the development of new protocols.</p>
215	Chair Dalto	Requests comparison of the new protocol to what occurred previously.
220	Foley	Shares illustration of Tupper Sherman of The Dalles, who was killed by his mother’s partner about 3.5 years ago. She states that there was no public accounting/record of how the case impacted DHS services/policies. Ms. Foley states that the new protocol is intended to provide greater accountability for improvement.
260	Rep. Butler	Questions purpose of using the term serious physical injury as opposed to non-serious injury. Seeks clarification on what injuries are considered serious, and do those injuries obligate involvement of the CIRT.
335	Una Swanson	Program Manager, Child Protective Services, DHS. Clarifies the CIRT focuses on serious physical harm. Notes that physical harm is not limited to incidents involving children under the age of ten.
390	Foley	<p>Continues presentation. Delineates the five areas that the CIRT team will need advice on:</p> <p>1) Is there any needed change to statute or administrative rule;</p>

- 2) Are there problems with policies and procedures;
- 3) Is it a practice;
- 4) Training; and
- 5) Personnel issue – staff performance.

445	Chair Dalto	Asks who receives notification of sensitive issues, and how many are received.
450	Foley	Identifies who receives notice, how they are evaluated, and how many are reviewed annually.

TAPE 2, A

004	Foley	Continues testimony. Provides an example of a sensitive issue that does not generate a critical incident response. She states that the CIRT process is activated at the direction of Gary Weeks, Director, DHS.
022	Chair Dalto	Questions methods and procedures that alert the department.
032	Foley	Explains the department may be alerted by media, law enforcement, etc. Notes that most incidents are acknowledged at the local level first. Reviews Child and Family Services Review process.
045	Chair Dalto	Questions DHS's ability to oversee local offices.
050	Foley	Notes the department has regular reviews of regulatory compliance, policies and procedures. Mentions oversight of the process by the Juvenile Court, the court advocate program and the legal representation for children in the foster care system.
073	Rep. Greenlick	Inquires regarding the 30-day CIRT review, the keeping of adequate records, and the development of a systemic review.
094	Foley	Elaborates on the department's desire to re-engineer the processes to ensure children's safety.
153	Rep. Tomei	Requests information on caseworker caseload and education requirements.

171	Rep. Butler	Requests information on how often a case is reviewed, how many cases are on the books, and how often file updates are received for those subject to CIRT review.
202	Chair Dalto	Welcomes Rep. Karen Minnis, Speaker of the House.
222	Foley	Responds there are approximately 15,000 cases of different types including in-home services and foster care. Explains process and timeframe for file updates.
265	Chair Dalto	Requests clarification on the face-to-face meetings in the home and whether it is possible a child might be left in an unsafe environment.
262	Foley	Explains the process and precautions taken. Reviews federal requirements, relative to criminal records, and references the Cassandra Hodges case in Klamath Falls.
359	Chair Dalto	Questions accessibility of criminal information.
386	Foley	Elaborates on the state Law Enforcement Data System(LEDS) and national databases (NCIC) and who has access to each.
400	Swanson	Indicates the advantages and limitations in using the LEDS database.
442	Speaker Minnis	House District 49, Speaker of the House of Representatives. Questions who has the authority and the ability to review the LEDS file, and who supervises those with access.
460	Foley	Clarifies database access, noting the Administrative Services branch oversees access.

TAPE 1 , B

012	Swanson	Confirms the interagency agreement with the LEDS administration that allows an entity to access criminal information.
026	Speaker Minnis	Relates recent conversation with the Multnomah County sheriff, noting his concerns regarding the barriers in obtaining information from the Children's Services Division to conduct investigations.

043	Foley	Welcomed comments from the county, noting inclusion of law enforcement representatives on the team that developed the CIRT. Clarifies the CIRT process does not take the place of the multi-disciplinary team - it is to help determine how DHS is performing in specific cases.
081	Speaker Minnis	Notes time lapse in information being disseminated to law enforcement, and their feeling of helplessness within the department. Notes similar concerns during previous legislative sessions and encourages the committee to pursue resolution.
101	Rep. Butler	Questions whether the department is mining the LEDS information available in homes where there is criminal activity.
111	Foley	Reiterates department dependence on law enforcement, noting staff are generally the first people called by law enforcement when an arrest is made and children are present.
159	Swanson	Notes the Governor's Task Force on Methamphetamine Use, noting the endangered child protocol is being developed.
171	Rep. Butler	Asks if Oregon is meeting the time limitations relative to the federal Safe Families Act.
177	Foley	Responds that the department is doing well, but notes concern that 15 out of 22 months may not be reasonable for determining if the treatment is effective. Mentions related Philadelphia article noting increase in children available for adoption as a consequence of the timeline.
210	Rep. Jenson	Questions if the department's technology is adequate to handle the large volume of available data.
249	Foley	Explains the department will be using a national expert to advise on the critical issues to be gleaned from the current volume of files.
270	Rep. Jenson	Requests confirmation there are 20,000 department cases, and inquires as to the process for purging inactive cases.
279	Foley	Elaborates that currently all data is being kept. She notes that a task force has been appointed to review how long information should be maintained.

309	Rep. Anderson	Remarks that procedures need to be developed by which a reasonable outside person can access permitted DHS information. States DHS needs to review the process of transitioning children in coordination with police.
345	Foley	Concurs and highlights reasons there are limitations on obtaining information. She notes the laws relating to accessing information are to protect the individuals, not the department.
378	Rep. Boone	Questions the every 30 days required checks on children. Comments that people are alerted three days before a visit, which allows people to clean up their act.
396	Foley	Responds that staff need to be respectful, as appropriate, ensure children are safe, and make sure someone is home to visit.
431	Rep. Greenlick	Asks how agencies interact with each other, and whether there are links to preventive services.

TAPE 2, B

002	Foley	Outlines the current prevention services connections, community health nurses, and the Commission on Children and Families.
030	Chair Dalto	Concerned with low weights of children, and the presence of adequate medical assessments.
074	Kevin George	Program Manager, Foster Care Services, DHS. Reviews the medical review requirements, noting that medical reviews are conducted on each child every six months, which is reported to a medical review panel (including dental exams).
125	Chair Dalto	Inquires as to whether it would be appropriate for DHS to have a medical director.
127	George	Discloses the presence of an RN on staff, and the related responsibilities.
150	Rep. Anderson	Requests clarification on the availability of dental care.
155	George	

Responds and explains checkups are covered through the Oregon Health Plan (OHP).

- 172 Rep. Jenson Asks what is being done to monitor the quality of the Children's Review Board.
- 186 Foley Explains that board doesn't operate under DHS, but within the Department of Justice, and that every state is required to have a third-party review board.
- 246 Foley Continues presentation. Highlights pressure points in the child welfare system, and department review of how they can use the Temporary Assistance to Needy Families (TANF) program to help children. Clarifies the number of families they were working with coming from TANF increased by 65% in one year.
- 392 Rep. Greenlick Questions what cultural components are considered in placements.
- 393 Foley Relates the agency's efforts and identifies existing barriers to best meeting children's needs in terms of culture.
- 440 Rep. Butler Observes there are a significant number of Native American children in care.

TAPE 3, A

- 005 Foley Responds Native American children are the most over-represented group. Notes their resource person for the Indian Child Welfare Act.
Continues review and references (**EXHIBIT D**), explaining this is the report discussed in the Oregonian article.
- 034 Chair Dalto Requests the second CIRT report be addressed at the Wednesday meeting.
- 035 Rep. Anderson Expresses concern with fiscal inequities between parents and the DHS in court (defense costs). Requests fairness be explored in the court system, as well as review of problem cases by a third party, and judges that have recused themselves from cases.
- 085 Chair Dalto Closes the informational meeting and invites public testimony.

INVITED PUBLIC TESTIMONY

093	Jennifer Magee	Foster parent. Submits and reviews (EXHIBIT F). Provides personal experience with DHS. States DHS workers have knowingly allowed the children in her care to continue seeing their grandfather whom they know was involved in sexual abuse of his daughter (their mother). Recommends that Citizen's Review Board continue oversight for a longer period of time and that DHS treat foster parents with respect. Expresses frustration that the Governor's Advocacy Office labels frequent callers as complainers.
152	Rep. Greenlick	Requests clarification on Magee's multi-generational records issue.
158	Magee	Clarifies and provides details.
178	Rep. Boone	Acknowledges the testimony and relates she has heard of similar cases where the foster parents have had to watch the children be returned to unhealthy homes.
199	Nancy Webb	Former foster parent, currently foster parent advocate. Addresses issues and impacts of allegations against foster parents. Provides testimony relating to current challenges versus challenges of 10 years ago. Comments on reduced pay for foster parents, unannounced visits to foster homes, workloads of agency caseworkers, and unnecessarily forceful removal of children from homes by law enforcement.
345	Chair Dalto	Acknowledges the public testimony. Closes the public testimony and adjourns the meeting at 10:52 am.

EXHIBIT SUMMARY

- **A. Rules, proposed Committee Rules, staff, 2 pp**
- **B. Child Welfare, Child Welfare Protocol, DHS staff, 6 pp**
- **C. Child Welfare, The Status of Children in Oregon's Child Protection System, DHS staff, 39 pp**
- **D. Child Welfare, 30-Day CIRT Review Report, DHS staff, 5 pp**
- **E. Child Welfare, Media Response Summary for Clackamas CIRT, DHS staff, 2 pp**
- **F. Child Welfare, Letter to Wayne Holder and email to Una Swanson, Jennifer Magee, 2 pp**