

**HOUSE COMMITTEE ON**  
**HEALTH AND HUMAN SERVICES**

**January 19, 2004 Hearing Room D**

**8:30 A.M. Tapes 4 - 6**

**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**

**STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator**

**Pamella Andersen, Committee Assistant**

**ISSUES HEARD:**

**Child Protective Services and Foster Care Services – Public  
Comment**

**Law Enforcement – Informational Meeting**

**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 4, A**

004              Chair Dalto                      Calls the meeting to order at 8:34 a.m. and continues with public comment on Child Protective Services and Foster Care Services.

**CHILD PROTECTIVE SERVICES AND FOSTER CARE SERVICES – PUBLIC COMMENT**

011              Tina Kotek                      Policy Director, Children First for Oregon. Submits the *Status of Oregon's Children County Data Book 2004 (EXHIBIT A)*. States that the current foster care system is under stress, and more children are under abuse and neglect than before. References Ramona Foley's testimony on Monday relating to the program Temporary Assistance for Needy Families (TANF).

073              Rep. Jensen                      Reports that several years ago he attempted to contact Children First but received no response. Wonders if this is still happening.

081              Kotek                              States that she does not have information addressing this problem. Emphasizes that she is confident in the information she is providing. Offers to meet with Rep. Jensen.

098              Rep. Anderson                      Inquires if she thinks that TANF and child services should work together to make the process of evaluating kids more effective.

109              Kotek                              Responds that she is not an expert on staffing, but notes there is overlap and the department is addressing that.

119              Rep. Tomei                      Asks if she has any specific recommendations beyond funding.

125              Kotek                              Gives examples of other issues that are important, but states that there is a point adequate staff.

175              Ramona Foley                      Assistant Director, Department of Human Services (DHS). States that one of the issues is that staffing needs to be at a certain level in order to manage the workload.

206	Rep. Tomei	Expresses concern that in rural counties more serious reports are found. Wonders if Ms. Foley is concerned that DHS is missing potential cases because of the low response rate.
214	Foley	Responds affirmatively. Reports that all the counties are operating under the same law.
266	Chair Dalto	Inquires if Ms. Kotek has data that compares Oregon's child abuse cases with other states.
273	Kotek	Responds that it is difficult to compare, but asserts that the federal government is conducting a system review.
288	Rep. Greenlick	States that there is a fall in the percent of the population that is positive toward the government's way of handling health care. References survey done by Oregon Health Decisions for the Oregon Health Policy Commission that indicates that 80 percent of the people polled think access to basic health care is a right of the citizens.
326	Rep. Greenlick	Inquires on confidentially relating to using client names.
333	Chair Dalto	Calls a recess at 8:58 a.m.
325	Chair Dalto	Reconvenes the meeting at 9:05 a.m. and states that the committee is going to discuss the issue with legislative counsel.
352	Jessica Stevens	State Employees International Union (SEIU) Local 503, Oregon Public Employees Union.
362	Sarah Cochran	Child Welfare Case Worker, DHS. Discusses staffing issues. Gives a history of staffing allocations and the need for change. States that new policies have been implemented without considering workload. Gives an example.
398	Chair Dalto	Inquires how long it takes to conduct a home visit.
409	Cochran	Provides estimated timeline.

**TAPE 5, A**

012	Chair Dalto	Asks how many face to face visits are conducted to manage the workload.
015	Cochran	Comments that caseworkers focus on completing thirty face to face meetings with the children and the parents.
020	Rep. Greenlick	Comments on the importance of documenting visits. Inquires how easy it is to get documentation into the record on visits.
031	Cochran	Responds that DHS has a good system, however the system can be slow, and documentation can get behind but the agency is trying to make the system more effective.
047	Rep. Anderson	Questions what unit she works for, and how many people are in the unit.
049	Cochran	Responds that she works for the Gresham Child Welfare Office, that has approximately 100 workers.
055	Rep. Anderson	States that there are programs with word dictation for the computer, states that this is another option that should be looked into.
064	Rep. Butler	Inquires if this presentation has been made to the Committee on Ways and Means, with these concerns.
069	Stevens	States not at this time, but they are pursuing that option.
081	Rep. Butler	Inquires if they are achieving the outcomes of the department's performance standards. Asks if they know what their performance standards are.
089	Stevens	Responds that most are over performing. States that with more staffing they could do more, but they are doing the best they can with the available resources.
096	Rep. Bulter	Highlights that the issues being discussed need to be brought before Ways and Means.
113	Stevens	States that they want to submit ideas that accomplished within the current budget.

126	Rep. Tomei	Requests information on the proportion of time spent with clients verses spent in the office.
132	Cochran	States that a majority of time is spent in the office, court hearings or meetings with providers. Estimates that 25 percent of the time is spent with families.
145	Yvonne Recchia	Cares Liaison, DHS. Estimates 30 percent of the time with families and 70 percent other duties.
150	Rep. Boone	Asks how the legislature can help facilitate their jobs.
199	Recchia	States that it is important that they do their job well and have adequate staffing. Details the problems with too many cases in the system. States that it is important to adequately train staff and to treat them well.
239	Rep. Anderson	Inquires if the problem is the emotional nature of the work or is it the record keeping duties.
259	Recchia	Responds that it is a combination of the emotional aspects and not having enough time to address the important issues.
290	Angela O'Halloran	Foster Parent. Explains that she has been a foster parent for over 250 children. States that a majority of the people at DHS are hard working and doing their job, but policies and procedures need to be evaluated. Indicates that communication is vital.
378	O'Halloran	Recommends that a timeline for changes be developed and the timeline be implemented.
392	Kristin Hilfiker	Foster Parent. Details her experiences with foster children and the system.

**TAPE 4, B**

009      Hilfiker      States that the current crisis is due to unavailable social services to fall back on. Discusses problems with the current system.

039      Hilfiker

Makes recommendations to the committee. Submits and discusses prepared testimony (**EXHIBIT B**). Submits the *2004 CAPTA Panel Recommendations* (**EXHIBIT C**).

- 076 Rep. Greenlick Inquires how they interact with the special education programs in the public schools.
- 082 Hilfiker States that the foster parents are the surrogate parent therefore they are involved in the development of the Individualized Education Program (IEP).
- 099 Nahn Van Truong Volunteers with children. Outlines his concerns with DHS and the case workers. Discusses the difficulty with receiving reimbursement for such things as medical expenses for the children. Submits legal documentation concerning adoption (**EXHIBIT D**)
- 140 Rep. Tomei Inquires how he knows the children.
- 148 Van Truong States that they are his ex-wife's children.
- 150 Patrick Hackwell Child in foster care. States that DHS needs to develop a better system. Shares his bad experiences with his case workers. Comments on Mr. Van Trong's situation, and submits a letter concerning the situation (**EXHIBIT E**).
- 187 Chair Dalto Inquires what his ideas are for a better system.
- 190 Hackwell Suggests such things as a check off list to report who they have been spending time with. Spend more time with the foster kids, rather than spending all the time with the foster parents.
- 220 Chair Dalto Inquires what kind of questions Mr. Hackwell was asked by the case worker during the visits.
- 224 Hackwell Responds and provides examples that he was asked general questions.
- 240 Chair Dalto Inquires if he feels he would have had a better experience if he had interacted with the case worker more.
- 242 Hackwell Responds affirmatively. Explains that he felt like the case worker was just fulfilling the requirements.

- 250 Van Truong States that he wants to help the system, and he thinks there is waste in the system.
- 300 Don Darland President, Foster Parent Association of Oregon. Submits an outline of his presentation (**EXHIBIT F**). States the importance of adequate education for case workers and the benefits of continued education.
- 411 Chair Dalto Closes the public comment on Child Protective Services and Foster Care Services and opens the informational meeting on Law Enforcement.

**TAPE 5,B**

**LAW ENFORCEMENT – INFORMATIONAL MEETING**

- 005 Sheriff Bernie Giusto Sheriff, Multnomah County. Gives a professional background. Discusses an example of the case of Alexis Westin in 2001. Informs the committee that the investigation was blocked by DHS. They are responsible to answer to the public.
- 075 Rep. Tomei Inquires when this happened and if things have changed since 2001.
- 079 Giusto Responds that it happened in July 2001. Reviews the problem and states that more resources will not make a difference if policies and procedures are not implemented. Offers recommendations that would create an internal affairs or inspection unit reporting to an outside authority. Emphasizes the importance of accountability.
- 130 Rep. Tomei Inquires how internal affairs work for the police.
- 135 Giusto Responds that the public has direct access to the internal affairs department and the department has the independent authority to respond. In appellate authority internal affairs does not have the final say.
- 170 Rep. Tomei Inquires if the importance of protecting the children puts more difficulty in the issue rather than a police internal audit.
- 179 Giusto Provides an example of police internal affairs investigation.

197	Rep. Greenlick	Inquires how he sees the unit interacting with the management of the agency. Asks if in 2001 there had been an internal affairs unit, how would this have affected the case.
200	Giusto	Responds that the relationship between police and child protection agencies is challenging because of different interests. An internal affairs unit would create common ground for a joint investigation.
240	Rep. Greenlick	Gives Mr. Giusto a hypothetical situation. Inquires how the internal affairs units from the two different departments would work together.
245	Giusto	States that the scope of unit can be as broad or narrow as necessary.
257	Rep. Boone	Inquires if the new Critical Incident Response Team (CIRT) team will be doing similar to internal affairs.
267	Giusto	Responds that they will not, CIRT is good but it will not meet the accountability issue.
272	Chair Dalto	Clarifies that internal affairs process is proactive and catches problems ahead of time and implement corrective action.
276	Giusto	Concurs with Chair Dalto.
280	Rep. Butler	Inquires if this is something beyond the scope of an Ombudsman program.
282	Giusto	Responds affirmatively, noting that the enforcement mentality is important and ombudsman does not utilize this perspective.
298	Chair Dalto	Asks what his confidence level is with the internal affairs process.
300	Giusto	Remarks that as a whole he is confident.
327	Rep. Anderson	Questions if internal affairs could be carried out by the citizen review board and if his recommendations should be carried out on a city, county or state wide basis.
337	Giusto	States that for consistency it would need to be handled at the statewide level.

350	Rep. Anderson	States that a citizen's review board is located in every county that reviews cases. Inquires if internal affairs should be included in their responsibilities.
356	Giusto	Maintains that the internal affairs units would be different.
360	Rep. Jenson	Remarks that he agrees with the inconsistencies on the local level. Asks if the police departments have problems with inconsistencies.
367	Giusto	Responds that there is inconsistencies, but it is not within the same agency. The final outcome is agreed upon at headquarters.
430	Chair Dalto	Questions how Mr. Giusto has seen child welfare as a whole evolve since he began in law enforcement.
433	Giusto	Comments that the program has greatly improved. States that the relationship between law enforcement and DHS has improved.

#### **TAPE 6, A**

010	Chair Dalto	Inquires if as circumstances have changed, have their interaction as critical component of the system changed. Asks about the progression of the flow of information.
017	Giusto	Responds that the flow of information has not changed much in his time in law enforcement.
025	Chair Dalto	Questions if law enforcement is getting involved too late.
027	Giusto	Gives an example that law enforcement is the first on a case. They are either late or too soon and need to go to the department for help.
030	Chair Dalto	Questions if they are staying with the cases they are the first responder to through the child welfare process.
035	Giusto	Articulates how this is handled in Multnomah County and in Portland.
072	Chair Dalto	Inquires if there are people in the agency who specialize in child welfare.

- 077 Giusto Remarks that they do and in most agencies of any size someone knows about child abuse.
- 085 Chair Dalto Inquires if the high rate of turnover seen in case workers is also seen in law enforcement.
- 092 Giusto Responds that it is not the same issue. States that there is a 4 to 6 percent turn over in law agencies.
- 105 Chair Dalto Requests recommendations relating to improving communication.
- 110 Giusto States that he wants to talk to people first and then submit the recommendations to the committee in writing.
- 125 Elaine Jenkins Probation Officer, Marion County Juvenile Department. Submits and presents written testimony (**EXHIBIT G**). States that there are not enough homes to help the children who need it. Reviews negative aspects to contracting with lay people who have not had adequate training.
- 190 Jenkins Shares the stories of three girls she knows (**EXHIBIT G, Page 2**). States that prevention and intervention are equally important.
- 290 Rep. Boone Requests clarification on the comment about prevention verses intervention.
- 295 Jenkins Responds that with discretionary money there is a lean toward prevention even though intervention is just as important and the two are linked.

**The following prepared testimony is submitted for the record without public testimony:**

- [AB7RA@aol.com](mailto:AB7RA@aol.com) Submits written testimony regarding DHS breaking up families (**EXHIBIT H**).
- 343 Chair Dalto Closes the informational meeting on Law Enforcement and adjourns the meeting at 11:00 a.m.

## **EXHIBIT SUMMARY**

- A. Foster Care, Status of Oregon's Children County Data Book 2004 Report, Tina Kotek, 68 pp
- B. Foster Care, prepared testimony, Kristin Hilfiker, 3 pp
- C. Foster Care, 2004 CAPTA Panel Recommendations, Kristin Hilfiker, 9 pp
- D. Foster Care, legal documentation regarding adoption, Nhan Van Truong, 54 pp
- E. Foster Care, letter regarding Mr. Van Truong's case, Patrick Hackwell, 2 pp
- F. Foster Care, outline of presentation, Don Darland, 2 pp
- G. Foster Care, prepared testimony, Elaine Jerkins, 3 pp
- H. Foster Care, written testimony, [AB7RA@aol.com](mailto:AB7RA@aol.com), 2 pp