

HOUSE COMMITTEE ON
HEALTH AND HUMAN SERVICES

January 21, 2005 Hearing Room D

8:30 AM Tapes 7 - 9

MEMBERS PRESENT: Rep. Billy Dalto, Chair

Rep. Bob Jenson, Vice-Chair

Rep. Carolyn Tomei, Vice-Chair

Rep. Gordon Anderson

Rep. Deborah Boone

Rep. Mitch Greenlick

MEMBER EXCUSED: Rep. Tom Butler

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Pamella Andersen, Committee Assistant

ISSUES HEARD: Invited Testimony

Child Protective Services & Foster Care Services for Children

Department of Human Services

Oregon Judiciary Department

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 7, A		
004	Chair Dalto	Calls the meeting to order at 9:02 a.m. Announces the scheduled work session is postponed. Announces the submitted testimony into the record (EXHIBIT C) . Opens the informational meeting.

CHILD PROTECTION SERVICES AND FOSTER CARE SERVICES FOR CHILDREN - INVITED TESTIMONY

020	Ramona Foley	Assistant Director, Department of Human Services (DHS). Discusses Child Protective Services (CPS). Describes the graph on page one. (EXHIBIT A) .
042	Una Swanson	Program Manager, Child Protective Services, DHS. Reviews (EXHIBIT B) and (EXHIBIT C) . Discusses initial calls to screeners and what they are listening for. Describes a call of concern and the screening process for an event or threat of child abuse or neglect and provides examples of issues that need an immediate response.
110	Rep. Greenlick	Requests cross references to the data on page one and requests clarification of the 42,455 total child abuse/neglect reports. (EXHIBIT A) .
122	Swanson	Responds the 42,455 total child abuse/neglect reports are where the person may be identifying risk influences or incidents. Adds that it does not include calls that are not about child abuse or neglect. (EXHIBIT A) .
134	Rep. Tomei	Asks about a required report call and if that call would require an immediate response if there is a true sign of neglect or abuse.
138	Swanson	Explains an immediate response, or a response within 24 hours versus a response required, or a response within five days. Adds that once the department has determined there is neglect or abuse, the decision to intervene is determined by the immediate threats.
174	Rep. Tomei	Questions if a law enforcement officer ever goes alone to investigate a report of child neglect or abuse, or if a CPS worker is included.
180	Swanson	

Notes that CPS has been identified to deal with issues of family abuse directed at the child. In those situations, CPS responds with law enforcement. Explains that if it is a criminal issue or a person identified as a third party has abused the child, CPS would cross-reference it with the police department.

- 197 Chair Dalto Asks for clarification between when law enforcement is sent and not and what triggers the screener to send an instant response.
- 212 Swanson Provides an example that would call for immediate response; explains that it is immediately reported to law enforcement and DHS would respond with them.
- 232 Chair Dalto Relates personal experience of finding an eight-year-old and a three-year-old unsupervised. Questions how many screeners exist, their locations, and how are they contacted.
- 261 Swanson Notes that telephone numbers are posted in Multnomah County.
- 268 Chair Dalto Asks if there is a statewide hotline number to report child abuse and neglect.
- 269 Swanson Continues to explain the Multnomah County hotline and details how after hours the hotline covers additional counties. Provides detailed review of the state's Service Delivery Area (SDA), the configurations and localized hotlines, and examples of different counties.
- 301 Rep. Tomei Asks if the police would have responded to the incident Chair Dalto mentioned regarding the eight- and three-year-old but not necessarily CPS.
- 302 Swanson Responds affirmatively. Explains that when a child is in immediate danger or a crime is in progress, 911 should be called. CPS is then contacted.
- 321 Rep. Tomei Asks if the police are required to report to CPS when the child is being neglected.
- 324 Swanson Responds affirmatively. Explains that statute allows the report to be made to DHS or the police department; then the organization that was contacted must cross report to the other. Emphasizes that CPS focuses on family situations and not third party situations.

348	Rep. Tomei	Requests clarification.
355	Swanson	Explains that it continues to be true that both law enforcement and CPS respond together. Each can respond alone but they must cross report to each other. Explains that workers are required to do immediate assessment of safety needs during first response. Details the procedure and clarifies definitions of determinations (EXHIBIT B) .
406	Rep. Boone	Asks what happens when an abuse or neglect case is undeterminable.
420	Swanson	Explains how department decides that neglect or abuse is undeterminable.

TAPE 8, A

015	Foley	Notes that data is not purged, but it is evaluated.
021	Chair Dalto	Asks about undeterminable cases and whether calls about individual people are put into the record.
031	Swanson	Explains what happens if a founded incident of abuse occurs; lists course of action. Provides example of what happens when they are able to resolve abuse or neglect in the home.
055	Kevin George	Program Manager, Foster Care Services, DHS. Continues explanation of procedures when a child needs to be removed from the home (EXHIBIT C) . Explains that out-of-home care means foster care. Discusses Team Decision Meetings and timing.
075	Chair Dalto	Asks who is present at the Team Decision Meeting.
076	George	Answers the biological parents, CPS worker, and any other person the parents request to be in attendance. States there is no court action or attorneys at this time.
085	Chair Dalto	Asks if it is appropriate for law enforcement to be present.
088	George	Emphasizes that the Team Decision Meeting is the first step and law enforcement comes in later.

091	Rep. Jenson	Relates information on complaints about the Team Decision Meeting. Conveys constituents believe the meeting is pre-decided and just an exercise. Requests DHS's response.
103	George	Responds that it is an issue; division is asking "how do we use family meetings." Explains that the CPS worker has an obligation to the child to say that abuse or neglect may be occurring even if other family members are saying that it is not happening.
117	Rep. Greenlick	Explains that he is struggling between two situations, keeping families together and ensuring that kids are safe. Expresses desire to continue hearing how department deals with this constant dilemma.
133	George	Stresses that it is a dilemma the department faces daily.
139	Rep. Anderson	Reiterates who is in the Team Decision Meeting and asks if supervisors or heads of departments are in the meeting.
144	George	Explains that it is possible to have a supervisor and that there is a facilitator.
151	Rep. Anderson	Inquires if the Team Decision Meeting is heavy with supervisors and staff.
153	George	Explains that it is difficult to say. Indicates that parents sometimes do not want anyone else to know what is going on and so just one parent may show up to the Team Decision Meeting.
160	Foley	Contrasts other states' scenarios where the parents might not even see the social work staff until the case goes to court. Explains that the Team Decision Meeting is just to start looking at alternatives in the family where the child can be placed.
172	Rep. Boone	Inquires if there is a Multi-Disciplinary Team (MDT), if there are other family member options and how they are screened.
182	George	Responds that a Multi-Disciplinary Team is at the beginning of the process and the Team Decision Meeting occurs in a later stage of the process. Provides additional details.
197	Rep. Jenson	Questions the definition of team.

222	Swanson	Explains that the team decision meeting is composed of a variation of relatives and friends the family include. Details how the Team decision is determined. States the meeting is to assist the caseworker in making the best choice possible when removing a child out from the home.
265	Rep Jenson	Points out that parents or a custodian of the child are not seen as part of the team and that some parents perceive the agency as the adversary.
275	Foley	Concedes that she thought this when she first came to Oregon, but DHS has asked families when they are having a child removed what they prefer and the families want to have a say in where their child goes.
298	Chair Dalto	Asks where the MDT action comes into the process.
305	Swanson	Explains that the MDT function is to provide a plan for how law enforcement and CPS will address the abuse and/or neglect for individual cases.
327	Chair Dalto	Clarifies that he wants to know how MDT works together with the Child Welfare System.
333	Foley	Explains that MDT focuses around child abuse issues; explains that an on-going effort might exist, which involves pursuing an investigation of the parent's criminal activities; emphasizes that their focus is on the child at the beginning of the system regardless of whether they come into the Child Welfare System or not.
354	Chair Dalto	Asks about a parallel process with a report of child abuse and a criminal investigation.
359	Foley	Says that is possible; explains that law enforcement, medical professionals, etc. will become involved. Highlights new laws that apply to the child when a child comes into foster care.
373	Chair Dalto	References (EXHIBIT B AND C) .
385	George	Refers to child welfare process and follows flowchart (EXHIBIT C) ; talks about the shelter hearing.

- 404 Foley Continues explanation. Notes that the judge may decide that the child does not have to stay in foster care. Provides additional examples.
- 420 Chair Dalto Asks if, at the shelter hearing, the judge can determine that the child should return to his/her parents and if in a third of the cases this happens.
- 422 Foley Responds affirmatively.
- 433 Rep. Anderson Asks if the shelter hearing is where the family may need to get an attorney.

TAPE 7, B

- 001 Rep. Anderson Sites a specific example in his county that addresses this problem. Dislikes the costs to parents and believes the state is creating a stacked deck against families. Would like to equalize costs between families and DHS.
- 039 Rep. Greenlick Speaks to family rights. Asks to see that family's plea to see their children in the case where a child was killed within the DHS system and another injured.
- 051 Foley Talks about how some families in these cases have appeared on TV and discussed their perspectives; says that if the families have legal representation the committee should go through those channels to find out information; believes that DHS should not bring them in to testify, but the families could voluntarily do that.
- 063 Chair Dalto Says the committee will explore it privately.
- 065 Rep. Tomei Points out that court-appointed special advocate (CASA) has not been discussed. Inquires what proportion of children have a CASA representative and at what point they are appointed.
- 072 Foley Refers to **(EXHIBIT C)**. Explains that CASA comes in at jurisdictional hearings and about 30 percent of children have a CASA representative. Emphasizes that CASA is an excellent program that provides an objective perspective to cases.
- 090 George Continues explanation of **(EXHIBIT C)**. Highlights ongoing case management, services that are provided at this stage, judge discretion

of which case is reviewed, however each case must be heard every six months.

- 155 Chair Dalto Asks about how many children in concurrent plans come from drug-related homes.
- 161 George Says he does not have that information, but will provide it to the committee.
- 163 Rep. Anderson Asks if the state takes custody of the child at the permanency hearing.
- 165 George Explains that at the permanency hearing the state has already been assigned custody at the shelter hearing.
- 167 Rep. Anderson Asks about the concurrent plan and whether the state is moving toward adoption. Provides additional remarks relating to DHS moving toward adoption, and the impact of the concurrent plan.
- 188 Foley Explains that Nancy Miller will be talking about the court perspective and the concurrent plans. Discusses the concurrent plan and its evolution from the Federal Adoption and Safe Family Act (FASFA). Explains the history behind the FASFA.
- 233 Rep. Anderson Asks how long the time period is under FASFA to work on the concurrent plan.
- 236 Foley Responds that generally the concurrent plan will begin during that first year. Notes the concurrent plan begins when services are not helping the situation.
- 249 Rep. Anderson Inquires if the concurrent plan can be extended.
- 252 Foley Responds affirmatively. Explains judges can make exceptions to the federal regulations and extend the time period; if the child has been in the care of the agency for 15 of the last 22 months then the agency should be pushing for a decision around permanency with the court.
- 260 Rep. Anderson Questions the process and procedure whereby parents may be told what they need to do to get their children back, even though the progression of their case may appear that they are not getting their children back.

- 275 Foley Concurs that it is a problem for parents to think they are getting their children back. Comments that DHS could reduce constituent complaints by 50 percent if that problem were solved. Continues explanation.
- 311 Rep. Jenson Clarifies his intentions; expresses concern about CPS issues; says that his job is to ensure the agency has followed their prescribed process; wants to determine if there is need for a change in the process.
- 396 Chair Dalto Notes to committee: it is difficult to know how long we will continue informational meetings; we intend to finish in two hours or less in the future; appreciate you patience.

TAPE 8, B

- 001 Nancy Miller Deputy State Court Administrator, Program Operations, Oregon Judiciary Department. Addresses previous questions; reviews the history of the law. States that SB 689 (1997), changed the way the state reviews child abuse. Details the focus of the legislation and highlights the impact of the Adoption and Safe Family Act in 1997. Refers to page two and three (**EXHIBIT B**). Points out that the court can overturn agency decisions and emphasizes checks and balances between the court and DHS. Notes the emotional stress of being a caseworker. Talks about court proceedings and CASA's.
- 085 Timothy Travis Court Improvement Manager, Oregon Judicial Department. Details the shelter hearing and emphasizes that the court must make two findings: 1) that it is in the best interest of the child to be removed from the home and 2) that if it is not made, the case is not eligible for the federal foster care subsidy.
- 100 Miller Says that if court finds it is not in the child's best interest to be removed from the home, then the child goes home. Continues presentation on the jurisdictional hearing.
- 118 Rep. Greenlick Asks if parents are entitled to court-appointed attorneys if they are eligible.
- 120 Miller Responds affirmatively.
- 125 Rep. Greenlick Asks if the child is always represented by council.
- 127 Miller

		Explains the statute says a child will receive a lawyer if someone requests one.
130	Rep. Anderson	Comments that attorneys for children are paid so poorly that they do not spend much time on the case. Comments this action is abusive.
134	Miller	Advocates that the Public Defense Services Commission could come talk to him about the issue.
138	Travis	Talks about the quality of work of public defenders being as uneven as in all other professions; explains that an assessment of Oregon courts was conducted in 2004, and one of the issues that was identified was the quality of the lawyers for children and parents.
158	Miller	Says that the committee will be provided with a copy of the report.
159	Chair Dalto	Asks if there are any standards for attorney's representing children.
163	Miller	Affirms there are standards. Conveys that the standards have been adopted by the Oregon Bar Association. Notes that in fairness, caseloads make it difficult to meet all the standards.
171	Chair Dalto	Expresses interest in receiving information about standards.
172	Rep. Jenson	Asks if judges have latitude to call inadequate attorneys into chambers.
178	Travis	Affirms that judges to have that latitude. Says CPS has not caught up with the cultural changes that have come with drug and alcohol problems.
192	Rep. Greenlick	Requests that certain organization, such as Portland Metropolitan Defenders, address the committee.
197	Miller	Notes the Juvenile Rights Project would like to work with the committee. Refers to page four (EXHIBIT D). Talks about the Citizen Review Board (CRB). Refers to page nine (EXHIBIT D). Details information requested from earlier meeting that the CRB disagrees with the agency about 25 percent of the time and agree completely with the agency 75 percent of the time. Continues providing details.

- 230 Rep. Jenson Asks if the CRB and CPS works towards a solution in those three percent of the cases.
- 233 Miller Responds the court makes the final decision and in most cases the CRB works with CPS to come to an agreement. Continues discussion of CRB. Refers to page six (**EXHIBIT D**). Discusses the Permanency Hearing and explains the priorities of the plans.
- 276 Travis Continues explanation. States that the court must ask and make written findings if return to home is appropriate, regardless of what the recommendations of CPS are.
- 294 Miller Mentions the Child Welfare Advisory Committee. Indicates on Tuesday, January 25, 2005, there will be an overview of child welfare process in Hearing Room F. Highlights key recommendations:
- • Caseloads. Explains that the agency is staffed very near recommended national averages of 20:1;
 - • Oversight and the response to it. Wants to require overview of the findings.
- Explains that the agency has excellent policy in place, and there is a break between policy and what actually happens. Emphasizes face-to-face interaction and rate redesign. Summarizes by stating personal desire: One worker, one layer, one judge, one CASA, one year.
- 396 Travis Reiterates many changes have been made in the last year. Explains not everyone in the system is caught up with all they are to do and that the department is still in transition.
- 409 Rep. Boone Concerns about foster care being used as a business.
- 421 Miller Says that the majority of foster parents are not like that and we need to not provide incentives for keeping kids in care.
- 431 Rep. Boone Asks if there is a cap on how many medically needy children can be in one home. Commends Miller for her work.

TAPE 9, A

- 015 Travis Says everybody in this system wants to do the right thing for kids and they all have their heart in the right place.

022	Rep. Greenlick	Insists that committee is not looking for bad apples. Expresses overwhelming concern to protect our children. Wants to balance the rights of families and the rights of kids.
050	Miller	Emphasizes that when tragedies occur, the state needs to stop, and instead of finding a place to lay blame, know that people do horrible things to children and find out what can be done differently to protect children and the rights of their families.
062	Chair Dalto	Requests the two CIRT reports.
065	Miller	Responds that the CIRT report was delivered yesterday and included other information.
073	Mikey Serise	Deputy Assistant Director, Program and Policy at CAMP. Confirms delivery.
088	Rep. Tomei	Asks if the educational and training levels of caseworkers are included in the information.
090	Foley	Answers that it does include the descriptions and position qualifications.
101	Chair Dalto	Requests indication on where weak points are in the process. (EXHIBIT B and C)
105	Foley	Confirms that they will get the information for the committee.
109	Chair Dalto	Requests information on on-going case management. Closes the informational meeting and adjourns the meeting at 11:10 a.m.

EXHIBIT SUMMARY

- **A. Child Welfare, FFY 2002-03 Child Abuse and Neglect Summary, Kevin George, 1 p**
- **B. Child Welfare, Child Welfare Case Work Flow Chart (In-Home), Una Swanson, 1 p**
- **C. Child Welfare, Child Welfare Case Work Flow Chart (Out-of-Home), Una Swanson, 1 p**
- **D. Child Welfare, Citizen Review Board Oversight of Child Welfare Cases Report, Nancy Miller, 19 pp**

- **E. Child Welfare, written testimony, Karen Stueve, 3 pp**
- **F. Foster Care, written testimony, Dorothy Harmon, 2 pp**