

HOUSE COMMITTEE ON CHILDREN AND FAMILIES

March 18, 1997 Hearing Room D

1:00PM Tapes 43 - 45

MEMBERS PRESENT:

Rep. Liz VanLeeuwen, Chair

Rep. Kitty Piercy, Vice-Chair

Rep. Bob Jenson

Rep. Jeff Kruse

Rep. Dennis Luke

Rep. Kurt Schrader

Rep. Mark Simmons

MEMBER EXCUSED:

STAFF PRESENT:

Janet Carlson, Administrator

Berri Sellers, Administrative Support

MEASURE/ISSUES HEARD:

HB 2980 Public Hearing

HB 2494 Public Hearing

HB 3058 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 43, A		
004	Chair VanLeeuwen	Chair calls meeting to order at 1:07.
<u>HB 2980, HB 2494, HB 3058</u>		

<u>PUBLIC HEARING</u>		
028	Janet Carlson	Committee Administrator. Provides an overview of HB 2980, HB 2494 and HB 3058.
061	Gary Weeks	Director of the Department of Human Resources. All three of these bills deal with accountability for the Department of Human Resources. Believes strongly in accountability and that his department already has accountability mechanisms in place. Does not agree with the way these bills are drafted.
086		Would like to make some amendments to HB 2494, which creates an ombudsman at the Department of Human Resources. Their proposal is to move this office into the Department of Human Resources as part of the Governor's Advocacy office.
105	Rep. Luke	Original concept behind HB 2494 was for there to be a person available for the public to call with complaints at the Department of Human Resources.
130	Weeks	Wants agency to be accountable, wants to work with the committee to make themselves more accountable.
138	Rep. Kruse	If these mechanisms for making them accountable are already in place, he would like a list of those mechanisms.
145	Weeks	That is part of the testimony that will follow from my staff. Is not sure that the mechanisms are not working, that is something we need to discuss.
		Believes that they will be able to do what Rep. Luke has asked for and thanks the committee for letting them go first during the hearing.
172	Glenn Koehrsen	Chief of Staff to Rep. VanLeeuwen. Explains the concept behind HB 3058. Wants the public to have a way of making a formal complaint to someone at the Department of Human Resources. Provides written copies of proposed amendments to HB 3058 (EXHIBIT A).
200		Discusses the phone calls they currently receive at their office about the Department of Human Resources.
232	Rep. Luke	How much quicker would an administrative judge be able to act than a normal judge?
243	Koehrsen	The hearings officer doesn't hear the situation if no action is taken. Somebody would be there to intercede and ensure that the right decision is made.
275	Marie Bell	Former State Representative. Here to talk about the original concept of a children's ombudsman. Discusses people who are charged unfairly of sexual abuse. Important that we create a system that is fair.
307		In 1990, the Task Force on Sex Offenses Against Children toured the state, conducting town hall meetings. The goal was

		to talk to people who had gone through the system and to hear their experiences. People were happy to be asked about their experiences and have the opportunity to talk with someone.
355		People had complaints about the citizen review boards and the judges that heard cases on child abuse.
373		Describes an individual case of a foster parent's problems adopting a foster child that had been in their care. Services to Children and Families found many problems with the foster parents after they told them they wanted to adopt and after the child had been in the family's care for over three years.
407	Bell	She heard several complaints of the grand jury losing records of child abuse victims. After the grand jury lost the records, children had to be interviewed again or records were simply lost.
TAPE 44,A		
034	Bell	Describes case of a little boy who had reported sexual abuse by maternal grandfather and was still allowed unsupervised visits.
078		Wrote report about the relationship between the Children's Services Division and the Citizen Review Boards. Those groups were able to work out their differences once they knew the situation was under review by the legislature.
120		Explains that she does not think the ombudsman should have too much authority and that the term "inspector general" might scare people. The person should be an outlet for people who feel they are being victimized. Emphasizes that they should not try to solve problems in- house.
152	Bell	Comments that we have good systems in place that should not be threatened, but that we can make it better.
179	Rep. Jenson	Do these people really have no where to go but their legislator? What is the better place to go?
188	Bell	A legislator is a good place to go, but not every legislator is well-versed in children's issues. This bill would be a help to legislators.
203	Rep. Luke	At some point he would like the agency people and the witnesses to come together and be able to have a back and forth conversation.
220	Gin Denison	Governor's Advocate in the Department of Human Resources. Provides testimony (EXHIBIT B).
269		Describes her role as the Department of Human Resources ombudsman.
282		Explains the interest of the Citizen Review Boards to move the children's ombudsman to the Department of Human Resources.

297	Vice-Chair Piercy	What sort of communication does she do with legislators to let them know she is available?
306	Denison	Has held workshops in the past to help legislators and was disappointed by the turn out.
311	Vice-Chair Piercy	Suggests that in the future they prepare a flier or a quick card for legislators.
318	Rep. Simmons	Are any of these calls that you receive duplicate calls?
332	Denison	No, each call is logged separately.
334	Rep. Luke	Would suggest to Rep. Piercy that this type of presentation would be ideal for a caucus meeting.
354	Nancy Miller	Vice-Chair of the Children's Justice Act Task Force. Provides written testimony (EXHIBIT C). Concerned about the ombudsman available at the Department of Human Resources. Wants the Governor's Ombudsman's office to be able to continue to function.
393		Wants the committee to continue to work on consolidating the three bills before the committee today.
TAPE 43,B		
040	Florence Brown	Here today to testify on HB 2494 and HB 2980. Provides written testimony (EXHIBIT D). Would like to have a place that they can complain and have people follow up on their problems.
108		Discusses the problems they have had thus far in dealing with their legislators.
132	Dee Michael	Here to talk about the poor conditions in which adoptive children have been placed. Provides written testimony (EXHIBIT E).
156	Larry Carver	Citizen whose children were abducted while in foster care. In favor of HB 2980. Coming to the legislature to ask for their help in returning his children to him. Provides written testimony (EXHIBIT F).
181	Rep. Luke	Comments about Judge Sullivan who is dealing with the case currently in Deschutes County.
198	Harold Gardner	Citizen from Eugene who is opposed to the Services to Children and Families. Provides written testimony (EXHIBIT G).
222		Describes family in Eugene who has had problems with their day care facility.
244		Day care facility entered a suit against a father which tore the family apart.
261	Gardner	Father has not been allowed to see his son since December 1996. Family has been intimidated by Services to Children and Families.

293		Not once has Services to Children and Families called and checked up on the child.
316		Supports HB 2980 because it would provide an outlet for those people having problems with Services to Children and Families.
321	Rep. Luke	Is the child still with the mother?
325	Gardner	Yes.
328	Vice-Chair Piercy	Have the people involved in the case contacted their legislator?
335	Gardner	No, not yet, they have called the 1-800 number that is provided for the Department of Human Resources.
375	Michael Ramsby	Oregon State Police Sergeant. Concerned that there will be significant impact on law enforcement if HB 3058 is passed. Provides written testimony (EXHIBIT H).
423		Effects of HB 3058 are enormous. Discusses the number of calls Services to Children and Families receives about child protective services.
TAPE 44,B		
032	Ramsby	Would be happy to work with committee members in order to come to an agreement about HB 3058.
070	Kay Toran	Director of Services to Children and Families. Would like to come back and testify on HB 3058 at another time, once she has seen the amendments. Provides written testimony (EXHIBIT I).
088	Karen Everhart	Executive Assistant at Services to Children and Families. Would like to testify in opposition of HB 2980. Discusses the external and internal types of reviews that are in place at Services to Children and Families. Provides written testimony (EXHIBIT J).
095		They are wondering if perhaps this bill came forward because there is a lack of public awareness about the Ombudsman in the Department of Human Resources.
132	Chair VanLeeuwen	Cites that the testimonies have documentation about internal and external protocols.
112	Vice-Chair Piercy	Are there any problems with the systems in place and perhaps we should look at the current system to see if there are things we can make better.
124	Everhart	Services to Children and Families has an internal database that registers citizen concerns.
130	Chair VanLeeuwen	What happens if a screener decides not to follow up on a complaint? Does the person who has complained have any recourse?
134	Victor Congelton	Manager at Services to Children and Families. Explains that often times it is best for the caller to discuss their situation

		with a local branch manager who is more familiar with the situation. Often times they have to determine whether or not the request is appropriate.
154	Chair VanLeeuwen	Would he place a call again if he did not get a response the first time?
159	Congelton	Cannot answer that question as he is not an average person in the population. Explains that a significant number of people who are dissatisfied do call. He appreciates the point she is trying to make.
174	Vice-Chair Piercy	What are they doing to work more closely with the community?
190	Toran	Developing a community safety network where they are trying to develop a capacity for their community partners to be responsive to families. They require their screeners to come back to the reporters and discuss what type of follow up has taken place.
209	Janet Arenz	Executive Director of the Oregon Alliance of Children's Programs. Their primary concern is for the well being of children. Concerned about the ideas behind HB 3058.
236		Their group believes that the structures that are currently available for people are adequate and that another agency to work through will only complicate the system.
248		They are unsure as to what the problem is, so cannot provide added clarification to this discussion.
275	Muriel Goldman	Communications person for Children First. Her organization concurs with the written testimony of Nancy Miller.
291		All three of these bills address the same issues of accountability. Any bill that addresses oversight need to also address outcomes.
308		Concern with HB 2980 is that the requirements for that person would be prohibitive in terms of the costs of carrying them out. An agency would have to dismiss an employee.
323		HB 3058 is too broad and adds another management layer to Services to Children and Families. Does not allow families to be adequately served. We must allow Services to Children and Families to do their job.
345	Chair VanLeeuwen	If the same issue comes in from three different bills, doesn't she think there is a problem?
350	Goldman	Yes, there must be a problem but her concern is that there are too many constraints.
380	Karen Brazeau	Deputy Director for the Oregon Youth Authority. Testifying in opposition of HB 2980. Provides written testimony (EXHIBIT K).
397		Believes that the Oregon Youth Authority is already providing both internal and external reviews.

409		They are not in opposition to oversight, but that the Oregon Youth Authority is already doing this type of review and should not be included in HB 2980.
424	Rep. Luke	Comments that all Oregon Youth Authority clients are under the review of the court.
430	Timothy Travis	Attorney with the Juvenile Rights Project. Represents abused and neglected children in the Multnomah County courts. Believes that the former ombudsman position did not have enough case involvement. Provides written testimony (EXHIBIT L).
TAPE 45,A		
003	Travis	Believes that power corrupts and that the ombudsman should not be in the Department of Human Resources. It should be in the Secretary of State's office. Must have a complaint-driven, case audit system.
018		Speaks in favor of HB 2980 but thinks that it should be in the Secretary of State's office.
025	Chair VanLeeuwen	Adjourns meeting at 3:00pm.

Submitted By, Reviewed By,

Berri Sellers, Janet Carlson,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 3058, proposed amendments, Glenn Koehrsen, 1pg.

B - HB 2980, written testimony, Gin Denison, 4pp.

C - HB 2980, HB 2494, HB 3058, written testimony, Nancy Miller, 4pp.

D - HB 2980, written testimony, Florence Brown, 2pp.

E - HB 2980, written testimony, Dee Michael, 1pg.

F - HB 2980, written testimony, Larry Carver, 1pg.

G - HB 2980, HB 2494, HB 3058, written testimony, 4pp.

H - HB 3058, written testimony, Michael Ramsby, 4pp.

I - HB 3058, written testimony, Kay Toran, 7pp.

J - HB 2980, written testimony, Karen Everhart, 6pp.

K - HB 2980, written testimony, Karen Brazeau, 2pp.

L - HB 3058, HB 2980, HB 2494, written testimony, Timothy Travis, 4pp.