

**HOUSE COMMITTEE ON JUDICIARY**

**SUBCOMMITTEE ON FAMILY LAW**

**February 19, 1997 Hearing Room 357**

**3:15 P.M. Tapes 21 - 23**

**MEMBERS PRESENT:**

**Rep. Ron Sunseri, Chair**

**Rep. George Eighmey, Vice-Chair**

**Rep. Roger Beyer**

**Rep. Peter Courtney**

**Rep. Charles Starr**

**Rep. Judy Uherbelau**

**VISITING MEMBER: Rep. John Minnis**

**STAFF PRESENT:**

**William E. Taylor, Counsel**

**Lauri A. Smith, Administrative Support**

**MEASURE/ISSUES HEARD:**

**Overviews on Child Abuse**

**1) Standards and Training,**

**Training Of Police To Identify Child Abuse**

**2) Coordinating State Training in Child Abuse**

**3) National Strategies to Address Child Abuse**

**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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 21, A</b>		
	Chair	

003	Sunseri	Calls meeting to order at 3:20 p.m.
<b><u>OPENS HEARING ON CHILD ABUSE</u></b>		
013	Cameron Crawford	Program Manager, Board on Public Safety Standards & Training (BPSST) Submits written testimony ( <b>EXHIBIT A</b> ). Introduces additional speakers. Gives overview on the police officer child abuse training. Gives background on child abuse training. Talks about future plans for child abuse training.
050	Crawford	Continues testimony.
100	Crawford	Continues testimony.
150	Crawford	Continues testimony.
200	Crawford	Talks about the impact of training for Detective John Stratford of the Washington County Sheriff's Office, as the detective could not make it to the hearing.
217	Chair Sunseri	Would you talk a little more about the content of the training? What do you expect a police officer or social worker to be able to accomplish upon completion of the training?
222	Crawford	We basically expect a police officer to be able to, after receiving and responding to a call, properly assess the risk to a child in that situation. We expect them to have an understanding of the resources available in their community. They should be able to conduct interviews with the child, suspect(s), or witness(es).
230	Chair Sunseri	How do they identify child abuse? What do you teach them to look for that the average person wouldn't think to look for?
235	Crawford	Gives an example of domestic violence, and explains that in such cases, most of the attention is focused on the adults rather than the children. There is a very detailed list of indicators, in the curriculum, that they are trained to look for.
245	Rep. Uherbelau	In the future, I noticed that you plan to extend the hours of training from eight to 16. Will you require officers who have already gone through the training to put in the extra time?
251	Crawford	At this point, we are not planning on doing that. The increase from eight to 16 hours is to include more detail and practice. The objectives of the training will remain the same.
257	Rep. Beyer	What does MDT in your testimony stand for?
259	Crawford	Multi-disciplinary Team. They are mandated in every county to address child abuse issues.
		CAMI Account Coordinator for Services to Children and Families

268	Jan Slick	Provides testimony regarding the services done by and make-up of MDT.
335	Gary Weeks	Director of Department of Human Resources Talks about training within the department and connections with MDT.
378	Caleb Heppner	Deputy Administrator of Services to Children and Families Division Comments that his plans were to talk about different trainings, but the previous presentation already covered much of the MDT area. Notes that questions have been raised about bringing some training that has been done nationally to Oregon, and he will speak about that after SCAR training has been addressed.
398	Dave Zeigler	Executive Director of SCAR at Jasper Mountain Talks about the training and its focus: to prevent abuse but be able to treat children after they have been abused. States that brochures, with a list of indicators, are given to every family of child abuse so the whole community can be on the "lookout." There are counseling groups for both abused adults and children and long-term residential programs for children who are severely damaged from abuse. Training is done with those in the medical field and police agencies.
450	Zeigler	SCAR gives presentations and training to teachers, counselors, and attorneys.
<b>Tape 22, A</b>		
031	Zeigler	SCAR does training with insurance adjusters, as they deal with the same families and have access to emergency rooms, etc., and they have access to information that the rest of us would not. Talks about the symposium and the tracks, conferences involved: police, treatment, and specific topic area (e.g. education, fetal alcohol syndrome, etc.).
054	Susie Johnston	Coordinator of SCAR Symposium Provides informational background on and needs met by the symposium.
102	Chair Sunseri	Is there a continuing education hour requirement for case workers?
105	Johnston	Yes.
108	Chair Sunseri	How many hours are required?
110	Johnston	If it's an ordinary day, it's 5.5 hours per day.
111	Chair Sunseri	How many are required for the year?
112	Heppner	There is a continuing education requirement.
122	Chair Sunseri	Is that a requirement that's in statute?
123	Zeigler	In the state of Oregon, for licensed counselors, social workers, or psychologists, the requirement is 20 hours in every 12 months.

127	Rep. Minnis	All of the people attending the conference are not licensed social workers or counselors, so I don't think there is a requirement in statute or licensing issue that they're dealing with. How much money does it cost to put a program like this on? How much time does it take?
141	Johnston	My time for the SCAR Symposium about 625 hours a year.
146	Zeigler	We have a budget of around \$65,000, and the number of participants is usually between 600-700.
155	Rep. Minnis	Is there any feel for the need that's out there? Do you know how much more training is needed?
160	Zeigler	There is a evaluation given to each participant at the end of the conference. Usually, about one third of the participants say we need to do this twice a year. It would be very hard to determine what the unmet need of training is, but every year we have a consistent repeat group of professionals who attend.
168	Rep. Minnis	How many physicians are involved in training? Do the physicians have a sense of what they need to do and what their responsibilities are?
174	Zeigler	The two groups that have been the hardest to motivate for training are judges and doctors. It is very difficult and causes many problems for a doctor to report child abuse. It has also been difficult to get medical doctors to attend the conference.
186	Chair Sunseri	How would you feel requiring physicians in Oregon to attend?
195	Chris Gardner	Chairman of the Children's Justice Act Task Force Submits written testimony ( <b>EXHIBIT B</b> ). We are proposing HB 2748 this session, and requiring physicians to attend is a perfect introduction into that bill. Wants to have a group of specialized pediatricians who can recognize and treat abused children.
251	Rep. Uherbelau	The policy in Washington D.C.'s emergency room is that everyone had to be trained in recognizing child abuse. I think it is essential that emergency room people, especially, need to be trained. Are you a provider of continuing education units (CEU) for nurses and attorneys?
268	Zeigler	Yes. I think it should be essential that medical doctors should be required to have this type of training. Many involved with CEU have a choice to take it and don't. Child abuse training is not pleasant material, and they don't want to have to deal with it, if they have a choice.
279	Gardner	We proposed mandatory training for doctors and attorneys two years ago, and some problems occurred. Tax lawyers argued they shouldn't have to do this because they don't deal with kids.
312	Bill Taylor	Committee Counsel Judges would not want to get involved, even more so than doctors, right?
317	Zeigler	I have been an expert witness in dozens of child abuse cases and have been very surprised at some of the questions judges have asked me that are very basic about child abuse.
		So, your concern with judges is not that they report abuse but that they

325	Taylor	should know more about child abuse for when the issue comes to court.
327	Zeigler	Yes.
328	Gardner	There's also a need for judges to know how to control a courtroom, so that a child can receive the best possible opportunity to reveal evidence.
343	Rep. Minnis	Is there a need to train police managers, emergency technicians, prosecutors, etc.?
350	Zeigler	Yes. All professionals should have training because they all interact with the community.
363	Rep. Minnis	The total cost of running the program is \$65,000?
370	Zeigler	The funds for the program usually come from the full registrants. SCF workers come for about \$11 a day, but I don't know how much longer we will be able to offer that cheap of a price to SCF. During the last three years, our budget has been between \$60-70 thousand for 600-700 people.
385	Rep. Minnis	Does that include Ms. Johnston's salary and the salaries of the staff?
387	Johnston	It includes my salary, but it doesn't include other staff time.
393	Rep. Minnis	Does it cover the presenter fees?
395	Johnston	Yes. SCF staff assist me. They help with all the packets, distribution, costs, etc. That's part of our agreement with them. So, our budget estimate does not include any fees that they would incur.
416	Rep. Minnis	What does AFS or SCF do to respond to the on-going stress of workers in child abuse or child abuse related fields? Has that been, or is it becoming a problem?
425	Weeks	That has been, and probably always will be, a challenge to deal with the stress these professionals have. Both AFS and SCF offer a great deal of training, but I don't know how much of it has to do with stress management.
<b>Tape 21, B</b>		
045	Weeks	We do have traumatic incidents with employees. Provides an example.
056	Heppner	We provide assistance and training for child protective services employees. We are in the process of planning specialized training for non-case workers as well.
076	Chair Sunseri	What's the scope of the problem? How many confirmed deaths by abuse did we have in 1996? How many complaints do you service in a month? How many confirmed cases of child abuse do you usually discover at the end of a month?
081	Gardner	It's infrequent that kids die from sexual abuse; they usually die from

		physical abuse.
086	Chair Sunseri	Do you have some numbers?
089	Heppner	There were 38 infant deaths last year that were contributed to child abuse. Just our agency receives 27,000 calls a year. Of those 27,000 we do a screening process, and we end up going out on about 13,000. We then follow up about 8,000 of the 13,000.
104	Rep. Uherbelau	What does the department have set up for stressful situations? You don't have any structured response to this.
122	Weeks	We don't have a structured response. We do an employee assistance program, and we use that in every instance we think we need to, but in terms of structure, we have not made this mandatory.
131	Heppner	We do have three counselors that are professional and available to staff. They are trained in trauma, and the staff can go to them at will. It is a voluntary program, so staff has a choice to go or not to go.
141	Rep. Uherbelau	Many times it is difficult for a person, who has been through a traumatic incident, to realize they need help.
145	Rep. Minnis	With regard to the Chair's question earlier, I think it's important to know that in law enforcement, we don't have the research that tells the whole story about teenage suicide due to abuse. They often blame themselves for the activity that they are involved in. The whole phenomenon of teenage suicide is one that hasn't been researched very well.
163	Gardner	There are statistics in other areas such as teen pregnancy, teen crime, teen substance abuse, etc., and in every one of those instances, children who are abused have a higher likelihood of falling into those categories.
167	Zeigler	Do not restrict suicide to teens; elementary child have contemplated and committed suicide because of abuse. Usually the death certificate will read "accidental death" because they are young children. Society is not ready to handle suicide at that age.
177	Chair Sunseri	We have received varying numbers of statistics from each group testifying on this subject. In terms of funding, we need to have more accuracy.
191	Heppner	36 deaths were confirmed in 1995. 15 were confirmed in 1996, but some are still under investigation and pending.
197	Gardner	When you asked "What is the scope of child abuse?" you asked a good question, but it is very difficult to answer in terms of consistent numbers. But, studies that have been done, have come up, consistently with the same figure: one quarter of all our children are severely abused or neglected.
215	Chair Sunseri	What happens when a child survives abuse and is now in his/her teen years?
221	Gardner	Provides personal example. Asks the members to look at the statistics in the packet he distributed ( <b>EXHIBIT B</b> ). Every child suspected to be abused deserves an examination, evaluation, treatment, and support.

240	Rep. Minnis	I'm not sure if SCAR does this, but other conferences have had their professionals do presentations of their research, which help give a better understanding of what is currently going on. Generally doctors don't read up on current literature, and therefore, they don't diagnose correctly.
258	Chair Sunseri	What lengths do you go, what priorities do you take to make sure kids are not removed from a home? What do you teach to prevent kids from being taken from homes when they shouldn't be? How do you analyze areas and work those into future training? Gives example from last session. As much of a nightmare as child abuse is, taking a child out of a home, in error, is also a nightmare.
276	Gardner	The multi-disciplinary teams do reviews together. We walk a fine line, but there is a statutory requirement for us to do sensitive case review.
289	Chair Sunseri	Do you make attempts to take those children, who you feel need to be removed from a home, and put them in a relative's home or someplace that is a little less traumatic for the child?
291	Gardner	Provides an example of how they decide where to place the child. Relatives aren't always available.
299	Heppner	One of the things we are doing as an agency, with regard to errors, is we work as a team to review cases. If we need to take a closer look at a case, we do that, and then incorporate into our learning what we did right and wrong.
321	Rep. Minnis	Comments, using an example, about judges handling child abuse cases as well as their need to be involved and responsible.
358	Rep. Eighmey	We are human. There are always going to be mistakes. We've tried to minimize errors through processes like placing a child in the home of a relative first. But, with regard to judges, we don't involved them as much as we should. However, if we are to make errors, they should be on the side of the child in order to protect that child. I'd rather take a child out of a home in error than make the other mistake of leaving the child in the home and ending up with the coroner's report the next day.
400	Rep. Eighmey	Are there any studies that show how traumatic it is for a child to be improperly removed from a home? Is that really traumatic or just an interruption in the life of the child and the parents?
420	Heppner	There are studies that have been done on that, and it is traumatic for the child. The longer they're away from home, the more difficult it is for the child to reunite with the family. Explains how the agency tries to minimize the trauma for the child by working with the parents and creating a "safety plan."
<b>Tape 22, B</b>		
026	Gardner	Even children removed from parents who are brutally abusing them are traumatized. All you can do is be as sensitive as possible to the child and

		find the truth and proper placement.
030	Rep. Uherbelau	Though multi-disciplinary teams work together, they're not always on the same page. We've had conflicting testimony from different groups. I think it's very important for you to know what type of authority you have. It concerns me that there is such lack of contact and communication between agencies working on this issue.
041	Gardner	A survey was taken, and 73 percent of multi-disciplinary team members felt that they were following protocol, but 27 percent felt they were not. We have taken huge steps, but there are still problems.
046	Rep. Uherbelau	Does SCF have authority to remove a child?
050	Heppner	The case worker may remove a child from a home, if they feel there is eminent danger to child, but within 24 hours, the case must be presented in court. A decision is then made on whether the case worker's decision will work or not.
056	Rep. Minnis	Comments that a child abuse case becomes very difficult when only one of the parents is doing the abusing. Explains police procedures for a one-parent abuse case and upcoming legislation.
078	Gardner	Responds by giving an example.
089	Rep. Eighmey	Questions Rep. Minnis about restraining orders and reads directly from ORS.
100	Rep. Minnis	Responds and explains further.
110	Dotty Belknap	Chairperson of the Board of Trustees, Children's Trust Fund of Oregon Submits written testimony ( <b>EXHIBIT C</b> ). Comments that the header on a piece of her submitted testimony should say "Subcommittee on Family Law" instead of "Subcommittee on Criminal Law."
160	Belknap	Continues testimony.
182	Paul Mones	Attorney specializing in children's rights and family seminars. Also conducts seminars on child abuse nationally. Talks about policies of child abuse processes and research conducted on child abuse. Studies show there is a dramatic decrease, from 1990-1995, in the amount of kids wrongly taken from the home. Studies also show that for every one child removed wrongly, there are 10-20 abused children that go undiscovered.
243	Chair Sunseri	What accounts for decrease?
245	Mones	Social technology, the understanding and evaluating of child abuse cases, is better.
246	Chair Sunseri	We're getting better?
		Yes. We are looking at better interface between domestic violence and child abuse. There are better tracking systems today. Multi-disciplinary teams are viewed well nationally. Rural counties are having some



247	Mones	problems with resources, and there is disproportionate focus of child abuse training. Case and social workers are more heavily trained than doctors, judges, and some police officers.
290	Chair Sunseri	I understand that we, legislatively, would have constitutional problem with ordering judges to be trained in this manner. We could not order them to be trained, but we can suggest to them to receive training.
295	Mones	Comments on why judges should receive training, other states that have mandated child abuse training for judges, and what can happen when judges have not received training.
323	Rep. Uherbelau	In California and Oregon we have mandatory continuing education as attorneys. How many states have used these types of mechanisms for judges, etc.?
335	Mones	The way this type of thing has progressed has been through the vision of those on judicial council. The states that stand out ahead are North Carolina, New York, South Carolina, Texas, Virginia, and Oklahoma. These states have found, sitting on a child abuse cases, judges need expertise in those cases. Recommends 6-8 hours for judges every two years. It usually boils down to the Supreme Court of the state and how much control they have.
364	Chair Sunseri	The Supreme Court in Oklahoma mandated that their judges have this training?
	Mones	Promulgated the training.
368	Chair Sunseri	So it came from the Supreme Court?
370	Mones	Yes. Comments further on the need for training and those involved in child abuse cases.
420	Mones	Continues testimony.
<b>Tape 23, A</b>		
030	Bill Taylor	Committee Counsel Two sessions ago we extended out the statute of repose for civil actions involving abuse to, I believe, 21 years of age. At the time, we had a lot of testimony regarding repressed memories, and new studies are contradictory to the old ones. What are your thoughts on that?
040	Mones	Explains types of memories and how they are obtained from victims with regard to repressed memories.
068	Chair Sunseri	Adjourns at 5:12 p.m.

Transcribed by, Reviewed by,

Lisa Fritz, Sarah Watson,

Administrative Support Office Manager

**EXHIBIT SUMMARY**

**A - Written testimony, Cameron Crawford, Program Manager of the Board on Public Safety Standards and Training, 2 pages.**

**B - Written testimony, Chris Gardner of the Children's Justice Ask Task Force, 31 pages.**

**C - Written testimony, Dottie Belknap, Chairperson of the Children's Trust Fund of Oregon's Board of Trustees, 22 pages.**

**D - Video recording of the February 19, 1997 House Family Law Subcommittee meeting.**