

HOUSE COMMITTEE ON CHILDREN AND FAMILIES

February 26, 1993
- 34

Hearing Room 50 1:30 p.m.

Tapes 33

MEMBERS PRESENT: Rep. Lisa Naito, Vice-Chair Rep. Ron Adams
(Alternate) Rep. Gail Shibley

MEMBER EXCUSED: Rep. John Meek, Chair Rep. Patti Milne

STAFF PRESENT: Annette Price, Committee Administrator Edward C.
Klein, Committee Assistant

PUBLIC HEARING: HB 2142 -- Distinguishes duties of CSD from law
enforcement agency duties in child abuse investigations.

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These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation
marks report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes. [--- Unable To Translate Graphic
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TAPE 33, SIDE A

003 VICE-CHAIR NAITO: Calls the committee to order at 1:30 p.m. -She
welcomes Oregon Association for the Education of Young Children

ROLL CALL: PRESENT: Rep. Adams, Rep. Shibley, Vice-Chair Naito
EXCUSED: Rep. Milne, Chairman Meek

PUBLIC HEARING - HB 2142

Witnesses: Bill Carey, Administrator, CSD Betty Uchyttil, Assistant
Administrator, Child Welfare Program Office, CSD Stan Robson, Benton
County Sheriff's Department Rosemary Adamski, Concerned Citizen Mark
McDonnell, Senior Deputy, Multnomah County District Attorney's Office
Ken Wright, Chief, Woodburn Police Department and representing Oregon
Police Chief's Association: Major Dean Renfro, Oregon State Police

VICE-CHAIR NAITO: Opens the Public Hearing on HB 2142.

014 BILL CAREY, Administrator CSD: Presents testimony in support of
HB 214 2

058 BETTY UCHYTIL, Assistant Administrator, Child Welfare Program
Office,

CSD: Presents testimony in support of HB 2142 (EXHIBIT A).

127 VICE-CHAIR NAITO: If you go out with a police officer, do you
see your role focused on the victim and the police focused on the
perpetrator?

UCHYTIL: Those roles are unclear now. She explains.

142 VICE-CHAIR NAITO: How can you determine future risk assessment if you don't know the current situation?

UCHYTIL: They need to know that. -It still needs to be a joint decision making process. -We want our staff to be clear that they're to help the family and access risk.

157 CAREY: If we have a future focus we move into the realm of what we can do to support a family.

160 REP. ADAMS: Refers to page 2, lines 1 and 2, HB 2142. -The intent is for you to work together. The qualifier is, "To the extent that resources allow." -The fear is that you will have no resources. -We're bound to hear testimony that this is an abdication. -What's your response?

UCHYTIL: That language was put there to encourage joint investigations. -Now every investigation is not joint, they happen as resources allow. -We want to make it clear that everyone was not going to go their own way and do it separately. -To the extent possible, we want for assessments and investigations to

be concurrent.

184 CAREY: We do about 25,000 investigations per year and that number will grow. -We want to move staff so every community has their fair share of resources.

210 VICE-CHAIR NAITO: Refers to page 3, line 8. Will there be a comprehensive family assessment if there is an outside perpetrator?

UCHYTIL: We believe there should be a comprehensive family assessment in every case.

218 REP. SHIBLEY: While this legislation may sound logical in theory, in

practice enacting this might cause children to remain in or be returned to an abusive environment. -How do we make sure that doesn't happen?

CAREY: We're tracking re-abuse rates and we collect them monthly. -We believe families are where children belong and we should use our resources to strengthen families.

249 REP. SHIBLEY: Should law enforcement entities do the investigations and the assessments and if they're not and if CSD is not the entity to assist, who ought to be? CAREY: We've had a very strong partnership with police agencies. -It's appropriate that a social service person assesses risks to children. -The police should be responsible for putting together the legal case.

284 REP. SHIBLEY: You don't believe CSD ought to be that social service agency?

CAREY: We believe they should be. He doesn't know what other social service agency would.

REP. SHIBLEY: Your point is you don't have the resources to do the job that you're trained and able to do.

CAREY: This bill says we want to refocus on the social service part and not on the law enforcement part.

306 STAN ROBSON, Benton County Sheriff's Department: Testifies in opposition to HB 2142.

359 REP. ADAMS: Explain what the procedures are today.

ROBSON: Responds.

401 VICE-CHAIR NAITO: CSD often makes the initial determination whether or not it's a criminal matter or not and then refers the criminal matters

to you?

ROBSON: In essence that is what happens. -There is collaboration on the merits of the case. -There are protocols set up for CSD and law enforcement for criminal cases. -Non-criminal cases are generally handled by CSD. -In some cases we'll do the initial assessment and refer non-criminal cases to CSD.

425 VICE-CHAIR NAITO: Has there been a problem with clumsy investigations when CSD does the initial investigations?

ROBSON: We've not found that in our area. -This bill doesn't address that. -Those areas haven't been sufficiently addressed.

TAPE 34, SIDE A

021 ROSEMARY ADAMSKI, Concerned Citizen: Testifies in support of HB 214 2. -There is no consistency in the protocols. -The protocols give too much discretion to the District Attorneys. -She wants to see this bill pass.

126 VICE-CHAIR NAITO: Could you please submit some of your notes in writing.

140 MARK McDONNELL, Senior Deputy, Multnomah County District Attorney's Office: Presents testimony in opposition to HB 2142 (EXHIBIT B). -We need more cooperation and we need CSD to play a greater role than they do. -Local law enforcement would not have the resources to pick up the slack when CSD withdraws from these cases. -Law enforcement also doesn't have the necessary training.

174 LORRAINE O'CONNOR ANGLEIMER, Deputy District Attorney, Marion County:

Testifies in opposition to HB 2142. -We have been providing real benefits to the citizens of our county. -Our multi-disciplinary team exceeds 30. -The protocol of necessity mandates cooperation. -This bill fosters an attitude of division and not cooperation. -We see this as a step backwards.

193 REP. SHIBLEY: There is a concern expressed that we don't know what CSD is about. -Would you agree there is a need for clarity of CSD's

role?

206 McDONNELL: Their primary purpose should be to provide protective services and to hopefully reunite the family. -We need cooperation; making clear distinctions between what's criminal and what's not criminal will be divisive. -A lot depends on the type of report and the time of day. -For the most part CSD's employees don't work after business hours or on weekends. -Many of the initial calls received on the hotline are not substantiated or are anonymous and there's nothing to go on. -CSD is better trained to respond to these type of calls.

239 REP. SHIBLEY: Agrees that there needs to be cooperation. -Sometimes that leads to ambiguous titles and roles. -You said that law enforcement officials are not set up to respond to unsubstantiated claims of alleged child abuse. -Law enforcement officials are sent to homes when there are unsubstantiated calls about domestic violence. We have no one else to

deal with that.

McDONNELL: Local police agencies are suffering the same budgetary problems that CSD is having. -He doesn't see the problem of CSD workers acting as investigators. -He's afraid this will give CSD a tool to say this is not their role. -We'll have cases that won't be investigated or be improperly investigated.

295 REP. SHIBLEY: We need to put the dollars aside and try to come up with the best system possible to deal with child abuse. -We need to bring our own specialties to this. -CSD is saying in this bill they don't want to be cops. -Would this system be better than what we have now?

336 McDONNELL: No; it's difficult to determine what is a criminal case and what is not a criminal case. -It's not his experience to see CSD workers as witnesses in criminal cases. -They play a central role in dependency cases, but that's a protective

services issue.

365 REP. SHIBLEY: Would this bill be any more palatable if it clearly stated the aspects of coordination?

382 McDONNELL: Would be open to that, but would like to discuss that with the District Attorney's Association.

388 ANGLEIMER: The biggest problem with the bill is the assumption that you can make an initial assessment that a matter is criminal or non-criminal. -Greater coordination and communication is what's needed.

411 REP. SHIBLEY: It seems the ambiguity between criminal and non-criminal is there in almost every case. -She doesn't know how to make that clear when everything else is ambiguous.

TAPE 33, SIDE B

017 VICE-CHAIR NAITO: Rep. Adams wanted me to ask if there was a concern

that the level of cooperation between counties varies depending on the

resources?

ANGLEIMER: Responds.

027 MCDONNELL: Is sure there are resource differences in different jurisdictions. -He would echo what Lorraine said. -Multi-disciplinary teams (MDT) are one of the best things the Legislature has done in the last decade. It has brought these different agencies together. -Our weekly meetings have brought these organizations together and have fostered better cooperation.

044 REP. SHIBLEY: HB 2142 would not absolve CSD from participating in MDTs?

MCDONNELL: Correct.

REP. SHIBLEY: The communication would happen weekly. -CSD is saying it's not their job to do that piece of it. You're saying that statement is a management resources issue rather than a mission issue.

MCDONNELL: Agrees it is not CSD's role to bust perpetrators. No one expects that to be CSD's role.

063 KEN WRIGHT, Chief, Woodburn Police Department and representing Oregon

Police Chief's Association: Testifies in opposition to HB 2142.

090 VICE-CHAIR NAITO: It's now a resource problem for CSD. -The public feels that child abuse isn't being investigated enough. -If it's a resource problem, do you see that abuse cases are not being

investigated? 103 WRIGHT: The Legislature recognized it was a resource problem in 1987

with SB 967 and the establishment of the Multi-disciplinary team approach. -MDTs spread the costs; they are working very effectively. -He is confident his officers have used all the resources available.

119 REP. SHIBLEY: Putting the money aside, if you could devise the perfect system, what would that system look like? -Would law enforcement be that initial contact?

131 WRIGHT: We all have that responsibility; we all must share that task. -An investigation is nothing more than asking questions; we all must be involved.

146 REP. SHIBLEY: There's concern about dumping everything on law enforcement and you don't have the resources to deal with it. -Who is the right person to make that first contact and provide that legal investigation?

153 WRIGHT: Who ever has the knowledge first. It's all of our responsibilities. That's why the MDT approach is working. -He is concerned the police will become overwhelmed.

175 MAJOR DEAN RENFRO, Oregon State Police: Will be happy to answer any questions.

180 ANNETTE PRICE: Has the Oregon State Police looked at the

recommendations of the University of Southern Maine study?

MAJ. RENFRO: Yes; one thing that became apparent was the success of the MDT approach and the outstanding working relationship with CSD in general. -The combination of the various resources come together so the appropriate services can be provided. -No matter who responds to the case, CSD or police agency, the necessary referral can be made. This is a compliment to successfully adjudicating these cases. -Having one agency responsible for the original contact would slow down the process. -There are some problems and some public perceptions that CSD has taken on a law enforcement role. -In a multi-agency response to a situation, the family will probably remember the law enforcement aspect. -The multi-disciplinary approach outweighs any fragmentation. -CSD may want to provide more sensitivity training or place more emphasis on protection on services to the family and child. -He believes that's all that's required to have a shift in the public attitude. -It's easy to say we should define roles, but it's difficult to do in reality. -We've had no problems working with CSD. -The Governor's mandatory budget is asking for 22 additional State Police investigators. This will help us meet the additional caseload.

284 PRICE: Could you provide your testimony in writing to the committee?

MAJ. RENFRO: Yes. VICE-CHAIR NAITO: Adjourns at 3:00 p.m.

-Preliminary Staff Measure Summary for HB 2142 submitted as EXHIBIT C.

Submitted by,

Reviewed by,

Edward C. Klein,

Annette Price, Committee Assistant
Committee Administrator

EXHIBIT LOG:

A - Testimony on HB 2142 - Betty Uchytel - 2 pages B - Testimony on HB 2142 - Mark McDonnell - 1 page C - Preliminary SMS, HB 2142 - Staff - 5 pages