

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.

HOUSE COMMITTEE ON HUMAN RESOURCES

March 4, 1991Hearing Room D 1:30 p.m.Tapes 64 - 66

MEMBERS PRESENT:Rep. Mary Alice Ford, Chair Rep. Beverly Stein, Vice-Chair Rep. Jerry Barnes Rep. Cedric Hayden Rep. John Meek Rep. Hedy Rijken Rep. Jackie Taylor

STAFF PRESENT: Melanie Zermer, Committee Administrator Holly Blanchard, Committee Assistant

MEASURES CONSIDERED: HB 2628 - Sanctions Recipient Aid HB 2629 - Fugitive Felon Reporting HB 2630 - Emancipated Minor/Payee HB 2631 - Required Drug Treatment HB 2634 - Proof of Self-Support

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TAPE 64, SIDE A

027 CHAIR FORD: Calls the meeting to order at 1:32 p.m. Notes that the bills before the committee today are all at the request of the Linn County Welfare Advisory Board.

036 CHAIR FORD: OPENS PUBLIC HEARING ON HB 2628 AND HB 2631 RE SANCTIONS AGAINST RECIPIENT AID PROGRAMS. Notes written testimony, only, submitted to the committee by ELENA BARTON, DIRECTOR, STUDENT SERVICES, SWEET HOME SCHOOL DISTRICT, EXHIBIT D.

Witnesses: Judith Maniates, Linn Co. Welfare Advisory Board Representative Liz VanLeeuwen, Dist. 37 Howard Wodtli, Linn County Welfare Advisory Board Jim Neely, Adult & Family Services Alan Tresidder, Oregon School Board Association Wilma Wells, Confederation of Oregon School Administrators David Fidanque, ACLU of Oregon Jeanine Meyer Rodriguez, Oregon Public Employees Union

050 JUDITH MANIATES, MEMBER, LINN COUNTY WELFARE ADVISORY BOARD (EXHIBIT C): Has worked with troubled children for many years. *NOTE:

REPRESENTATIVE LIZ VANLEEUEWEN, DISTRICT 37, JOINS JUDITH MANIATES TO GIVE TESTIMONY. The bills might appear that we're asking to penalize families on welfare but that is not the intention. The bills are based on the generation to generation problems I've seen. Thinks bills will facilitate independence for families and protective services for the children. About 80-90 percent of the children I work with are from welfare families even though they are identified as learning disabled, emotionally disturbed, or just problem kids, their commonality is that they're from welfare families. By 7th or 8th grade, they're identified as having a handicapping condition due to non-school attendance, substance abuse by the families, and/or physical and sexual abuse. Wants to stop the dependence on the system. Every one of my female students has had a baby out of wedlock and are now in the system. Some of the boys have also fathered babies out of wedlock whose wives are now in the system. Foresees educating these children's children. Thinks that without any demands put upon these individuals, they will choose not to keep their children in school and continue in substance abuse.

128 REPRESENTATIVE LIZ VANLEEUEWEN, DIST. 37: Mentions concerns of constituents who've served on the Linn County Welfare Advisory Board and their concerns are in these bills. Notes that some of their concerns probably relate to federal rules.

134 MANIATES: Must review confidential records of these children and sees a progression in their educational problems. Truancy is a common problem among these children and families receiving aid. It begins in kindergarten when these children miss school days--by first grade, they're already a year behind. The more they miss, the less successful they are and the more they miss school. I teach children who have normal IQs, but are five to six years behind in skill level. Not blaming the parents because usually they are also from a welfare family and are part of the welfare system. Only possibility to get kids to school is the threat of loss of funds to the parents.

177 HOWARD WODTLI, VICE-CHAIR, LINN COUNTY WELFARE ADVISORY BOARD: HB 2628 and HB 2631 appears similar, maybe one could be eliminated. Refers to HB 2631. If a drug-dependent person refuses treatment and continues to receive a welfare grant, it appears as if the state is condoning and subsidizing this dependency. Doesn't seem right to have one government branch fighting drug dependency while another doesn't respond to the problem.

201 MANIATES: Substance abuse in families I work with is very common. Great deal of physical and sexual abuse in these homes can be related back to substance abuse. Working with kids who deal drugs for their parents and are stoned at school. It's a very serious problem and you can't teach a stoned kid. Gives example of little girl who delivered a stillborn baby at 12 years old (EXHIBIT C).

261 REPRESENTATIVE TAYLOR: Understands concern but doesn't see how failing to give a check to a family for their basic needs is going to affect the problem of teen pregnancy, for example.

270 MANIATES: It is a way to encourage parents to see that their kids stay in school. The money is a real big thing with the parents. If the children stay in school, they will achieve more and won't feel like they need the acceptance of a young man. Children that succeed in school are less apt to be involved in early pregnancy. Taking the money away, is one way to see that parents keep their children in school.

287 FORD: You don't think the parent and friends would make the kids go out and steal more in order to make up for the money they didn't get?

290 MANIATES: That's why these bills interact because they're all necessary. Most of these women are victims and are abused. Unless they're given a good reason for not continuing in the abusive cycle, it will continue.

302 REPRESENTATIVE STEIN: Is teen planning accessible in your community and maybe it should be encouraged?

309 MANIATES: Sees family planning as important but early prevention is the best thing. Successful kids normally don't get into trouble. Applauds intervention on teen parents that requires them to get back into school. Research shows early intervention is the best practice.

330 STEIN: Why was the violation of ordinances prohibiting pets running at large or vicious animals? Doesn't seem to be in same context of your discussion.

331 MANIATES: Was an add-on that was necessary due to dangerous situations for teachers and caseworkers. It was included for self-protection.

339 FORD: Don't they have dog ordinance in your county?

342 MANIATES: We do. A lack of restrictions to the welfare population which I think is perhaps the most discriminatory of all.

360 FORD: The dog situation is strictly a county problem. There's not much we can do about that.

365 MANIATES: Understands, but the school attendance issue is my main concern.

372 REPRESENTATIVE MEEK: Has concerns about taking money away from parents because the children need food, clothing, etc. If a parent isn't attending drug rehabilitation or counseling sessions under Adult & Family Services (AFS), was it ever approached through the Children Services Division?

413 MANIATES: The CSD caseworkers are excellent people who always warn these families about the dangers of losing funds for noncompliance. The law is not for the lawful but for the lawbreaker. Don't think funds would have to be denied very often but the very threat might keep the children in school long enough to be successful. This would break the cycle of getting them over and over again. Thought this was part of the law and was surprised to learn it wasn't. But it worked when we used it--the kids were in school.

443 REPRESENTATIVE TAYLOR: One of my brothers was a habitual truant. Under that circumstance, would aid be cut off because of my brother's truancy?

455 MANIATES: Probably not because most counties have a Youth Services Team (YST) usually composed of a CSD caseworker, a counselor, a special educator, a school psychologist, etc. This group problem-solves with particular youngsters. This isn't as punitive as it appears.

032 REPRESENTATIVE BARNES: Are these welfare parents in some type of program that advises them about what's required, sort of a guidance counseling for parents?

037 MANIATES: Most of us in the school system do that. Want to reiterate that we don't want to penalize these welfare families. I supply some of these families food at least once a month myself. By federal law, I must meet with my families at least once a year to develop an individualized education program. Try to meet with them more frequently but some refuse to meet with me.

052 WODTLI: Wants to make clarification. Understands that the parent can be sanctioned by cutting off their share of the grant but the money cannot be taken away from the children no matter what. We're not trying to cut off aid to the children but rather put pressure on the parents.

055 FORD: Understands, but how do you separate funds for the child from those the parents would receive? For example, if you cut off \$50 from the mother and the housing is \$300 per month, how will they pay their rent? Same thing with food stamps because now there'll be less food, and who will suffer, the parents? They'll all squeeze in.

064 WODTLI: That's true, but if a working man is given a drug test and denies treatment, he loses his job--if he complies to treatment, he keeps his job. This is the point. How do you get through to people on welfare? You can take a working person's job away and cut off his funds with no recourse. Under the Welfare Reform Act, if you can sanction young mothers, why couldn't this apply to parents of these kids?

079 MANIATES: A number of parents I see aren't using the money to care for their children. Regularly I feed these children breakfast. We need to force more responsible behavior.

093 JIM NEELY, ASSISTANT ADMINISTRATOR, ADULT & FAMILY SERVICES DIVISION (EXHIBIT E): HB 2628 presents a number of potential problems to the state. The bill proposes to allow AFS to sanction (reduce, deny, or suspend) payments to aided, dependent families. Under federal law and regulation, states are very restricted in terms of additional eligibility requirements that they can impose on these public assistance programs, and if the state were to adopt HB 2628 and AFS followed it, we would likely be sued. We could be subject to withholding up to the entire amount of our AFDC matching funds from the federal government.

128 NEELY: There are very restrictive guidelines concerning requiring school attendance in the ADC program. Under the Family Support Act of 1988, we are now able to require teen mothers to go back to school if they haven't completed high school or don't have a GED. We don't have the ability to require school attendance for anyone else. We can't deny benefits if someone under AFS refuses a drug and alcohol treatment program.

129 FORD: Understand that AFS can't require that children be in school but the state law requires it until they're 16 years old. Who's responsible for enforcing that?

140 NEELY: I believe the state law requires parents to have their children in school until they're 18 years, or have completed the 12th grade of education. Don't know specifically about the responsibility of

enforcement. Continues with explanation of EXHIBIT E.

160 MEEK: Thinks HB 2628 addresses people who've already received assistance. The situation the bill was addressing was that the recipient has the money and then doesn't want to cooperate. What recourse does your agency have in threatening situations?

174 NEELY: Eligibility is an ongoing process. At six-month intervals, eligibility is redetermined which continues in those increments. Caseworkers might have some recourse for menacing clients through local law enforcement but in terms of sanctioning the grant, they have no recourse.

184 MEEK: Refers to federal mandates concerning requirement for children to attend school in EXHIBIT E.

207 NEELY: Those federal mandates only apply to teen parents who have not already completed school or received a GED.

211 JIM NEELY, ADULT AND FAMILY SERVICES DIVISION (EXHIBIT I): HB 2631 presents the same difficulty for AFS in terms of what it proposes to do in sanctioning recipients for failure to comply with a treatment program for drug and alcohol dependency. It's the identical issue presented in HB 2628.

224 ALAN TRESIDDER, OREGON SCHOOL BOARDS ASSOCIATION: See difficulties with

HB 2628, particularly with reference to school attendance. Under current federal and state statutes, it would be extremely difficult for the schools to comply with that statute. Educational institutions are prohibited from releasing student records, including attendance information without a prior written authorization of the parent.

249 FORD: We don't have truant officers anymore?

250 TRESIDDER: For all practical purposes, no, we do not. There are some counties that have a truant officer but it's not a high priority. Oregon law requires children, 7 - 18 years who've not completed the 12th grade, to be attending school. The penalty for failure is a \$100 fine or 30 days in jail, or both. Most school districts have attempted to address the problem in non-sanctioning manners. There's a host of programs, including Head Start Programs, that try to address the social issues.

258 FORD: What good do these programs do when a child has to go home every night to an abusive family?

267 TRESIDDER: If society does nothing else probably the long term effects of that kind of policy aren't very good. Hopefully we're building a state social policy with children and their families that will address those issues. The Head Start model addresses the family that needs to be brought into the public school system.

274 FORD: We currently have a budgetary problem and the schools are asking for more money. How are we going to be able to address this human services need problem? Haven't heard many school groups talking about the human services need as being equal to what the schools need. The push is strictly on funding for education.

284 TRESIDDER: No, you haven't heard anyone from a school organization that is not supportive of human services programs for children. We are not, this session, saying in any form that we want school dollars at the expense of human services program. We're very strong in that regard. Reiterates that under current federal and state law, student record information cannot release attendance information without the parents' written permission, and the school system doesn't know which families are ADC. It would require a complex record keeping system and could be expensive.

309 WILMA WELLS, CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS: Oregon Head Start Programs make a great effort to see that parents are involved. Children do better at school when their parents find education valuable. Doesn't subscribe to the notion that you can make kids learn or force parents to be good parents. Knows a program exists similar to this in Wisconsin which must have some kind of exception with the federal government to carry it out. Oregon already has access to some punitive actions such as reporting the child for child abuse to CSD. Also, there are the school attendance laws but neither of these resources are very effective. Not sure a punitive measure would be very effective. In Wisconsin, they felt their program was successful but not sure that's really the case because some cases wound up in court. Convinced we won't be able to make dysfunctional parents functional by taking away money. Something else will happen and the children will suffer even more.

370 MEEK: Glad to see priorities on human resources and education equally. Do you have anything to tell us about budgetary recommendations concerning this issue? Weather it be the Governor's recommended budget or the legislative budget?

392 TRESIDDER: We haven't rearranged the Governor's budget. We have identified what the needs are and our priorities for funding education, and secondly, what human resource programs affect children and their ability to learn and their families. The Governor's budget is a Ways and Means issue.

401 MEEK: If they don't hear from you, how do they know your priorities concerning the budget?

415 TRESIDDER: The Ways and Means Committee has heard from education groups and the Revenue Committee has too concerning those issues that are a priority to education and children.

427 Education as an interest group can't testify against every budget that does not allocate dollars to schools and children. The policy makers will have to weigh everything and make those decisions--it's your call to make. If we agree that education and human services programs are high priorities, then all other things become a lesser priority.

471 MEEK: The recommended budget from the Governor has more money going into LCDC than education. Is that a higher priority for you?

478 TRESIDDER: No.

479 MEEK: But you're not telling anybody.

TAPE 64, SIDE B

023 TRESIDDER: In every forum, we have said that education is a first

priority of this legislative assembly. Related to that are programs that affect young children and their families.

030 MEEK: Need to get our spending priorities straight. Would like to hear yours.

031 TRESIDDER: Education and programs for young children should be the number one priority of this legislative session. When you do that, then it would seem other priorities become of less interest.

033 FORD: Would like to hear from school groups concerning directives to the legislature on human resource programs think are vital to educators in order to educate children. Also would like to be advised of the programs that aren't so vital. Currently hears from human resource people about their programs and about education from their programs--but doesn't see any blending. Is anything being done by the education community to let the legislature know which human resource programs are meshing with solid education needs?

054 TRESIDDER: We have introduced bills on the House and Senate sides of the legislature and have raised the early intervention problem in the House and Senate Education Committees and the Joint Ways and Means Committee.

059 FORD: It isn't just early intervention. There's a lot of other things that need attention like teen pregnancy programs, parenting programs, etc. Do you have policies supporting these programs?

067 TRESIDDER: Yes, we've been working with the Teen Pregnancy Task Force and legislation. We'll be testifying concerning the issue of teen health clinics in support of those clinics.

073 FORD: Our frustration is that the state agencies aren't coordinating, cooperating, or even communicating with each other concerning programs that affect families. Therefore, we don't get the whole picture. There's no uniform policy or mission before us.

080 TRESIDDER: Will get you each a copy of the adopted policies of the Oregon School Boards Association which have a number of policies relating to human services programs and how they relate with the school system. Understands the committee's frustrations as these are difficult times this session. Choices to be made will be even more difficult to make with the passage of Measure 5. Some of the decisions the substantive committee will make will be good policy decisions that will go unfunded--we know that. But it does not abrogate our responsibility to speak out on good social policy issues.

099 WELLS: We do raise these issues in Ways and Means. For example, they have eliminated our funding for transition services for handicapped children. Mentions costs per month for handicapped cases.

107 FORD: Herein lies the problem. You don't come to us, you go to Ways and Means for fiscal concerns. But we're the policy making committee. We're working very closely with Ways and Means on these issues and we intend to prioritize issues for that committee. In the future, if you have those issues, we're here too.

114 WELLS: Unless an issue is directly related to education, considers it like meddling. Also, we don't have the expertise to analyze those budgets. Used to be involved in those budgets but no longer.

121 REPRESENTATIVE BARNES: Seems if there's a problem, and there is, we need to address it. What can we do to motivate these people to get their kids in school and stay? Can't believe the federal government's position is that someone can violate state law with immunity. If that's so, let's get it changed. What can we do to motivate a change?

140 TRESIDDER: As a matter of committed state policy, we need to get involved with children and their families in a supportive way much earlier in the process. It's not very cost-effective to spend money on young adults not going to school. If we rank priorities early in childhood, we can break that cycle and build a family strategy that addresses all those needs. It's not just an education problem--it goes far beyond that.

168 WELLS: Mentions an elementary program in Salem that's very expensive. It's funded with a grant from the federal government. Welfare mothers attend school in the morning with their children. The mothers are given training through Chemeketa Community College (CCC), and health assistance. The goal is for this program to move those parents out of welfare. Part of the funding comes from the state kindergarten program.

189 FORD: Part of the problem is there are lots of these programs starting up at various parts of the state. There are pockets of things going on but how do we get this into a common fund? Is it too soon?

194 WELLS: Yes, and if you do, you thin out your resources so there isn't enough money to do anything with.

210 DAVID FIDANQUE, ASSOCIATE DIRECTOR, ACLU OF OREGON: Address Subsection 2 of HB 2628, failure to comply with the terms and conditions of any substance abuse treatment program. From the ACLU's standpoint, the primary problem is lack of resources. We're not even close to providing drug and alcohol treatment to those who want it in Oregon but can't afford to pay for it. The problems of substance abuse by pregnant women is a major problem. There are about 4,000 alcohol and drug-related births each year in Oregon with only 14 slots available for treatment to those mothers at this time. The legislature appears to be more interested in punitive sanctions than making a commitment of treatment to indigent parents. This will drive people further away and foster creation of an under class that has nothing to lose. The ACLU is opposed to Subsection 2 of HB 2628 and HB 2631 for that reason.

258 FORD: Will early intervention for the children, Head Start for example, be successful if the parents aren't treated too?

263 FIDANQUE: Our position is there are no quick fixes, no easy solutions that don't cost money. Particularly with an indigent population. Someone will have to pick up the costs and we should consider the costs we're already picking up in the system; i.e. the costs of the criminal justice system, the corrections system. A recent report from a national prison project in Washington, D.C. indicates the U.S. is first in incarcerating people. It's easy to criticize the current system. ACLU believes that wherever possible, we should fund voluntary programs before mandating treatment.

304 JEANINE MEYER RODRIQUEZ, OREGON PUBLIC EMPLOYEES UNION: Addresses the issue of lack of resources for the AFS caseworkers. They are already so overloaded that they can't be effective with their clients.

Sanctions take time which requires talking to clients. Basically, clients have two sanctions without good cause which must be reviewed for validity. Sanctions also require paperwork. Caseworkers are already reduced to being paper pushers. Don't think sanctions will yield the desired result. Asks the committee to consider dealing with current casework overload so caseworkers can provide better basic services and be more effective with clients. Will get worse with budget cuts due to Measure 5.

347 CHAIR FORD: CLOSING PUBLIC HEARING ON HB 2628 AND HB 2631.

350 FORD: Calls for recess at 2:56 p.m.

353 CHAIR FORD: RECONVENES AT 3:10 P.M. WITH JOINT PUBLIC HEARING ON HB 2629, HB 2630, AND HB 2634.

Witnesses: Judith Maniates, Linn Co. Welfare Advisory Board Howard Wodtli, Linn County Welfare Advisory Board Jim Neely, Adult & Family Services Jeanine Meyer Rodriguez, Oregon Public Employees Union Clark Campbell, State Office of Alcohol & Drug Abuse Programs

365 JUDITH MANIATES, LINN COUNTY WELFARE ADVISORY BOARD: The pro side appears to be in the minority on these bills. Wants the committee talk with people who work with the children for input. There are definite problems that need to be addressed. Concerning HB 2629 dealing with felonious laws, unless a child is being physically abused or overtly sexually abused, the issue is not addressed as abuse. Therefore, the child can be subjected to drug abuse, neglect, lack of nurturing, etc. addressed under the child abuse laws and nothing ever happens. Discusses case of little girl who has been allegedly sexually abused by her mother's boyfriend which the school reported to CSD. The child has all but dropped out of school. Argues that if there are illegal activities at home, caseworkers should be mandated to pursue them.

TAPE 65, SIDE B

026 FORD: Why didn't CSD do anything about this?

029 MANIATES: Because the youngster wouldn't confess that she was being raped by this man and he was merely wanted for child molestation which had never been proven--there was a warrant out for his arrest. CSD was not allowed to report it to law enforcement.

034 REPRESENTATIVE TAYLOR: In this case, this was not a fugitive felon and this law would not have protected the child?

036 MANIATES: He was wanted and there were warrants out for his arrest.

037 TAYLOR: Would this law have protected him?

038 MANIATES: I think so and from talking with the caseworker, had the caseworker been allowed to report illegal activities in the home, we probably could have removed the child from the home, and we had a place to put her. I've talked with several caseworkers who've anonymously reported illegal activities in the home to law enforcement.

049 FORD: Does law enforcement do nothing on anonymous?

050 MANIATES: They do respond but that's sometimes the caseworkers' way

of getting around the confidentiality laws. This ties into making sure that someone who's in the home and not named in the welfare grant prove their means of self-support. Currently, they only have to say, "I'm self-supporting, I'm self-employed," and not definitely prove it. Knows most individuals that raise concern do not work and grant is used to support them. We then end up clothing and feeding the children because the money is often used for someone else.

061 HOWARD WODTLI, LINN COUNTY WELFARE ADVISORY BOARD: Regarding HB 2629, it's been before the legislature twice before. Refers to letter SENATOR MAE YIH wrote to the Department of Human Resources and their response indicated the federal law did not allow such an option but the states could pass such a law (EXHIBIT K). If no such law comes into existence, it looks like the taxpayers will be providing a safe home for a fugitive felon.

082 WODTLI: Concerning HB 2630, it doesn't quite get into what was the intent. Didn't think ADC should be granted to 14 and 15 year old minors. Doesn't seem right that if these children don't want to stay home, they should be allowed to get a welfare grant and then apply to the court for a decree of emancipation.

088 FORD: In order to become emancipated, a minor under age 18 must be employed. This would mean they couldn't receive any other kind of assistance.

090 WODTLI: Reiterates understanding of process of getting a grant and then a decree of emancipation. HB 2630 proposes that these children be supervised if they get a grant from ADC.

102 FORD: They can't get a grant from ADC unless they have children.

105 WODTLI: A lot of them have children at that age.

106 FORD: So, you're talking about children who have children--not just an emancipated minor?

111 WODTLI: Yes, don't imagine an emancipated minor can apply for welfare for themselves without any dependent--certainly not under ADC.

112 MANIATES: Explains that HB 2630 came about because a board member was a foster parent. There are many young, unwed mothers who get on welfare and the money is not used as intended. The intent is to have these young girls who are awarded head-of-household grants to be assigned to a payee who will make sure they pay the rent, buy food with food stamps, etc. Gives example of a baby that died because of a lack of care.

132 REPRESENTATIVE TAYLOR: Has problem with HB 2630 because it assumes that age is the important factor. Knows 10-year-olds who are more mature than some 30-year-olds. The bill just addresses age and doesn't do much to help or encourage these people.

150 MANIATES: HB 2630 is not intended to hurt responsible people but rather address the needs, and as they become less, move away from that situation.

162 FORD: Are you aware of the JOBS Program? You don't think that would solve this problem? They're required to go to school,

job-training, etc.

165 MANIATES: It helps address the problem but it doesn't address where the money goes. It is not to hurt the responsible individual but the one who is being taken advantage of.

168 FORD: HB 2630 wants AFS to designate a responsible individual as a representative payee. What did you mean by that?

170 MANIATES: We're currently in the process of getting volunteer advocates in Linn County who are willing to help individuals through the system. It could be volunteers who have passed the procedures and training necessary to help the girls in this situation, could be caseworker, a foster parent, even a responsible parent.

174 TAYLOR: Thinks support group for young teen mothers would go a long way and supports that effort.

185 MANIATES: HB 2634 can be incorporated with the fugitive felon bill--either bill would probably take care of most of the problems. We need proof that other individuals living in these homes are paying their own way.

197 FORD: You're requiring that a young person with a child file a statement under penalty. What if she is coerced by the family members--is the onus on her?

204 MANIATES: No, it's our intent that it would discourage the individual living with them--that he, or whoever else might be living there, could be prosecuted for fraud if proof of ability to pay or payment is not shown. Not sure how it would work.

216 FORD: Know your intent but don't know how you could require that of anybody outside of the person receiving the money. Think you have a real problem.

218 MANIATES: Gives example of three men, and a mother with seven children and the mother's sister--all living on the grant that was intended for the mother and her seven children. Nobody in that family was working and the children were hungry. We frequently took them food.

221 FORD: Knows this happens--just don't know how to legally get around it.

232 WODTLI: Reads from AFS about overpayment due to someone else living in household (EXHIBIT K). The loophole is if a caseworker knows a non-member is living in a household and the recipient says the non-member is self-supporting, that is sufficient proof. The non-member does not have to any definite proof like pay stubs, income tax returns, etc.

258 FORD: So, Sub. B of Section 2 is referring to the interloper and not to the person receiving assistance.

260 WODTLI: That's right. Refers to EXHIBIT K.

290 MANIATES: A caseworker with the Welfare Advisory Office told us this would be helpful to them to prevent welfare fraud.

305 TAYLOR: Under current statute, are you required to report suspected

sexual child abuse in a home?

309 MANIATES: Yes.

310 TAYLOR: What would be gained by this additional reporting that isn't already in place?

324 MANIATES: This is addressing more than the sexual abuse--it's addressing getting food, etc. to the children. We do report sexual abuse. It's usually very well investigated by the caseworker. It's difficult though because if a child is being sexually abused and is in a dangerous situation, they won't tell the caseworker--they will deny it to a caseworker because they are in danger.

350 FORD: Confused because for years we had to struggle on whether to fund single parents with children ADC, or to the two-parent households. So, we've literally kicked out the fathers so the mothers could get ADC. The caseworkers follow up on that. Do they follow up only on fathers and not on boyfriends?

353 MANIATES: Yes, I would say more because there's more teeth in the law when it comes to huSB ands. My personal bias would be for the two-parent families to get more funding which would result in more young men marrying the girls than now. Some men won't marry these girls because then the girls won't get welfare--but the men live with these girls.

371 MELANIE ZERMER, COMMITTEE ADMINISTRATOR: The Family Welfare Reform Act of 1988 has made it mandatory that all states have two-parent welfare now so it shouldn't be a barrier.

370 JIM NEELY, ADULT & FAMILY SERVICES (EXHIBITS F, H & J): Concerning HB 262 9 (EXHIBIT H), AFS and CSD are constrained by federal confidentiality statutes. There are a number of things we can and can't do. Generally, we disclose information that has to do with the administration of public assistance programs. Refers to 1984 Deficit Reduction Act that allowed the states (with laws that allow them) to disclose the fugitive felon in the ADC household to law enforcement authorities.

423 REPRESENTATIVE STEIN: Refers committee members to a letter from Toni Peterson, Assistant Administrator, Office of Family Services, Children's Services Division (EXHIBIT G). The letter indicates that CSD staff report any suspect criminal activity which endangers children and known felons with outstanding warrants. Is that in violation of the law?

426 NEELY: CSD operates under slightly different statutes than AFS and I can't answer that specifically. To a limited extent we can do this now but not as broad as this bill would propose. We would be in violation of federal statute if we did this.

441 FORD: Where's the constraint in this with the federal law?

442 NEELY: Federal statute allows us only to discuss with law enforcement officers the presence of a fugitive felon if the law enforcement official approaches us for this information (for apprehension). We cannot call the law enforcement official and offer that information. This is a federal law.

TAPE 66, SIDE A

037 FORD: This is what the Attorney General says too?

038 NEELY: Yes, that's correct. The fact is, if the caseworker suspects child abuse, the caseworker is allowed to report that.

040 FORD: What if they reported possible child abuse, then law enforcement comes and finds out the man's a felon?

041 NEELY: If indeed they suspect child abuse, or report that they suspect child abuse, that same end is reached.

044 REPRESENTATIVE HAYDEN: That might cause more problems than it would solve. Thinks the perception among many legislators is that CSD does report inappropriately. Wouldn't want to open that door.

046 JEANINE MEYER RODRIQUEZ, OREGON PUBLIC EMPLOYEES UNION: Represents the caseworkers in AFS as well as CSD. Concerning HB 2629, AFS caseworkers were interested in identifying felons which they felt should be the responsibility of management. The CSD caseworkers were concerned that this would change their relationships with their clients. These caseworkers don't act in the capacity of police officers and they don't want to act in that capacity. AFS and CSD caseworkers are opposed to HB 2629 in total. Another concern is this bill only applies to families receiving public assistance and not to those families that need assistance from CSD that are not on public assistance. So, the bill is actually treating AFDC clients as second class citizens. Talks about severe cases the agency deals with and that there just isn't time to deal with lower risk cases. Refers to HB 2040 that will narrow the mission. Narrowing the mission has already occurred.

085 FORD: HB 2040 exists because we have to make sure people are getting support services and aren't falling off cliff. Have the caseworkers tried to talk to management about reducing their paperwork?

095 RODRIQUEZ: Yes, that's something caseworkers want, they'd rather deal with people. Understands that a lot of the paperwork is required by the federal government. Not sure how much flexibility there is to reduce paperwork.

098 NEELY: HB 2630 presents additional difficulties (EXHIBIT F). Under federal mandates, an ADC benefit is an unrestricted money payment--can't tell people how to spend it with the exception can put them under money management or have a representative payee help them handle those funds. We identify these people generally by complaints from the community or from the client. HB 2630 is perplexing due to the emancipated minor reference. In the Aid to Dependent Children Program, a person does not have to be an emancipated minor to qualify as head of household.

122 MELANIE ZERMER, COMMITTEE ADMINISTRATOR: Wants clarification about whether emancipated minor without children could receive ADC grants. Our impression was a person would have to be a parent in order to receive an ADC grant.

128 NEELY: That's correct. References to emancipated or unemancipated minors, generally I'm referring to teen parents.

138 NEELY: HB 2634 addresses unlawfully sharing assistance (EXHIBIT J).

Makes three major changes to current state statute: 1) The report must be made within three days. 2) The recipient may also be sanctioned for failure to report difficulties with unlawfully sharing. 3) Other persons residing in household show proof of ability to pay.

The difficulties for AFS is that three days is a new reporting time--other reporting time frames by federal regulations are 10 days. The three-day notice will be confusing to our clients and could cause problems with the federal government. Also, sanctioning a recipient because they failed to report on time would be a problem with the federal government. Showing proof of pay is problematic--hard to show ability to pay. Under Oregon statute, this is a misdemeanor charge. We don't know of a single successful prosecution of the current statute and these additions to the statute would not make the district attorneys more interested in pursuing this kind of misdemeanor charge.

180 FORD: Calls Clark Campbell before the committee. Wonder if you'd be able to address the availability of programs for women for alcohol and drug treatment. There's concern that there aren't many programs--or they just aren't there. Like to hear your comments.

186 CLARK CAMPBELL, STATE OFFICE OF ALCOHOL AND DRUG ABUSE PROGRAMS: It was not our intention to testify on these bills but I sense a frustration. It is not easy to listen to the requestors of these bills present their problems and run into technical difficulties which disallow you from doing something about it. Before I start that, I was just going to magnify the frustration that you, Madam Chair, alluded to. That bits and pieces of truth appear in various substantive committees. That's also true of your ways and means process. The Education Subcommittee does not ask, what is the Human Resources Subcommittee doing, etc. etc.

210 FORD: Keep going.

212 CAMPBELL: So, there is a legislative or state plan for something. That makes it difficult when you get back on the executive side of the House and try to implement something. You're bumping up against what are well-intended but sometimes contradictory expressions of legislative intent. So, I share from the implementor side of the House, the frustrations. Having said that, and not having a solution to that, let me go on to the question: Can early intervention work if the only thing that happens is that subsequent to that intervention, the person is returned to a dysfunctional home? Well, I think that that's pretty obviously rhetorical. In order to get back to that dysfunctional home, you have to make your way through a dysfunctional playground and community. So, where law enforcement has been severely cut back and is not enforcing much in the way of drug statutes, the kids have to get their way through that before they even get back home. The thing that I think would be most helpful for you all to understand is that home is what we all hope can be the source of change and the women, very often, more typically than not, are under the influence of alcohol and drugs. Either because they are users or because they are under the influence of somebody who does. They are also under extreme pressure--financial pressure, legal pressure, the awareness that they're not doing as well with their kids as they ought to but the inability by themselves to do anything about it. They are trapped. And over time that drains the energy out of anybody. So, if you're not in that, it's pretty easy to stand back and say, well, why don't they do this? I would submit to you that anybody who has been a warrior at some point but has merely experienced a little mild depression, realizes just how that can just

take away your steam. So, you can't just will your way out of things, you need help.

So, to get back to the question Representative Barnes was asking: Isn't there something we can do? I think there is something you can do. I don't mean to say that there is indeed a silver bullet out there or quick fix but I do think there are people who are very knowledgeable. And if you wish to pursue these bills further, then I would say to you that CSD, some two years ago, recognizing they've been given about \$800,000 to respond to their very same kinds of concerns, they took it one step further and said, if we can't get these parents dealt with, we'll have to take their kids out and put them on foster care and that costs a great deal. We'd much rather get the parents treated so we can keep the kids in the home. They were given about, I think, \$800,000 to \$900,000 of spending authority that they would have spent on foster care that they could now use for treatment and they gave that money to us and said, would you please set up some treatment programs specifically designed to deal with this kind of thing. Those programs are now all set up and running and they have staff who would be glad to help you understand the circumstances and the difficulties that parents in these circumstances really face, and what it really takes to make a dent. Then I think you'll find that, yes, you're right. Just issuing sanctions alone won't do it. But it's also true that the possibility of sanctions together with real support may do a lot.

So, I think you potentially are on the front end of looking at something that could be developed rather than just dropped. If sanctions worked we wouldn't have drunk driving--we wouldn't have a lot of stuff. So, we can start from that. So the question is, what do you do? I think to begin that it would help you to have more of the understanding of folks who are dealing with the parents in those circumstances. So, I would suggest to you, if you wish to pursue this further, I'll be glad to provide for you the names of the directors of these pilot programs and if you would like to invite them to come testify too, I think you'd find it very helpful.

280 FORD: These pilot programs, are they going to be continued to be funded?

284 CAMPBELL: That's our hope, it depends on our friends in Ways and Means.

286 FORD: What's it look like now, where are they now?

287 CAMPBELL: At the moment, they're O.K. The money came to us in the form of general funds, so anything that is general-funded cannot be said to be totally without at least a cloud over its head.

300 FORD: How expansive are these pilot programs?

302 CAMPBELL: All over the state--urban, rural, north, south. All general fund money. The beauty of getting the general funds from CSD is that we can do something CSD cannot do. We can then turn that around and use that match to Federal Title 19 money, so we can leverage or magnify the money some. The percentage of these folks that are Title 19 eligible is not as large as we had hoped so the magnification is not as great--it's running about 22 percent to 25 percent. We had hoped it would be more like 40 percent. In any event, there's some knowledge out there I think you ought to have if you're going to pursue this.

311 REPRESENTATIVE BARNES: Do we have sufficient experience in these pilot programs to feel comfortable that we could expand it in a much greater horizon than what we're now doing in these pilot programs? I'm not talking about a fail safe mechanism but do you and the people involved think it will work if we expand it to the big society?

320 CAMPBELL: I understand that some of the success stories are just terrific, I also understand that not all are success stories. You have so many elements trying to defeat the person's success in treatment. The boyfriend who is dependant on her being addicted and who may well be a felon. He will think nothing of coming into her house and threatening her with a gun and her kids and telling her he's going to shoot them all if she keeps going to treatment. So, just going to treatment itself is not going to overcome all of that. I think what will emerge in your minds is the perspective that a multiple impact is needed here. It isn't as simple as just going to treatment. You need to coordinate it with what the schools are doing, what law enforcement is doing, you also have to deal with the kids who are no longer in school and have dropped out and for whom the school system doesn't necessarily connect much. Certainly, AFS, CSD, all of the other players in this thing, to encircle this problem and focus on it, do require more than just a one-sanction kind of thing. But I do believe that if you want to pursue it. . .I'm not really answering your question. I can't tell you that we have discovered truth here and that all we need to do is multiply it.

I think that if you listen to some of the folks that are in these projects, you'll formulate in your own minds a sense of whether or not it appears worthy of expansion now, or whether it looks like it's going to become worthy. There's always a difficulty. I always feel a little bit hampered because if I were to say to you, Yes, I think that they're showing the best promise of anything, I would understand you to say, well, of course, but that's your trade. So, of course, you'd speak well of it. The fact is, most community providers dislike our office because we evaluate them so carefully and from time to time, we close them or move their funds. So, we're not as blind an advocate as we might appear. The simple fact, I think is that here is yet another population which we've learned takes special attention. That the approach of the '70s was One Size Fits All and we should just throw money at treatment. What we've learned is that women by themselves are as heterogeneous a group as you've ever met when it comes to treatment. Some are, for various reasons, going to be unwilling, almost to the death to cooperate. That, in part, is addiction. In other cases, we're dealing with mental health that's also present. So, we've learned that you just can't run everybody through in the Chicago stockyard sort of way. We're beginning to learn more about how to specialize and focus on the criminal addict, the female addict. Two out of three of these women will present with kids, and when they do, they have more than one kid. So, already, we're dealing with four or five immediate victims. And they're under the influence of somebody who has no motive to see that change. Somebody's benefiting from that addiction. That's what keeps the system going.

In any event, I would urge, and it sounds like you're willing to do it, to listen to some of the folks and understand what they believe it's really going to take to support a person out of this. Then, I think you'll know better what you can do with these bills or what you might want to say to Ways and Means. And then you can feel like you've not had to just turn away because there were technical difficulties with specific proposals but you can actually talk about something you could do.

410 FORD: Thank you, that was refreshing. It really was, to have somebody say, talk to some people, we think there is something you can do.

422 FORD: Adjourns meeting at 4:09 p.m.

Submitted by,

Reviewed by,

Holly Blanchard

Melanie Zermer

EXHIBIT LOG:

A - Written testimony only, Bernie Thurber, Attorney, 2 pages B - Written testimony only, Victor Merced, Dept. Human Resources, 4 pages C - Written testimony, Judith Maniates, Linn County Welfare Advisory Board, 3 pages D - Written testimony only, Elena Barton, Sweet Home School District, 1 page, (HB 2628) E - Written testimony, Jim Neely, AFS, 1 page (HB 2628) F - Written testimony, Jim Neely, AFS, 1 page (HB 2630) G - Written testimony only, Toni Peterson, CSD, 1 page (HB 2629) H - Written testimony, Jim Neely, AFS, 1 page (HB 2629) I - Written testimony, Jim Neely, AFS, 1 page (HB 2631) J - Written testimony, Jim Neely, AFS, 1 page (HB 2634) K - Written testimony only, Victor Merced, Dept. Human Resources, 3 pages