

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	8 - 0 - 1
Yeas:	Barker, Bonamici, Cameron, Flores, Krieger, Read, Whisnant, Macpherson
Nays:	0
Exc.:	Komp
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	5/2

WHAT THE MEASURE DOES: Establishes the process and procedure for the director of the Department of Human Services (DHS) to convene a sensitive review committee for the purpose of reviewing the actions and conduct of the department. Allows the President of the Senate or the Speaker of the House to request that the director convene a sensitive review committee. Establishes that if the director appoints a committee at the request of the Senate President or Speaker, the President and Speaker shall appoint at least one member from their respective chambers and must make reasonable efforts to ensure balanced representation on the committee. Requires a sensitive review committee, impaneled at the request of the legislature, to report back to the legislature no less than 180 days after the legislative request.

ISSUES DISCUSSED:

- Senate President and Speaker of House may request the convening of a sensitive review committee
- DHS is currently conducting random reviews of cases

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Families, both immediate and extended, are often traumatized to have the state remove children from the home because of allegations of abuse and neglect. These actions almost always generate complaints against government agencies.

One of the inherent oversight powers of the legislature is the ability to investigate and question the actions of government. This process is usually carried out through legislative committees that request documents and question witnesses. The legislature is limited in its ability to carry out its oversight functions regarding the actions of the Children, Adults and Families Division of DHS. ORS 409.225 states that “[i]n the interest of family privacy and for the protection of children, families and other recipients of services, the Department of Human Services shall not disclose or use the contents of any child welfare records that contain any information about an individual child, family or other recipient” This provision effectively precludes the legislature from carrying out its oversight function unless all the parents and children waive their confidentiality rights. Waivers can be extremely difficult to obtain particularly from a child. Moreover, all legislative proceedings must be open to the public (Article IV section 14, Oregon Constitution).

ORS 409.192 gives the right to citizens to review the actions and conduct of DHS. ORS 409.194 requires DHS to establish a review process. ORS 409.225, the confidentiality of welfare records provisions, contains an exemption from the confidentiality provisions for persons serving “as a member of a sensitive review committee convened by the Director of Human Services when the purpose of the committee is to determine whether the department acted appropriately and to make recommendations to the department regarding policy and practice.” DHS has used these statutory provisions to create sensitive review committees. However, this process is not directly set forth in statute and nothing allows the legislature to formally call for review.

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This summary has not been adopted or officially endorsed by action of the committee.