

REVENUE: No revenue impact

FISCAL: No fiscal impact

---

<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	8 - 0 - 1
<b>Yeas:</b>	Barker, Bonamici, Cameron, Flores, Krieger, Read, Whisnant, Macpherson
<b>Nays:</b>	0
<b>Exc.:</b>	Komp
<b>Prepared By:</b>	Bill Taylor, Counsel
<b>Meeting Dates:</b>	5/2

---

**WHAT THE MEASURE DOES:** Requires the Department of Human Services (DHS) to submit a report to the appropriate legislative committee dealing with child welfare matters. Requires that the report to the legislature be filed on or before November 1 of each even-numbered year. Requires that the report include: (1) The number of children in foster care; (2) The number of children that have been in more than one foster care placement; (3) The number of placements each child has had with more than one placement; (4) The percentage of children placed apart from siblings; (5) The number of placement changes by foster children; (6) The number and percentage of children placed with relatives; and (7) The department's Status of Children in Oregon's Child Protection System annual report.

**ISSUES DISCUSSED:**

- May add the reporting of additional information in the future
- Legislature's need to know

**EFFECT OF COMMITTEE AMENDMENT:** Requires the report to cover the prior 24-month period rather than just the prior 12 months.

**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.

5/7/2007 1:14:00 PM

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