

A-Engrossed
Senate Bill 415

Ordered by the Senate March 13
Including Senate Amendments dated March 13

Sponsored by Senators BROWN, KRUSE, Representatives KRIEGER, SCHAUFLER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs [*Director of Human Services*] **Governor** to appoint ombudsman for families and caregivers of children subject to dependency matters. Requires ombudsman to review complaints involving conduct of Department of Human Services toward family members or caregivers. Authorizes ombudsman to recommend to Director of **Human Services** that department employee or employees receive additional training or discipline, including suspension or termination.

A BILL FOR AN ACT

1
2 Relating to ombudsman for dependency matters.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The Governor shall appoint an ombudsman for families and caregivers**
5 **of children who are subject to or alleged to be subject to the jurisdiction of the juvenile court**
6 **under ORS 419B.100. The appointment of the ombudsman is subject to confirmation by the**
7 **Senate in the manner provided in ORS 171.562 and 171.565. The Governor shall have control**
8 **over the ombudsman. The Governor may terminate the ombudsman.**

9 **(2) The ombudsman shall:**

10 **(a) Review complaints concerning the treatment of parents, grandparents or other rela-**
11 **tives of a child or caregivers of a child under the jurisdiction of the juvenile court by the**
12 **Department of Human Services.**

13 **(b) Notwithstanding ORS 182.500, report to the Governor in writing at least once each**
14 **calendar year. A report shall include a summary of the services that the ombudsman pro-**
15 **vided during the year and the ombudsman's recommendations for improving ombudsman**
16 **services and recommendations concerning department treatment of families and caregivers**
17 **of children who are subject to or alleged to be subject to the jurisdiction of the juvenile court**
18 **under ORS 419B.100.**

19 **(c) Submit a biennial report no later than September 30 of each even-numbered year to**
20 **the interim legislative committees on judicial matters. The report may contain legislative**
21 **recommendations. The report shall include, but need not be limited to:**

22 **(A) The ombudsman's recommendations for improving ombudsman services;**

23 **(B) The ombudsman's recommendations concerning department treatment of families**
24 **and caregivers of children who are subject to or alleged to be subject to the juvenile court**
25 **under ORS 419B.100; and**

26 **(C) The number of complaints filed with the ombudsman during the biennium.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (d) Acknowledge receipt of and respond in a timely manner to each complaint and, if
2 needed, ask the complainant for additional information.

3 (e) Upon completion of the review:

4 (A) Send a copy of the review to the complainant after removing any information that
5 is subject to ORS 409.225; and

6 (B) Send a copy of the review and any other information the ombudsman deems relevant
7 to the Director of Human Services or the director's designee.

8 (3)(a) The ombudsman may request from the department any records pertaining to the
9 complaint, including records subject to ORS 409.225. If the department denies the request in
10 whole or in part, the department shall state in writing the reason for not releasing the re-
11 cords requested.

12 (b) The ombudsman may request to interview any department caseworker or supervisor
13 of a department caseworker associated with the child in matters relating to the complaint.
14 If the caseworker or supervisor refuses to be interviewed or refuses to answer the questions
15 of the ombudsman, the department shall provide a written statement of the reason for the
16 caseworker's or supervisor's refusal to be interviewed or refusal to answer the questions of
17 the ombudsman.

18 (4) After completion of the review of a complaint, the ombudsman may recommend to
19 the director or the director's designee that:

20 (a) An employee or employees of the department receive additional training; or

21 (b) An employee or employees of the department receive discipline, including but not
22 limited to suspension or termination of employment.

23 (5)(a) Recommendations made under subsection (4) of this section are subject to the
24 public records law, ORS 192.410 to 192.505.

25 (b) If the ombudsman recommends training or disciplinary action for a department em-
26 ployee who is subject to a collective bargaining agreement that contains a confidentiality
27 provision, any recommendation made pursuant to this subsection that recommends addi-
28 tional training or discipline for the employee is subject to that confidentiality provision.

29 (6)(a) A person appointed to the office of ombudsman under this section must be a
30 member of the Oregon State Bar with a minimum of five years of experience in the practice
31 of law, including not less than two years of experience in Oregon juvenile dependency law.

32 (b) The Governor shall pay the ombudsman an annual salary comparable to the salary
33 of an attorney employed by the Department of Justice with comparable legal experience.

34 (c) The Governor shall provide the ombudsman suitable and sufficient resources, includ-
35 ing but not limited to support staff, office space and office equipment, necessary to carry out
36 the duties of the office.

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