

**House Human Services Committee:**  
**February 6, 2012**  
**Chris Olson, BA, QMHA – Polk County CASA Director:**

I would like to speak about where CASA in Oregon needs improvement, in order to ensure that state investment in CASA achieves the required outcome: excellent volunteer advocacy for abused and neglected children.

Since summer 2005:

- There has been extremely high turnover of local CASA directors. 23 of the 30 programs have cycled through over 70 executive directors in 6 years;
- there are significant inconsistencies in how local casa programs manage the work: currently there is no state-wide training available on Oregon child welfare and juvenile justice law and policy, leaving current CASAs uneducated and blind as to the needs of the juvenile court judge;
- there are no Oregon standards for qualified staff – anyone can be hired to do the work, regardless of their training or experience with child welfare or juvenile justice. This has lead to a chaotic pattern of individual programs each 'doing it their own way'.
- there is almost no transparency as to where CASA dollars are actually working, with some programs (that receive state funding) reporting having no CASA volunteers at all.

I am here to express my hope the volunteers commission will bring desperately needed oversight and stability to casa. I'm thrilled to think that HB 4082 has the opportunity of rectifying these problems.

**An example**

... of why this is so needed was demonstrated last week: a seven year old girl was removed from her home for various reasons. one source of trauma for this young girl was her experience of being locked in a dark closet for long periods of time. a request was made for this child to have a CASA. Last week, Polk County CASA received an informal report from the CASA we had assigned to this case. i would like to share a part without disclosing any personal information.

*(read report)*

*Casa's report: on 01/26/12, at about 1:45 pm, i arrived at the elementary school to conduct an unannounced visit with the child. Upon my arrival i contacted the office staff and requested to see her. i was contacted by (behavior resource teacher) who told me the child was "taking a nap". When i questioned why she was napping in the middle of the day, she advised me that the child had a meltdown and they had to clear the classroom because of her behavior. She said the child usually calms down after taking a nap. i asked if these meitdowns occur often? she said they have behavioral issues with the child on a dally basis, however they can*

usually remove her from the situation and give her a time out for nap before it gets to the point of having to clear the classroom.

While i followed the teacher to where this seven year old girl was "taking a nap", i asked her if the child's mental health counselor is notified when these behavior issues surface? She said that they try to handle the situations within the school setting and they usually do not contact the child's counselor. i asked about documentation regarding the child's outbursts and she said there was some documentation however they do not write down every incident.

The teacher led me to an area where she opened a door which had a "peek hole" in it. Behind the door was what appeared to be a concrete room, approx 8'x6' in size. The room had thin carpet on the floor but otherwise was void of any furnishings, and the light was off. at the far end of the room i could see the child. She was lying in a fetal position, on the floor without any mattress, blanket or pillow.

i knelt on the floor at the entrance to the room in order to talk with the child. During this time i noticed there did not appear to be any padding under the carpet. The room also felt cool. The child was stand-offish and also appeared to be a somewhat agitated. During this time the teacher asked the child if she wanted a pillow, she then tossed one into the middle of the room. The child scrambled on all fours to retrieve it the hurried back to the back wall. As a former law enforcement officer and juvenile correctional officer, it is the opinion of this casa that this type of isolation i observed should only be used with out of control criminals in a closed custody institution, not on a 7 year old little girl in an elementary school.

The case worker for this case, his supervisor, the therapeutic foster parent and the child's counselor did not know this was happening. The CASA reported the incident - and the school - to the child abuse hotline.

(pause)

Inconsistent casa practice across the state results in inconsistent support and advocacy:

Multnomah County CASA does not allow any un-announced visits by CASAs to the child's home. Representative Chip Shields is a foster parent and his assistant is a CASA in Multnomah County. if you get a chance to ask him, he will tell of his anguish as his foster kids returned to their birth mother, were re-abused and removed from her again. He would tell you how much he wished someone had made un-announced visits to the children after they were placed back with their mother, and how that information would have eliminated the continued trauma these children went through.

(pause)

CASAs are authorized to visit the child wherever the child is, including schools. This has resulted in CASA kids getting extremely valuable assistance

in school, from an adult who has nothing but their best interest at heart. However, a Marion county judge has made a determination that Marion county CASA's were only allowed one visit per quarter to the schools.

Because there have been no state standards of procedure for all programs to be guided by, each local program is vulnerable to be influenced or instructed by others such as DHS, a judge, a local non-profit board member, or a director. This is especially problematic when there is such a high turnover in multiple counties, as each change, whether a judge or casa director, can implement a new procedure.

**Changes are Necessary:**

More importantly, these are areas that can be changed. Along with other members of the **Child Advocates Of Oregon**, i have researched best practices for CASA, as those have been developed by other CASA programs across the country, and all of which have the stamp of approval from the National CASA Association.

Additionally, we have researched and implemented policies and training strategies that are focused on the fundamental principles of Oregon law-based child welfare and juvenile justice :

- child well being;
- sufficiency of placement and
- permanency planning.

And we have developed funding strategies for Oregon CASA that are transparent, mirror the fiscal management of other successful Oregon systems (such as the Child Abuse Centers and Relief Nurseries), and that ensure that each and every state funded CASA gets the training and support necessary to be a truly effective advocate for a child in an Oregon court.

Even more so, these are areas that have the capacity for change. I, along with the previous Marion County CASA director began researching other state policies that were compatible with Oregon in their roles to the courts. We took this information, added best practices and ideal models, and came up with standards, policies, trainings and an allocation formula that we believe matches exactly what the Volunteer Commission seeks, in order to manifest CASA in Oregon, pursuant to HB 4082.

Respectfully  
Chris Olson

House Health and Human Services Committee  
February 6, 2012

Written testimony of

STEVEN M. McCARTHY, Attorney at Law  
HB 3102 CASA Task Force Member.

CO-CHAIRS & MEMBERS OF THE COMMITTEE:

I served on the HB 3102 Court Appointed Special Advocates Task Force, which recommended to this body, a transitional housing for the CASA Program with the Oregon Volunteers Commission, and with the support of OJD, a transition to the judicial branch by 2014.

The CASA volunteer is the sole and singular difference between a productive life and potentially horrific experience in Oregon's youth dependency system. In November, 2011, two Multnomah County civil cases educated us on the cost of failure, both against the DHS. In one case, a jury rendered a verdict of \$2,000,000, exclusive of attorneys fees; and a tandem case settled for \$1,500,000. Together these represent twice the biennial general fund budget for this CASA program; and for only two cases of the kind of neglect and abuse a properly trained CASA could avoid.

In this economy, we simply cannot afford to suffer the tort liability disasters such as these, not to mention the costs to society when damaged minors slip through the grating into adulthood. CASA volunteers are unpaid, enjoy statutory immunity, and serve as the boots on the ground who, if properly trained, can exercise appropriate power and resources to head of these kinds of disasters, both in human terms and in the light of the cost of failure. We and the children CASAs serve simply have to make the program work.

Unfortunately, CASAs are presently without responsible direction and leadership. While well intentioned and eager to serve, the CASA volunteer is inadequately trained to handle the pivotal responsibilities involved. Local county directors, even on the Task Force, often appear surprised to learn the terms of the enabling statute, ORS 419A.170, and the turnover of county directors is abysmal.

Two county programs and small non-profit groups, including the resurrected Oregon CASA Association, attempted to improve and standardize training and best practices within and beyond their own counties, but were met with internal bullying

from the same folks who led OCASAA to the brink of administrative dissolution by the Secretary of State and brought us the Multnomah cases. This group, operating inside and through OCCF, quashed innovation and productivity by intimidation and threats of funding termination; largely in an effort to appear to have statewide support. Volunteers are often chastised and intimidated, forced to quit, or resign in frustration. In March, 2011, this group incorporated itself as the Oregon CASA Network.

The self-proclaimed oversight group, the National CASA Association, admitted in testimony before the CASA Task Force, that its threats to OCASAA of trademark infringement litigation on their trademarking of the word "CASA" was the only vehicle by which its policies were policed. This trademark is thus manifestly predatory, and its application in this way is a quintessential abuse of process. But rather than incur the expenses of protracted litigation, even if successful, the Oregon CASA Association thought it a better use of its limited resources to simply acquiesce and change its name.

The OCN now overtly boasts of a partnership with NCASAA and both have represented that between them in some fashion, they have been awarded a Ford Family Foundation grant of \$445,000. Whatever these people do with that money remains to be seen, but let us not set the stage to repeat the performance of the two recent yardstick cases. That the OCN and its partner, NCASAA, would attempt to manipulate the Volunteer Commission, seek to maintain its alleged monopoly of county programs, continue in its vicious resistance to positive change, resist oversight, and to ward off any sunset clause, is both obvious on the record and completely unacceptable.

I therefore urge you to adopt strong oversight inclusions in the evolution of the CASA program, and facilitate the transition to the judicial branch with a sunset clause. Transparency and open accountability, along with the implementation of effective training methods and practices, are the only cost-efficient means by which the individual Court Appointed Special Advocates will be able to do their job and to participate meaningfully in court proceedings for the protection of dependent youth. If properly managed, it is, hands down, the most cost efficient program to achieve positive results.

**Steven M.  
McCarthy**

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**House Health and Human Services Committee**

**February 6, 2012**

**Re: The Future of CASA in Oregon:**

For too long, the Oregon CASA statute has lain ignored and unused. It offers an astonishing authority to lay people to be truly effective volunteers in a juvenile court room, advocating for what is truly best for the child. It confers on the volunteer:

- access to privileged and private documents;
- the opportunity for inspection and evaluation of state actions; and
- immunity from liability to allow those volunteers to recognize and declare awkward, uncomfortable facts to ensure a child's interest is placed above that of the parents and that of the state.

As we look forward for CASA, we are offered the opportunity to manifest and implement the statute as it was envisioned by the Oregon Legislature. **Child Advocates of Oregon ("CAO")**, a non-profit Oregon corporation, offers the following recommendations to this body, to assist them in understanding the scope and possibility of this magnificent program (See also Attachment 1):

**1 Focus on implementing the Oregon law regarding CASA:**

CASA is of the law, and should be managed by legal principles. Research on both National CASA standards and practices as recommended by the National Council of Juvenile and Family Court Judges has demonstrated that best practice for CASA involves understanding what the juvenile justice system has authority to do, in regard to the child, and having the tools and comprehension to investigate those issues.

Specifically, federal and state law require juvenile court judges to investigate at each hearing the three big issues of dependency law:

- Child well being;
- Sufficiency of state sponsored care; and
- Permanency planning.

Therefore, to be the 'eyes and ears' of the court, CASAs must know what the judge needs to investigate, to be truly effective investigative tools for that Judge.

The Oregon CASA statute currently directs the scope of the CASAs' work. At 419A.170(2)(c), CASAs are directed to:

*... (ensure) ... that THE COURT;  
THE DEPARTMENT OF HUMAN SERVICES, and  
THE CHILD'S ATTORNEY  
Fulfill THEIR obligations to the child, in a timely manner."*

Therefore the CASAs job is to both KNOW what those obligations are, AND be able to evaluate whether or not the system partners are acting in conformance with their obligations.

**2 Recognize that the Oregon CASA statute applies to each and every county and establish a consistent, state wide oversight and CASA training curriculum that encompasses ALL aspects of the OREGON Child Welfare system, including training on OREGON court processes, attorney obligations and DHS practices and structure.**

Senator Shields' experience underscores the need for strong, state level oversight of, and accountability by, all CASA programs. The vast majority of the CASAs who spoke with CAO board members REFUSE TO BE IDENTIFIED: they are afraid of retaliation against their assigned child if they disagree with, or even question, the recommendations of other case participants, including the attorneys, DHS case management, their own local CASA administration and even school practices. These CASAs have observed other CASAs being removed from their cases just

for this reason, and they are not willing to subject THEIR assigned child to the unnecessary loss of their advocacy, however limited it might be.

At present there is no standardized Oregon-law-based curriculum for Oregon CASAs. This creates incredible inconsistencies in service for children across the state and ensures that state dollars are not expended consistently or with a certainty of a consistent outcome.

Training on the Oregon CASA statutory role for all participants in the system – Judges, attorneys, DHS workers, educators and more – will ensure that each element of the system – across the state - responds appropriately to the CASA inquiry or is held accountable when they don't.

### **3 Ensure that all state funded CASA programs are managed by properly qualified and trained staff.**

At present, there are NO standard, state wide qualifications for ANY CASA administrator. Imagine the challenge faced by a lay person volunteer, coming face to face with the incredible complexity of the juvenile justice and child welfare systems and having NO qualified staff resource to assist them in that work.

Other Oregon statutorily based models – notably Relief Nurseries and the Child Abuse Centers – are required to demonstrate competency in statutorily mandated standards *before* they are even permitted to submit a request for state funding. This system demonstrates the best practice of *first* establishing an Oregon law based system of high quality, high standard public services, and *then* seeking the public and private investments necessary to get those services out into the communities.

Oregon CASA should require no less high a standard for all its members and the children they seek to support than those already established for those other two child welfare focused agencies.

### **4 Above all, the citizens of Oregon have a right to know that their public dollars are being managed ethically, and that the publicly funded services they support are accomplishing the anticipated outcomes.**

CASAs have the opportunity to track details concerning their appointed child, the effectiveness of the foster care system, and the overall performance of the juvenile justice system. They should also have a slate of standardized "Performance Measures" with which to evaluate the progress of their own individual case and local system, which can be combined with data from across the state to provide a clear, accurate picture of the overall health of Oregon's child welfare system, and the efficacy of Oregon's CASA invested dollars.

### **5 Conclusion:**

This is an exciting time for CASA in Oregon. New management offers the opportunity for new vision, and the development of necessary standards and practices. A two year stint with the Volunteer Commission offers us the opportunity to build and develop a fully functional and accountable state wide CASA program. It will also allow us to not only fully implement the Oregon CASA statute, but also to be fully qualified and capable of taking our rightful place in the Judicial Branch of Oregon government.

Respectfully Submitted: **CHILD ADVOCATES OF OREGON**, February 6, 2012

Judge Charles Luukinen; Representative Jim Thompson; Steven McCarty, JD; Pam Sornson, JD; Chris Olson, BA, QMHA; Lee Effinger, MSc – Dept of Agriculture. Advisory: Stan Butterfield, Polk County DA; Dr. Mary Lou, PhD, Child Psychologist.

## ATTACHMENT 1

**Child Advocates of Oregon** offers the following Oregon CASA Training Curriculum and State Level Oversight Procedures. Please note these materials are in existence and the CASA training curriculums have been successfully implemented in two existing Oregon CASA Programs. They represent best practices for volunteers in the juvenile justice and child welfare arenas, as those are recommended and implemented by:

- other states that have CASA statutes similar to that of Oregon (and therefore have full support from the National CASA Association - "NCASAA"), and
- the National Council of Juvenile and Family Court Judges - "NCJFCJ".

### Oregon Law-based CASA Curriculum:

- 1 Oregon Child Welfare System  
Department of Human Services  
Foster care administration and oversight  
Federal and state standards:
- 2 Oregon Juvenile Justice System  
Judges  
Attorneys  
Procedure and Substance  
Reporting
- 3 The three main principles of Dependency practice  
Child well being  
Sufficiency of Placement  
Permanency planning
- 4 Case Management  
Timelines  
Evidence  
Reporting

Experience with juvenile court cases also lead to the development of these more detailed and specialized curriculums, all of which are in existence, based on state and federal law and policy, and are fully implementable in any county in Oregon;

- Advocating through Educational Surrogacy;
- Providing Advocacy in Guardianship Cases;
- Advocacy and Support for Transitioning Teens;

### State Level Accountability Processes:

State wide training on Oregon CASA and Oregon child welfare/juvenile justice systems:  
Provides consistency and reliability of CASA practice across state.

Performance measurements for all programs receiving state funds:

- Reasonably related to the work of the CASA;
- Connecting the work of the CASA (state investment) to the outcome of the child's case (the purpose of the investment) = effectiveness of the program;
- Provide transparency of system work, and allows for 'apples to apples' comparisons across all 36 counties.
- Consistency of advocacy across the state.

Fiscal Responsibility and Strategic Allocations:

- Funding allocated based on level of need;
- Reducing administrative overhead while strategically leveraging all funds to reach the most number of children
- Based on funding allocation systems currently in practice by other Oregon statutory programs.

Qualifications of staff:

- Requirements for appropriate, system focused qualifications of administrative staff;
- Based on qualification systems currently in practice by other Oregon statutory programs;