

To The Honorable Chair Barker and Committee Members:

I am writing in support of House Bill 3363, making an informed plea to the Legislature to enact legislation which regards and responds to the needs of very young children differently and more expeditiously than it does with older children in the Child Welfare system.

As a CASA volunteer and a child and family therapist specializing in trauma, I am armed with knowledge that is born of research on very early childhood experiences and how adverse events and ruptures in attachments are most detrimental to the human brain and psyche of those aged 3 years and younger. Factors pertaining to neurological functioning, as well as the apparatus for building attachment and healthy relating capacities are both thought to be in a highly vulnerable state of development in this timeframe.

Surely the Committee has been apprised of findings which support the former statements through leading-edge research brought forth by the ACE Study, the National Child Traumatic Stress Network, and The Zero to Three Policy Network, to name just a few relevant entities. The groundbreaking work of these and other organizations are certainly germane to this bill.

Knowledge of such findings, however, is impersonal. My role as CASA or therapist brings me face to face with the people who live in these conditions of crisis, separation, transition, and its concomitant effects. In the wider world of the CASA visit or therapy office, this looks like more pervasive and severe mental health problems, overwhelmingly involving substance abuse, cyclical relational problems and lack of resilience to improve one's situation.

What is true in my experience is in keeping with the academic findings: human vulnerabilities are scaled differently in the 0-3 age group due to the high-rate of development that occurs within smaller windows of time. That is, a one-year increment to a 6 or 7 year old child is a long time, but in that time they remain a somewhat stable and recognizable personality, however changed they may be due to the effects of trauma. The same cannot be said for those who are 3 and under due to the nature of the human developmental tasks at this stage, which are entirely relationship-dependent. As famed pediatrician and child psychotherapy writer D.W. Winnicott put it, "there is no such thing as a baby", which takes into account the care-bound nature of all early childhood learning, experiencing, emoting, and personality building. This interdependence will later culminate into the independence of the "you" and "me" separation in relationship. This will not occur until after the child's third birthday.

Another difficulty presented for this age group is that these varieties of crisis and separation for pre-verbal children can be complicated by the fact that much of our dependent trust in this developmental stage is conveyed through proximity, physicality and familiarity/repetition. Steps should be taken on the part of the Court to address the fact that these elements are unreliable for families in the Child Welfare system.

Many of us who work closely with young people in the Child Welfare and related social welfare or criminal justice systems are compelled to urge the Legislature to be well-versed in current research findings and theory on trauma and its effects on very young children. Even a cursory knowledge of what is being discussed in this field could shine a light, and cast a shadow, on many intractable social problems that seem to have no known origin.

I strongly support changes in the Child Welfare and dependency court system to prevent delay and accelerate the time frame for scrutiny of cases involving very young children, and I urge you to support this important bill.

Signed,

Elizabeth Covey, MA, LPC



CASA of Central Oregon  
A voice of hope for abused and neglected children

March 18, 2013

To: Honorable Chair Barker & Committee Members  
Re: HB 3363  
The CASA Bill

To whom it may concern:

My name is Pat Fisher and I am Program Coordinator for Jefferson County CASA in Madras, Oregon.

My purpose in this letter is to address the issue of the new ecourt system implemented in Jefferson County. I am finding it very difficult to get the accurate information that we need in a timely manner regarding court times and changes. As CASA was denied access to the docket, we are no longer able to check the status on hearings resulting in our advocates showing up for a hearing that was changed but we were not notified, or there may be one scheduled that we are unaware of. It has created inefficiency in our functioning. As CASA is a legal party in dependency cases, we strongly feel that we need to have access to the dependency docket in order to be most effective.

Please vote yes on HB 3363.

Sincerely,

Pat Fisher  
Program Coordinator  
CASA of Jefferson County  
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March 14, 2013

Honorable Chair Barker and Committee Members,

My name is Prudy Zorotovich. I live in Elkton, Oregon, located in Douglas County.

I am sending this letter because I understand you are holding hearings regarding HB 3363, and there are provisions in it that vitally concern me. As a Court Appointed Special Advocate, I often find myself frustrated when it is difficult to get information about the case to which I am assigned in a timely fashion.

The most recent example of this is one of the cases I am still working that involves a teen-age boy. He came into the Child Protective Care system when the Sheriff's office went to his home to serve a warrant on his mother for failure to appear for numerous traffic offenses. When the deputy saw the condition of the house, he called Department of Human Services to inform them that a minor child was living in deplorable conditions. The mother was arrested on a charge of criminal neglect. When the mobile home park owners later called a demolition company to destroy the house, the company refused to work on it until a hazmat team came in to clean it up.

When I entered the case shortly after it began, I was told that the teenager had been receiving therapy through Douglas County Mental Health. I learned this only because I spoke with his grandparents who had attempted to help him while he was living with his mother. I was also told that the home had been cleaned several times by church members, only to fall into disarray and filth because of the mother's failure to maintain it in acceptable condition.

It wasn't until weeks later that I received discovery material documenting several years of therapy sessions for the mother and for the family, including the teenager with whom I was working. In that discovery material, I learned that the mother had repeatedly lied about the boy's behavior during therapy sessions, often making him the scapegoat for the conditions in which they were living.

That information, when it finally appeared, put the whole case in a different light than I had previously seen it. If I had had that discovery material earlier, there is no doubt that my advocacy for the boy would have been more effective from the beginning.

I am hoping you will vote "yes" on HB 3363. One of its primary provisions addresses the very problem I had in this case, and I think it is critical for all of us to have all of the information available from the very beginning of the cases we are given.

Prudy Zorotovich  
CASA Volunteer  
Elkton, OR

HB 3363  
The CASA Bill

March 15, 2013

Honorable Chair Barker & Committee Members:

My name is Dale Borland. I live in Medford, Jackson County, Oregon. I have been a CASA for three years and have served the children in eight families. I would like to share with you how the court is not taking into consideration the age, developmental needs and the parents' past conduct when making a permanency decision.

I have a CASA case in which two girls, a 3 year old and a 5 year old have been put in the care of DHS. Mom claimed she was "overwhelmed with parenting" and "depressed." The mother had been raised in foster care. This is her third involvement with DHS—one with an older sibling and the 2nd and 3rd since these girls were conceived. Mom has a history of continued drug use, "doctor surfed" for more drugs, used street drugs including Methadone and Suboxone and used these drugs when she was parenting her children. An enormous amount of prescribed meds were recently found in her home by DHS (after numerous suggestions by this CASA that someone check on the amount of prescribed drugs in her home). Mom has reported having "odd behavior, lapse of memory, hoarding, lethal medication of opiates and Benzo abuse and an unpredictable emotional state." Mom was sent to a two week rehab program in Redmond (where she admits to using drugs) and is presently in the ARC program.

DHS located and determined that the Mom needed a Clinical Psychologist and Neuropsychologist evaluation on the Mom and took her to this appointment. This doctor concluded, in part, that "At some point the DHS workers involved in her case are going to have to decide what is going to be in the best interests of her daughters, over and above the mothers' desire to have her girls with her."

I relayed this information to the court. Furthermore, I recommended that the girls continue in community foster care, that the parent be court ordered to comply with present and future action agreements, that one of the children receive some intense free speech therapy (and suggested this happen through the Scottish Rite Speech and Language Clinic—at no charge to DHS or the state), that DHS contact the Mexican Consulate to try to locate the father (which the worker had yet to initiate even though the case had been open since October; that the adoption process be initiated or the mother initiate involvement in Community Family Court; that DHS recognize that the judge had stated that this is not a voluntary case; that a professional oversee visits and that DHS provide assistance for the mother in applying for Social Security Disability benefits and some kind of residential setting.

The Court ordered: The children are a ward of the court; the children are committed to and placed in the legal custody of DHS...for an infinite period not to exceed age 21; Guardianship is granted to DHS; Parent is to comply with action agreements and letters of expectation.

In my opinion all this means is that the Court is committing these girls to a life in the system, just like her mother and this is unacceptable.

Please vote yes on HB 3363.

Sincerely,

Dale K. Borland, CASA  
Medford, Oregon

HB 3363

The CASA Bill

March 18, 2013

Honorable Chair Barker & Committee Members,

My name is Denise Koschmann. I am a Court Appointed Special Advocate (CASA) in Northeast Portland. I have been a CASA for over 10 years, and have accepted appointments in both Washington and Multnomah counties.

I am writing today in support of HB 3363. When you work with the juvenile court, you quickly become accustomed to the lengthy delays in the permanency process. In many cases, these delays are understandable. In other cases, however, delays are related to simple acquisition of case documentation, and these delays can sometimes stretch out for months.

On one of my closed cases, for example, a three-year-old boy could not be released for adoption because he had been born out of state and DHS could not obtain his birth certificate. I waited for months, repeatedly asking the caseworker if she had obtained this vital piece of documentation. Finally, frustrated with the apparent slowness of the document retrieval process, I went to the Web site for the relevant county vital records office, and ordered an official birth certificate myself as an appointee of the court. I paid for the certificate and provided it to DHS, so the case could move forward.

I am currently appointed to another case where the children have been removed twice. The first removal took place in Clackamas County and followed the death of a sibling while in a parent's custody; at that time, another CASA was appointed. The children were eventually returned home. A year later, the children had to be removed again when the family's landlord discovered unhealthy living conditions after the family vacated their apartment. I was appointed after the second removal.

When I drove out to the relevant branch (at the caseworker's request), the branch paralegal refused to allow me to see the historical file. She stated that because the deceased sibling was not on my caseload, I would not be allowed to review the file. The CASA attorney became involved; we were told that I would need to request each document specifically (i.e., by name) in order to receive copies. This was a problematic request, as we were uncertain of the contents of the file. Additionally, a case file may include references or annotation that is relevant to the case, but difficult to request specifically. For example, the case file may include notes on relatives who have not been contacted.

My supervisor and I eventually drove out to the Clackamas CASA office to review their file, so that we could identify specific documentation to request from DHS. If we had not had access to the previous CASA's file and notes, it would have been very difficult to reconstruct the children's history. Although I have been on this case since 2008, DHS has never provided direct access to the case file, despite the intervention of the CASA attorney. In the early days of this case, the lack of documentation was extremely problematic, as one of the children had global developmental delays, and it was difficult to determine whether he had received necessary early intervention services without his case history.

Knowledge of the previous case was also important for determining what services the parents had already completed, and what type of impact those services had had on the family's success (or lack thereof).

For young children who have experienced abuse and neglect, early access to services and stability are necessary to prevent lifelong delays and challenges. Children with developmental disabilities, in particular, need access to early intervention in order to make whatever progress they are capable of. The types of bureaucratic delays that I have documented here may seem innocuous, but they eat away at our opportunities to make up for developmental time lost due to parental abuse and neglect. Documentation may not seem like an essential part of a child's care, but documentation delays can impact permanency and thereby have a real impact on a child's ability to attach and move forward.

CASAs do not make decisions regarding children's services. We do, however, make recommendations related to those services, and we are active participants in permanency planning. In order to be fully-informed partners in those discussions, we need access to all information relevant to our kids. Access to all case documentation – wherever it may reside – is a requirement in order for us to competently perform our role. We want to work with the Agency to achieve the best results for our kids.

Please vote yes on HB 3363.

Sincerely,

Denise Koschmann

CASA, Multnomah County

It took us from late May of 2011, through January of 2013 to finalize adoption on these beautiful children. The journey has been at times bumpy, but watching Andres' and Natalie forge a relationship, and Emely and Natalie get reacquainted, has been worth the ride. The children are all now recovering from their trauma, and sweet Emely frequently says "I'm a Smith now. Nobody can take me away ever again". We are blessed to have these sweet children as part of our family.

Although I would like to say that this story has a happy ending, we are now entering round two with this mom. She is now 21 years old, and in May of 2011, she gave birth to another beautiful baby girl. This baby's father is an untreated sex offender, but mom never named him on the birth certificate. Mom subsequently had a relationship with an ex convict who has since relapsed on meth, and during the breakup, he kicked in the door of the apartment they shared while mom and baby were home. Mom held on; couch surfing, and doing a minimal job until February of this year when she was found to be living with yet another violent man. This man had open dependency cases on his own children due to his violence towards his ex partner, and his refusal to engage in domestic violence treatment. DHS secured a bed for mom in the Dunn House (a shelter for women who are victims of domestic violence), twice. Both times she left and returned to her violent boyfriend. When she left the Dunn house the second time, DHS had no alternative but to remove the baby. This sweet little girl has now joined our family, and is learning to trust. The first weeks were horrible. Any time my husband or adult son got close to this sweet angel, she would scream "no, no, no". When one of our older, barefooted children broke a plate, and my husband said in a stern voice "don't move, you will get hurt" this 21 month old little girl threw herself onto her hands and knees and covered up her head to protect herself. Her favorite words are "sorry, sorry" while holding her hands up in front of her face. We truly hope that with time, this sweet angel will learn that not all touch is bad.

Do I believe that the courts should be able to look at conduct and conditions in prior cases? You bet I do. This little girl, at not yet two years old, has experienced things that no human being should ever have to experience due to DHS, as well as one of our sitting juvenile judges having the attitude of "New child, new chance". We hope and pray that the nightmare this child has lived through in her first 21 months of life is a thing of the past, and the rest of her days will be spent enjoying the wonders of what childhood should be. It is my hope as her foster mother that she will not languish in care for years while her mother makes feeble attempts at changing her lifestyle, and gaining the skills needed to be a safe resource for her child.

*Lisa Smith*

March 18, 2013



GAIL C. CROSS  
93746 Prairie Road  
Junction City, Oregon 97448

March 18, 2013

Honorable Chair Barker and  
Committee Members

Dear Chair Barker and Committee Members:

I am a current CASA volunteer, advocating for children in the Lane County area. I have been a CASA volunteer for almost two years and in that time have been appointed to three cases.

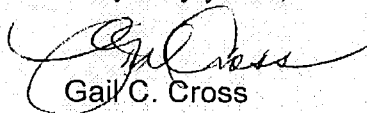
In my current case, I am advocating for a 12 year old girl, removed from her mother's home by the Department of Human Services (DHS) in response to her mother's drug use and violent behaviors. The bulk of information concerning the case and parties comes from DHS. Current and timely information is essential to successfully advocate for each child as many things in these families change often and dramatically.

I was informed at a Citizens Review Board hearing on 2/27/2013 that DHS was now only disseminating discovery once per month at the beginning of the month. Given the volatility of many of the families that we deal with, this is not an acceptable policy. There was a mutual expression of dissatisfaction from all parties at the hearing (including the Board) concerning DHS's new policy and the delayed release of information on the Mother's psychological evaluation. Mom's psychological evaluation was conducted on 11/8/2012. CASA received it on 3/8/2013 with the monthly discovery package. I understand that discovery concerning the parents can take time to compile due to parents' work schedules or lack of participation. However, weekly discovery would still be helpful as these challenges would be set out in the DHS case notes. If we are to be planning for the successful return to parent(s), which is *usually* the initial case plan, then we must be apprised of the parents' current situations.

Additionally, I had not been provided a copy of the Case Plans for the Child prior to the CRB hearing as legal counsel did. I also did not receive it in the 3/8/2013 discovery package; I had to obtain it from one of the attorneys. I cannot do my best in advocating for this Child without current information.

I urge you to vote in favor of HB 3363 providing full disclosure of information to court appointed special advocates. Thank you.

Very truly yours,

  
Gail C. Cross

March 17, 2013

Honorable Chair Barker and Committee Members

My name is Lee Rice. I am a CASA ADVOCATE in Curry County. I have been a CASA for nearly 4 years.

Most important is the fact that receiving timely discovery or new information is very difficult when we work with DHS. You might say there are laws already on the books to provide for this discovery, BUT, it is not working. We need to strengthen the laws to protect our Oregon foster children. There are times, I have received discovery the morning of a hearing. That is far from appropriate. Getting information on the parents is almost impossible. In my work I have dug deep to get as much information on the parents as I can to assure myself that the children will be safe being reunited with the parents. My goal is to show a clean slate and move the children home. DHS uses the excuse that privacy of the parents is important. As a result when I do find parents who have documented criminal and mental health background they have been returned to these parents. After-all the children have been removed from these parents, and isn't it our duty to know whether they have a criminal or mental health background? To get around DHS delay, I normally interview the parents as quickly as possible in the case.

My example is real. I had a 2 ½ year old girl whose mother and father had abused drugs, been admitted to several mental institutions and were homeless. The mother had served one year in prison. As a result of her person term, she had abandoned her son allowing her mother to care for her son. When she left the prison, instead of coming back to her mother and getting her child, she left the child. The grandmother eventually adopted her son. A few years later, she now has a 2 ½ yr old daughter. This CASA was able to get background on both parents that filled a HUGE binder. Before I could even recommend that the grandmother be given the 2 1/2 year old until the child's mother could seek Mental Health Treatment, the DA and DHS deleted the Mental Health issues from the hearing. I was unable to even present my discovery. THUS background of parents evidently is not important to DHS or the Courts.

In another case, I have a 7 year old boy who has serious anger issues and has been suspended from school several times. He was placed in a special school with a small class where he was doing very well. DHS chose to move him into family foster care and put him in a mainstream classroom where he is having tremendous problems. DHS refused to hear what CASA had to say about the move. His new relative foster father has an alcoholic DUI background from two states with probation which had violated. I presented the information thinking the judge would surely see the reason for CASA concern. Not so, the adoption will be happening within the next few months. In my opinion this child is a child who will suffer greatly for the poor decisions made by DHS and Mental Health.

Please VOTE YES on 3363

Lee Rice

Curry County

Advocate for the child

541-373-0334

March 16, 2013

To: Honorable Co-chairs Bates, Nathanson and Committee Members,

My name is Christine Anne Cunningham. I have lived in Eugene, Oregon since 1973. I have been a CASA (Court Appointed Special Advocate) since August 2010.

I have been on the same case for two siblings since that time: a boy, now three-and-a-half years old, and a girl, who will be five years old next month (April 2013).

I am very concerned that children so young, and in such critical stages of their physical, social and psychological development, are allowed to live in foster homes for years: The children in my case were removed from their home in January 2010. The father stipulated and terminated his parental rights earlier this year, and the mother only agreed to do so at the termination trial this month. (March 2013).

In January 2010, the children were taken from their biological parents, because they witnessed episodes of domestic violence. The boy lived in eight foster homes, **before** he was reunited with his sister in their current foster home in 2012. The sister had been in seven foster homes prior to moving to her current home.

Several issues contributed to the protraction of this case, including but not limited to the fact that:

- the state was unable to provide sufficient evidence to show that the parents—who separated immediately after the children were removed—could not provide a safe environment for the children.
- the parents demonstrated slight and short-lived improvements following services;
- the children moved to multiple foster homes, leading to a lack of continuity of services for them and for the biological parents;
- the state was unable to obtain the father's prior records of rehabilitation and incarceration during his adolescence;
- the state was unable obtain previous records from out-of-state protective service agencies and hospitals.

From January 2010 to March 2013, six permanency hearings, two Citizen Review Board meetings, several fact-finding hearings—and a termination trial this past month—occurred. The Court granted two extensions to allow the parents additional opportunity to respond to services, (parenting classes, counseling, anger management, vocational and renters rehabilitation and many more).

The state could not obtain sealed records for the father's seven-year incarceration for sexually abusing a child when he was 13. I feel the case would have moved more quickly, and would have prevented this father from having weekly and even unsupervised visits with the children, if we had had access to his sealed records.

Moreover, despite the fact that the (girl) child's pediatrician requested the release of records from an out-of-state hospital, we were unable to obtain complete documentation regarding the outcome of the father's suspected child abuse investigation. The state also was unable to get complete records from out-of-state protective service agency until recently.

Thank you for the opportunity to describe my experience as a CASA. I urge you to vote yes on HB 3363 to ensure that we can expedite those cases in which the children are very young and vulnerable.

Sincerely,

Christine A. Cunningham  
Court Appointed Special Advocate  
Since August 2010  
Eugene

March 16, 2013

To: The Honorable Chair Barker and Committee Members,

My name is Christine Anne Cunningham. I have lived in Eugene, Oregon since 1973. I have been a CASA (Court Appointed Special Advocate) since August 2010. I have been on the same case for two siblings since that time: a boy, now three-and-a-half years old, and a girl, who will be five years old next month (April 2013).

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Thank you for the opportunity to describe my experience as a CASA. I urge you to vote yes on HB 3363 to ensure that we can expedite those cases in which the children are very young and vulnerable.

Sincerely,

Christine A. Cunningham  
Court Appointed Special Advocate  
Since August 2010  
Eugene