

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 4156 - A

Seventy-Seventh Oregon Legislative Assembly – 2014 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Date: 2/20/2014

Measure Description:

Authorizes Department of Human Services to appear as party in juvenile court proceeding without appearance of Attorney General at any uncontested hearing and any hearing where district attorney appears on behalf of state and positions of department and state are not in conflict.

Government Unit(s) Affected:

Department of Human Services (DHS)

Summary of Expenditure Impact:

See Analysis

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

House Bill 4156 A-Engrossed temporarily codifies current practice by authorizing the Department of Human Services (DHS) child welfare caseworkers to appear in juvenile court dependency proceedings without counsel at: (1) hearings required by ORS 419B.305; and (2) proceedings where the district attorney appears on behalf of the state, and the state and DHS are in alignment. The bill takes effect on passage, and sunsets on June 30, 2015.

Although ORS 9.320 requires state agencies to appear in court proceedings with attorney general counsel, in practice, historically, DHS child welfare caseworkers appear in court without counsel in post-jurisdictional, uncontested hearings. If and when a hearing becomes contested, the proceeding is set over to allow DHS to appear with counsel. Pre-jurisdictionally, caseworkers appear without counsel when the state is represented by the district attorney, except in those cases where the position of DHS and the district attorney are not in alignment. Recently, three judges have informed DHS that they intend to enforce or are enforcing ORS 9.320.

The Department of Human Services estimates that enforcement ORS 9.320 could potentially cost the department approximately \$4.8 million in additional attorney general fees. This bill would temporarily codify current practice until June 30, 2015 allowing time for DHS, stakeholders, and policy makers to fully examine this issue. If this bill does not pass, the Department of Human Services anticipates budgetary challenges resulting from increased attorney general costs.