

# Youth, Rights & Justice

ATTORNEYS AT LAW

To: Senate Committee on Human Services and Early Childhood  
From: Mark McKechnie, Executive Director, Youth, Rights & Justice  
Date: March 10, 2015  
Re: SB 222

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Chair Gelsler and Members of the Committee:

Youth, Rights & Justice (YRJ) was founded 40 years ago and has been dedicated to providing legal representation and advocacy to over 50,000 children and youth. YRJ is one of the many law firms in Oregon that contracts with the Office of Public Defense Services (OPDS) to represent children in foster care and parents in child dependency cases who qualify for court-appointed counsel.

In child dependency cases, representation of the Department of Human Services is typically provided by the Department of Justice after, in most cases, early representation by the District Attorney. We understand that amendments to SB 222 are designed to increase Assistant Attorney General positions in order to allow AAG representation of DHS at most or all hearings after jurisdiction is established. We do not doubt that the handling of these cases could benefit from increased legal representation for DHS.

However, YRJ is concerned that SB 222 focuses exclusively on legal representation for DHS without addressing the inadequate resources for the other parties in these cases and for the court itself. The 2013 Legislature passed HB 3363 which established the Work Group on Juvenile Court Dependency Proceedings under the auspices of the Chief Justice of the Oregon Supreme Court. The work group included members representing the various constituencies of the juvenile dependency system.

In addition to a report, the work group's discussions resulted in legislation for 2015, HB 2358. Unlike SB 222, HB 2358 was developed to improve the capacity of the courts, attorneys for the state, attorneys for children and parents and DHS in multiple pilot counties to handle these very sensitive cases more efficiently and effectively.

While it is important for DHS to have adequate representation, SB 222 addresses only one aspect of the juvenile dependency system and has the potential to further disadvantage the children and parents involved in these cases, if similar resources are not invested in public defense and the courts.

Information obtained from the Legislative Fiscal Office at the end of the 2013 Legislative Session showed that funding for DHS and their attorneys increased by 27.1% and 28.2%, respectively, from 2009-11 to 2013-15. At the same time, funding for attorneys representing parents and children, whose lives are impacted most profoundly by these cases, increased by a mere 5.5% in the same period. Youth, Rights & Justice encourages the Legislature to invest state resources in services and systems necessary to support the best outcomes for vulnerable children and their families and to ensure that each component of the legal system in juvenile dependency cases receives adequate funding.

Youth, Rights & Justice does support extending the sunset of legislation passed in 2014, which is contained in SB 222 as Introduced.

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