



DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-4400

March 30, 2015

The Honorable Chip Shields, Co-Chair
The Honorable Jennifer Williamson, Co-Chair
Joint Committee on Ways and Means, Public Safety Subcommittee
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Dear Co-Chairpersons:

Please accept this letter as response to questions raised by the Subcommittee during the Department of Justice's (DOJ) budget presentation on March 25, 2015.

Q1. Are foster parents typically unrepresented in court proceedings unless they hire counsel themselves (relating to Department of Human Services (DHS), child welfare cases)?

A1. Yes. Foster parents are not parties to juvenile cases under ORS 419B.875(1). If appropriate under the relevant statutes, a foster parent may file a motion to intervene or become a party with rights of limited participation, which they can do unrepresented or with retained counsel.

Q2. Number of hearings DOJ attends or would be required to attend with full representation of DHS case workers?

A2. Approximately 31,377 based on the total number of juvenile court dependency hearings statewide for the calendar year 2013. We do not yet have reliable total numbers for 2014, in part due to Oregon Judicial Department's switch to E-Courts from OJIN.

Q3. Estimate cost and number of full-time equivalent (FTE) positions required for SB222 (2015)?

A3. Please refer to the attached letter, dated March 26, 2015, and fiscal impact statement prepared by the Legislative Fiscal Office.

<https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureAnalysisDocument/27396>

Q4. Is the funding formula for the District Attorney Victims' Assistance Program based on population?

A4. Yes, in part. Each District Attorney's Office receives \$10,000 plus an allocation of the remaining funds based on county population and crime rate. To help ensure stability, calculations may be adjusted to ensure no county receives few dollars than received in the prior biennium.

Q5. What is the overall cost of the Portland Harbor cleanup?

A5. The actual cost of cleanup will not be known until the Environmental Protection Agency (EPA) publishes its Record of Decision (ROD) in 2017. The ROD will detail the cleanup remedy, i.e. the extent and location of dredging, capping or natural monitoring. Early glimmers of the EPA's remedy thinking will be seen when EPA circulates a Conceptual Plan in November 2015 and a Proposed Plan in the summer of 2016. The draft Feasibility Study, which the Lower Willamette Group provided to EPA on March 30, 2012, outlined eleven alternative options for cleaning up the Portland Harbor Superfund Site, with a range of costs from \$269 million to \$1.8 billion depending on which alternative EPA adopts. At this stage, it is not possible to reliably estimate what the State's share of those costs.

Q6. What insurance companies are involved in Portland Harbor litigation?

A6. We are not currently actively litigating with any of the insurance carriers. Chubb Insurance, based on Comprehensive General Liability policies the State held before it went self-insured, has accepted a duty to defend the state up to a certain percentage of defense costs, but has reserved its right to contest indemnity coverage. Late last year we entered into a tolling agreement with Chubb to suspend the running of the statute of limitations to file suit against Chubb Insurance under ORS 465.484 for an unfair environmental claims settlement practice for its refusal to pay all of the State's defense costs. Two other carriers, Transamerica Insurance and Fireman's Fund, have accepted a duty to defend Department of State Lands (DSL) but have also issued a reservation of rights on indemnity. These two carriers insured parties who had leases with DSL which named DSL as an additional insured. The State plans to pursue its rights to indemnity coverage under these policies.

Q7. Are too many agencies involved in public contracting?

A7. Agencies with contract authority possess that authority either by statute or by delegation from DAS. It is not clear to us that a broad distribution of contracting authority is necessarily problematic in itself. The main challenge – and our goal – is to ensure that all

agencies possessing contract authority have access to the training and legal resources necessary to enable them to effectively exercise that authority.

Q8. Is DOJ working with the Department of Administrative Services (DAS) to streamline uncomplicated contracts?

A8. Enterprise Leadership Team's Enterprise Procurement Improvement Project has a templates subproject which has three phases with an optional fourth phase. Through a survey and conversations with the Designated Procurement Officer council, the Project identified and prioritized forms needed across the enterprise. The forms vary in complexity. Each phase has 5-10 templates identified. Phase 1 has already made significant progress and has completed or nearly completed several of the identified forms including the Formal Request for Proposal (RFP), the Intergovernmental Agreement (IGA), the Interim Assistance Authorization, and information technology forms.

Q9. What options are available to keep agencies from entering into no-bid or long standing contracts?

A9. The procurement code, as a general principle, requires agencies to competitively procure goods, services and public improvements. There are some exceptions under which a contract can be procured with no or limited competition. Agencies are not required to competitively bid small procurement (under \$10,000). Between \$10,000 and \$150,000, agencies are ordinarily required to obtain three quotes before awarding a contract. Procurements exceeding \$150,000 require formal procurements. However, there are two instances in which there can be no or little competition for formal procurements:

- 1) A sole source procurement occurs when there is no other vendor available that can provide the goods or services. Public notice and an opportunity to protest is available for agency sole source determinations; and
- 2) A special procurement occurs when there are some unique circumstances that require a different procurement process. Again, public notice and an opportunity to protest are required when an agency uses a modified procurement process.

An agency may also enter into a procurement contract with limited or no competition if the head of the contracting agency determines that an emergency exists. In such a case, the contracting agency must ensure competition "that is reasonable and appropriate under the emergency circumstances and may issue written or oral requests for offers or make direct appointments *without competition in cases of extreme necessity.*" ORS 279B.080 (emphasis added). No public notice or opportunity to protest is available for an emergency determination.

Exemptions from the competitive bidding are also available in narrow circumstances with regard to at least two other types of contracts:

- **For Architectural and Engineering (A&E) contracts:** Under the DOJ Model Rules, 137-048-0200, the agency can enter into a contract directly without following selection procedures provided for elsewhere if: (a) the agency finds an Emergency exists; or (b) the contract calls for only a “small estimated fee” (not exceeding \$100,000); or (c) it is a continuation of an existing project where the consultant was procured through a formal process and the estimated fee for the new/additional work does not exceed \$250,000; and (d) a continuation with the same requirements as (c) but the new/additional work can exceed \$250,000, however, the agency must do specified written findings to support.
- **For public improvement contracts:** Under ORS 279C.335(1), a public improvement project with a value of less than \$5,000 is exempt from competitive bidding requirements. The next tier up in dollar size is up to \$100,000, but those require competitive quotes.

There are currently few legal constraints on the possible length of contracts. Some A&E contracts are for several years depending on how long the project goes. A long construction project will typically carry with it a very long A&E contract.

Q10. How much as Risk paid out on employment issues?

A10. According to the Department of Administrative Services, Risk Manager, employment litigation expenditures since January 1, 2013 have totaled \$7.6 million including \$3.55 million to DOJ, \$2 million for loss payments to plaintiffs, \$1 million in plaintiff legal costs, and \$1 million for experts, conflict counsel, and other related expenditures.

Q11. When defending a manager accused of discrimination, and the case is dismissed or settled, is there any way to track that manager or ensure communication to subsequent State agency employers?

A11. We are not aware of any tracking method currently in place, but there does not appear to be any legal impediment to the establishment of such a tracking program. Where a manager may move between various state agencies during his or her career, it is permissible for agencies that have employed the manager to share with other agencies factual information about accusations or allegations of discrimination against a manager as long as the information is reasonably complete. For example, if an accusation were leveled against a manager and the accusation was determined to be unfounded or there was insufficient information on which to move forward, that information about the disposition of the complaint should be shared in order to protect the reputational interests of the manager.

Q12. In the last two years, how many cases have been filed against DHS and what is the cost to defend them?

A12. DAS, Risk Management reports that 30 child abuse claims have been filed in the last two years. Thirteen cases remain open and seven have been litigated. To date, costs for these

March 30, 2015

Page 5

cases have totaled \$4.2 million including \$0.44 million in legal fees for both the State and plaintiff's legal fees.

Q13. What are some examples of DOJ's efforts to "create a health work environment", and how much has been spent?

A13. To provide employees with healthy work environments, DOJ implemented lunchtime exercise classes in multiple locations that are conducted in vacant conference rooms. Individual class participants are responsible for paying charges, if any, by the service provider. Examples: Yoga, Zumba, Weight Watchers, and Pilates.

DOJ purchased electric legs for seven desks (cost of material and installation labor was \$7,000) and converted 256 existing cubicles to sit/stand workstations (approximately \$100 each for labor (\$25,600 total)). Additionally, we purchased 128 hydraulic chairs (\$400 each - Total \$51,200).

We also installed water filtration units in 20 of our facilities (approximate cost of \$100 each - \$2,000 total).

Also, DOJ has worked with the state's vending companies to pilot healthy snacks in vending machines in the four largest DOJ facilities in Salem at no cost to DOJ.

Finally, DOJ requires landlords to use sustainable construction materials, as well as non-toxic paint and adhesives.

The total approximate cost for the above efforts was \$86,000.

If we can provide additional information on any of these topics, do not hesitate to contact me.

Sincerely,



FREDERICK M. BOSS
Deputy Attorney General

Enclosure



DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-4400

March 26, 2015

The Honorable Richard Devlin, Co-Chair
The Honorable Peter Buckley, Co-Chair
Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Dear Senator Devlin and Representative Buckley:

The Department of Justice (DOJ) and Department of Human Services (DHS) submit the following status report on our efforts to develop options for delivering and funding legal services for the DHS Child Welfare program. Current law that allows DHS to appear without legal counsel in all juvenile dependency proceedings expires on July 1, 2015. In this report we provide three options to help provide a transition for DOJ to provide full representation for the DHS Child Welfare Program.

Background

Before presenting our options, we first offer some background on juvenile dependency proceedings and preceding events that necessitate legislative action. Upon receipt of a report of child abuse or neglect DHS assesses and investigates whether child abuse or neglect occurred and whether the family could benefit from social services. In some cases, juvenile court involvement may be necessary to maintain child safety. By statute, the State and DHS are separate parties to a juvenile dependency proceeding. District Attorneys in the particular county in which the case arises represent the interest of the State and Juvenile Department. On the other hand, DOJ represents the interests of DHS statewide.

DOJ consults with and provides advice to DHS throughout the life of a juvenile case, but generally does not appear in all court hearings to represent DHS. Although state law prohibits state agencies from appearing in court proceedings without DOJ representation, those restrictions have not been enforced in dependency proceedings for DHS. Consequently, DHS caseworkers routinely appear without legal counsel. In contrast, the State is represented by the DA at the

early jurisdictional stage of the case and the other parties are represented mostly by court appointed attorneys generally at all hearings.

DHS caseworkers are at a disadvantage as they are often the only unrepresented party at these proceedings. The lack of legal counsel for DHS at hearings frequently results in delays in achieving permanency for children in the custody of DHS, including appeals and reversals of trial court rulings. Prolonged foster care placement results in an increased cost to the state, as well as a detrimental impact on the child.

In December 2013, some circuit court judges raised concerns that ORS 9.320 (applying to all state agencies) requires DHS to be represented by counsel in all juvenile dependency court hearings. Those concerns ultimately resulted in the 2014 Legislature passing House Bill 4156 as a temporary “status quo” solution. That bill, codified in Chapter 106, 2014 Laws, allows DHS to appear without legal counsel in: (1) any hearing held after the jurisdictional hearing under ORS 419B.305; and (2) any proceeding where the DA represents the State, provided the positions of DHS and the State are not in conflict with respect to issues raised for consideration or determination in the proceeding. That bill, however, sunsets on June 30, 2015.

To implement HB 4156, DHS and DOJ met as partner agencies and also with other community partners to determine the most appropriate resolution to the legal representation issue and its fiscal implications. Unable to determine a feasible budget and staffing plan in the short time frame allotted, DHS, through the Governor’s Office, proposed Senate Bill 222 for the 2015 legislative session to extend the sunset on former HB 4156 to June 30, 2017.

As the legal authority for DHS to appear without legal counsel sunsets on June 31, 2015, there is insufficient time and resources for DOJ to be fully staffed to implement full legal representation on that date. Additionally, as expected, this will increase costs to DHS. DHS is currently funded at \$30,742,200 of Total Funds in the Governor’s Budget for Attorney General Expenditures for the entire Agency. These proposals would increase that Total Fund amount by \$7,331,280 in the 2015-17 biennium and by \$18,994,784 of Total Funds for the 2017-19 biennium, creating a Total Funds gap of \$7,331,280 in the 2015-17 biennium and \$18,994,784 in Total Funds for the 2017-19 biennium.

Options for Consideration

We provide three options to provide a transition to full DOJ representation for the DHS Child Welfare Program. All three options provide for a rolling sunset to allow a staged implementation over the next two bienna. Options 2 and 3 also provide additional requirements which may reduce costs. This staged implementation will provide the necessary lead time to recruit, provide adequate training, and to prepare facilities. It also would reduce the expenditures in the 2015-17 and 2017-18 biennia.

Option I. Rolling Conventional Implementation of Legal Representation of DHS

Our first option provides for a rolling sunset and four-phased implementation of full DOJ representation of DHS over the next two biennia. Phase I provides that the sunset expires on December 31, 2015 in six counties identified by DHS and DOJ, in consultation with the Oregon Judicial Department (OJD). In Phase II, the sunset expires on June 30, 2016 in another six counties mutually identified as above. Phase III provides that the sunset expires on June 30, 2017 in another twelve counties mutually identified as above. Finally, in Phase IV, the sunset expires on June 30, 2018 in all remaining counties.

Attachment A includes the staffing estimates for Option I. Attachment B includes the associated cost estimates.

Option II. Rolling Regional Implementation of Legal Representation of DHS

This second option also provides for the rolling sunset and staged implementation as outlined above, but also requires DOJ to open regional offices to assist in reducing staffing and legal costs. DOJ could open additional offices in Deschutes, Malheur, Coos, and Klamath counties. The cost reductions are not significant, but are proposed as an option for the legislature to consider.

Attachment C includes the staffing estimates for Option II. Attachment D includes the associated cost estimates.

Option III. Rolling Regional and Alternate Staffing Implementation of Legal Representation of DHS

This third option also provides for a rolling sunset and staged implementation, but attempts to reduce costs by having DOJ open one additional regional office and contract with a limited number of attorneys as Special Assistant Attorneys General (SAAGs) in other locations. Deschutes County would still be considered for an additional DOJ office. Counties in which DOJ could potentially contract with a SAAG include: Malheur, Coos and Klamath.

To ensure the quality of legal services and consistency of representation, the SAAG would be used for limited purposes. SAAGs would represent DHS at shelter hearings, jurisdictional fact findings, disposition and disposition review hearings, and routine uncontested permanency hearings. DOJ would continue to represent DHS on any complex contested hearing and all specialized termination of parental rights litigation.

The cost reductions are again, not significant, but are offered for consideration. The costs for hiring SAAGs are removed from the DOJ staffing estimates but are noted to include as an additional cost to DHS. There are some concerns with the consistency of legal representation with this option.

Attachment E includes the staffing estimates for Option III. Attachment F includes the associated cost estimates.

We welcome the opportunity to discuss the strengths and weaknesses of each of the above options and any other questions posed by this Committee.

Sincerely,



FREDERICK M. BOSS
Deputy Attorney General
Department of Justice



ERINN KELLEY-SIEL
Director
Department of Human Services

cc: Ben Souede, Governor's Office General Counsel
Lisa Udland, DOJ Civil Enforcement Division Administrator
Lois Day, Department of Human Services Child Welfare Director
Ken Rocco, Legislative Fiscal Officer
George Naughton, Department of Administrative Services
Michelle Lisper, Department of Administrative Services
Tamara Brickman, Department of Administrative Services

DM#6346442v3

**ChAS STAFFING ESTIMATES FOR ROLLING CONVENTIONAL
IMPLEMENTATION OF LEGAL REPRESENTATION OF DHS CHILD WELFARE**

ChAS staffing estimates for AAGs, Paralegals (PL), Legal Secretaries (LS), Office Specialists (OS), and Office Manager/Management Assistant (OM/MA) under a Rolling Implementation of legal representation. See related cost estimate.

PHASE I

<u>6 counties by December 31, 2015:</u>	<u>AAG adds</u>	<u>PL</u>	<u>LS</u>	<u>OS</u>	<u>OM/MA</u>
<u>Medford office</u>					
Jackson and Josephine (D.8):	2.5 FTE	1.0	1.0	1.0	0.0
<u>Eugene office</u>					
Lane (D. 5):	1.0 FTE	0.5	1.0	0.0	0.0
AIC:	1.0 FTE				
<u>Salem office</u>					
Yamhill and Polk (part of D. 3):	0.5 FTE	1.0	1.0	0.5	0.5
Linn (part of D. 4):	0.5 FTE				
Subtotal PHASE I, by December 31, 2015:	5.5 FTE	2.5	3.0	1.5	0.5

PHASE II

<u>6 counties by June 30, 2016:</u>	<u>AAG adds</u>	<u>PL</u>	<u>LS</u>	<u>OS</u>	<u>OM/MA</u>
<u>Medford office</u>					
Klamath and Lake (D.11):	1.0 FTE	0.0	1.0	0.0	0.0
<u>Eugene office</u>					
Douglas (D.6):	1.0 FTE	1.0	1.0	1.0	0.0
<u>Salem office</u>					
Lincoln (part of D. 4):	0.5 FTE	0.0	0.0	0.0	0.0
<u>Pendleton office</u>					
Umatilla and Morrow (D.12):	0.5 FTE	1.0	0.5	0.0	0.0
Subtotal PHASE II, by June 30, 2016:	3.0 FTE	2.0	2.5	1.0	0.0

PHASE III

<u>12 counties by June 30, 2017:</u>	<u>AAG adds</u>	<u>PL</u>	<u>LS</u>	<u>OS</u>	<u>OM/MA</u>
<u>Eugene office</u>					
Coos and Curry (D.7):	1.0 FTE	0.5	0.5	0.0	0.0
<u>Salem office</u>					
Crook, Jefferson, Deschutes (D.10):	1.5 FTE	3.0	2.5	0.5	0.0
Marion (rest of D. 3):	2.0 FTE				
Benton (rest of D. 4):	0.5 FTE				
AIC:	1.0 FTE				
<u>Portland office</u>					
Clatsop, Columbia, Tillamook (D.1):	1.0 FTE	2.0	2.5	1.0	1.0
Clackamas (D. 15):	1.5 FTE				
Washington (D.16):	2.0 FTE				
Subtotal PHASE III, by June 30, 2017:	10.5 FTE	5.5	5.5	1.5	1.0

PHASE IV

<u>12 counties by June 30, 2018:</u>	<u>AAG adds</u>	<u>PL</u>	<u>LS</u>	<u>OS</u>	<u>OM/MA</u>
<u>Portland office</u>					
Multnomah (D.2):	5.5 FTE	3.0	2.0	0.5	1.0
Hood River, Wasco, Sherman, Gilliam and Wheeler (D. 9):	1.0 FTE				
AIC:	1.0 FTE				
<u>Pendleton office</u>					
Wallowa, Union, Baker (D.13):	0.5 FTE	1.0	1.0	0.5	0.0
Grant, Harney and Malheur (D. 14):	0.5 FTE				
Subtotal PHASE IV, by June 30, 2018	8.5 FTE	4.0	3.0	1.0	1.0

TOTAL Adds for all three years: 27.5 FTE* 14.0 14.0 5.0 2.5

* AAGs = 24.5; AICs = 3.0; the AAG adds total includes 3 AICs (making it a 22.3 to 1.0 manager/atty ratio, well above the 10 to 1 state estimate). Division Administrator to be included.

- Add 2.0 for statewide Investigator positions: one in Phase II and one in Phase III.

ATTACHMENT A

- Additional legal support staff positions are listed on one line but include all counties listed for that office.
- The support staff figures fall within the ratios in our Assumptions (excluding managers):
PL: 1.0 to 2.25 AAG / LS: 1.0 to 2.39 AAG / OS: 1.0 to 8.81 AAG

DM#6321791 v.2

REPRESENTATION OF DHS IN JUVENILE PROCEEDINGS STATEWIDE (Version #1 - current office structure)

2013-15 Legislatively Approved Budget	2015-17 Proposed Budget				2017-2019 Estimate (Court) w/ inflation					
	Current Service Level		Full Representation (Court) Phase In		Full Representation (Court) w/ inflation		Total Court Representation		Total Child Welfare Estimate	
	DHS Program Admin	Foster Certification	Representation (Court)	Total	Phases 1 - 3 @ Partial FTE	Total Court Representation (includes CSL)	15-17 Phases 1,2,3 @ 100% FTE (inc. Adm)	Phase 4	DHS Prg Adm and Foster Care w/ inflation	
Personal Services	\$18,418,647	\$1,093,247	\$1,661,735	\$19,064,758	\$5,423,341	\$21,733,117	\$10,391,417	\$3,987,929	\$3,002,930	
Services and Supplies	4,781,778	310,324	471,692	5,349,286	1,478,762	6,046,032	2,205,448	902,175	805,476	
Total	\$23,200,425	\$1,403,571	\$2,133,427	\$24,414,044	\$6,902,103	\$27,779,149	\$12,596,865	\$4,890,104	\$3,808,407	
Positions FTE	81	5	8	81	57	125	57	20	13	
	80.50	5.01	7.62	87.87	28.25	96.12	49.25	16.38	12.63	
DHS Fiscal Estimate (AAG Line)	7,171,549				13,603,760				5,191,925	
									18,795,685	

Assumptions

- 2017-19 projected to include 3% PS & 3% SAS growth.
- Staff Ratios: *AAG Ratio after policy package*
Paralegal 2.25
Legal Secretary 2.39
OS Staff 8.81
- AAG's assumed 25% Sr AAG and 75% AAG
- Includes 2 DOJ Admin LD's - 8/1/15 - 3/31/18 and 1 PF positions starting 8/1/15
1 Human Resource Analyst 3 PF
1 Operations Project Manager 1 LD (15-17 .96 FTE ; 17-19 .38 FTE)
1 Information Systems Specialist 4 LD (15-17 .96 FTE; 17-19 .38 FTE)
- Add 2 Investigators in Phase 2 and Phase 3
- CSL is based on a percentage (60.07%) of the Civil Legal Section. It is an estimate only of what the actual costs of current FTE in the CHAS section of Civil Legal are. The % is based on CSL.net of Package 060. Foreclosure Mediation, Civil Rights and Environmental Crimes.
- Included Division Administrator in Phase 4a

Start Dates	a	b	c
Phase 1	09/01/15	10/01/15	11/01/15
Phase 2	09/01/16	04/01/16	06/01/16
Phase 3	09/01/16	10/01/16	01/01/17
Phase 4	09/01/17	01/01/19	

- Does not include build out for new or current facilities
- CSL FTE includes shared support resources with other sections of Civil Legal of approx 2 FTE
- Merit and COLAs not included in DOJ expenditure limitation.
- POB Estimates are included
- Phases out all furniture future costs in biennium following position establishment (no chair replacement etc)
- DOJ Rates
AAG's 15.17
AIC 181.00
AALC 181.00
Investigator 116.00
Paralegal 90.00
Division Administrator 181.00
- 17-19 (rates will be adjusted during the 2017-19 budget development process to cover State approved inflation and cashflow)

**ChAS STAFFING ESTIMATES FOR ROLLING REGIONAL IMPLEMENTATION OF
LEGAL REPRESENTATION OF DHS CHILD WELFARE (WITH ADDITIONAL DOJ OFFICES)**

ChAS staffing estimates for AAGs, Paralegals (PL), Legal Secretaries (LS), Office Specialists (OS), and Office Manager/Management Assistant (OM/MA) under a rolling regional implementation of legal representation with additional DOJ office locations potentially in Deschutes, Coos, Malheur and Klamath counties. See related cost estimate.

PHASE I

<u>6 counties by December 31, 2015:</u>	<u>AAG adds</u>	<u>PL</u>	<u>LS</u>	<u>OS</u>	<u>OM/MA</u>
<u>Medford office</u>					
Jackson and Josephine (D.8):	2.5 FTE	1.0	1.0	1.0	0.0
<u>Eugene office</u>					
Lane (D. 5):	1.0 FTE	0.5	1.0	0.0	0.0
AIC:	1.0 FTE				
<u>Salem office</u>					
Yamhill and Polk (part of D. 3):	0.5 FTE	1.0	1.0	0.5	0.5
Linn (part of D. 4):	0.5 FTE				
Subtotal PHASE I, by December 31, 2015:	5.5 FTE	2.5	3.0	1.5	0.5

PHASE II

<u>6 counties by June 30, 2016:</u>	<u>AAG adds</u>	<u>PL</u>	<u>LS</u>	<u>OS</u>	<u>OM/MA</u>
<u>Klamath office (new office location)</u>					
Klamath and Lake (D.11):	0.75 FTE	0.0	1.0	0.0	0.0
<u>Eugene office</u>					
Douglas (D.6):	1.0 FTE	1.0	1.0	1.0	0.0
<u>Salem office</u>					
Lincoln (part of D. 4):	0.5 FTE	0.0	0.0	0.0	0.0
<u>Pendleton office</u>					
Umatilla and Morrow (D.12):	0.5 FTE	1.0	0.5	0.0	0.0
Subtotal PHASE II, by June 30, 2016:	2.75 FTE	2.0	2.5	1.0	0.0

PHASE III						
<u>12 counties by June 30, 2017:</u>	<u>AAG adds</u>	<u>PL</u>	<u>LS</u>	<u>OS</u>	<u>OM/MA</u>	
<u>Coos Bay office (new office location)</u>						
Coos and Curry (D.7):	0.5 FTE	0.5	0.5	0.0	0.0	
<u>Bend office (new office location)</u>						
Crook, Jefferson, Deschutes (D.10):	0.75 FTE	0.5	0.5	0.5	0.0	
<u>Salem office</u>						
Marion (rest of D. 3):	2.0 FTE	2.5	2.0	0.0	0.0	
Benton (rest of D. 4):	0.5 FTE					
AIC:	1.0 FTE					
<u>Portland office</u>						
Clatsop, Columbia, Tillamook (D.1):	1.0 FTE	2.0	2.5	1.0	1.0	
Clackamas (D. 15):	1.5 FTE					
Washington (D.16):	2.0 FTE					
Subtotal PHASE III, by June 30, 2017:	9.25 FTE	5.5	5.5	1.5	1.0	
PHASE IV						
<u>12 counties by June 30, 2018:</u>	<u>AAG adds</u>	<u>PL</u>	<u>LS</u>	<u>OS</u>	<u>OM/MA</u>	
<u>Portland office</u>						
Multnomah (D.2):	5.5 FTE	3.0	2.0	0.5	1.0	
Hood River, Wasco, Sherman, Gilliam and Wheeler (D. 9):	1.0 FTE					
AIC:	1.0 FTE					
<u>Pendleton office</u>						
Wallowa, Union, Baker (D.13):	0.5 FTE	0.5	0.5	0.0	0.0	
<u>Ontario office (new office location)</u>						
Grant, Harney and Malheur (D. 14):	0.25 FTE	0.5	0.5	0.5	0.0	
Subtotal PHASE IV, by June 30, 2018	8.25 FTE	4.0	3.0	1.0	1.0	
TOTAL Adds for all three years:	25.75 FTE*	14.0	14.0	5.0	2.5	

* AAGs = 22.75; AICs = 3.0; the AAG adds total includes 3 AICs (making it a 21.8 to 1.0 manager/atty ratio, well above the 10 to 1 state estimate). Division Administrator to be included.

- Add 2.0 for statewide Investigator positions: one in Phase II and one in Phase III.
- Additional legal support staff positions are listed on one line but include all counties listed for that office.
- The support staff figures fall approximately within the ratios in our Assumptions (excluding managers) except may be slightly higher due to additional smaller offices and inability to have a 0.25 position: PL: 1.0 to 2.25 AAG / LS: 1.0 to 2.39 AAG / OS: 1.0 to 8.81 AAG

DM#6339981

REPRESENTATION OF DHS IN JUVENILE PROCEEDINGS STATEWIDE (Version #2 - new offices)

2013-15 Legislatively Approved Budget	2015-17 Proposed Budget				2017-2019 Estimate							
	Current Service Level				Full Representation (Court) Phase In		Full Representation (Court) w/ Inflation					
	DHS Program Admin	Foster Certification	Representation (Court)	Total	Phases 1 - 3 @ Partial FTE	Total Court Representation (includes CSL)	Total Child Welfare Estimates	15-17 Phases 1,2,3 @ 100% FTE (inc Adm)	Phase 4	CSL Representation (Court)	Total Court Representation	DHS Prg Adm and Foster Care w/ Inflation
\$18,418,647	\$1,093,247	\$1,661,735	\$19,064,758	\$5,240,098	\$21,549,874	\$24,304,856	\$9,955,627	\$3,933,455	\$17,777,656	\$31,666,738	\$3,002,930	\$34,669,668
4,781,778	310,324	471,692	5,349,286	1,447,887	6,015,157	6,797,173	2,124,306	910,353	4,704,268	7,738,947	805,476	8,544,424
\$23,200,425	\$1,403,571	\$2,133,427	\$24,414,044	\$6,687,985	\$27,565,032	\$31,102,030	\$12,079,933	\$4,843,808	\$22,481,944	\$39,405,685	\$3,808,407	\$43,214,092
81	5	8	81	58	126	139	58	23	68	149	13	162
80.50	5.01	7.62	80.50	27.36	95.43	108.06	47.73	16.19	67.87	131.81	12.63	144.44
DHS Fiscal Estimate (AAG Line)				6,802,441	12,788,760		5,457,200		18,245,960			

(See Assumption 14 - '17-19 Rate)

8) Start Dates	a	b	c
Phase 1	09/01/15	10/01/15	11/01/15
Phase 2	02/01/16	04/01/16	06/01/16
Phase 3	08/01/16	10/01/16	01/01/17
Phase 4	09/01/17	01/01/18	

- 9) Does not include build out for new or current facilities
- 10) CSL FTE includes shared support resources with other sections of Civil Legal of approx 2 FTE
- 11) Merit and COLAs not included in DOJ expenditure limitation.
- 12) POB Estimates are included
- 13) Phases out all furniture future costs in biennium following position establishment (no chair replacement etc)
- 14) DOJ Rates

15-17	17-19
AAG's	182.00
A/C	182.00
A/C	182.00
Investigator	116.00
Paralegal	90.00
Division Administrator	182.00

- Assumptions
- 2017-19 projected to include 9% PS & 3% S&S growth.
 - Staff Rates
AAG State after policy package
Paralegal 2.25
Legal Secretary 2.39
OS Staff 8.81
 - AAG assumed 25% Sr AAG and 75% AAG
 - Includes 2 DOJ Admin LD's - 8/1/15 - 3/31/18 and 1 PF positions starting 8/1/15
1 Human Resource Analyst 3 PF
1 Operations Project Manager 1 LD (15-17 .96 FTE ; 17-19 .38 FTE)
1 Information Systems Specialist 4 LD (15-17 .96 FTE; 17-19 .38 FTE)
 - Add 2 Investigators in Phase 2 and Phase 3
 - CSL is based on a percentage (60.07%) of the Civil Legal Section. It is an estimate only of what the actual costs of current FTE in the CH&S section of Civil Legal are. The % is based on CSL net of Package 680, Foreclosure Mediation, Civil Rights and Environmental Crimes.
 - Included Division Administrator in Phase 4a

**ChAS STAFFING ESTIMATES FOR ROLLING REGIONAL IMPLEMENTATION OF
LEGAL REPRESENTATION OF DHS CHILD WELFARE
(WITH ADDITIONAL DOJ OFFICES AND ALTERNATE STAFFING PLAN)**

ChAS staffing estimates for AAGs, Paralegals (PL), Legal Secretaries (LS), Office Specialists (OS), and Office Manager/Management Assistant (OM/MA) under a rolling regional implementation of legal representation with additional DOJ office location (potentially in Deschutes County and option for hiring Special AAGs (SAAGs)). SAAG contracts in regional locations to include handle shelter hearings, jurisdictional fact findings, disposition and disposition review hearings and some routine uncontested permanency hearings. See related cost estimate.

PHASE I

<u>6 counties by December 31, 2015:</u>	<u>AAG adds</u>	<u>PL</u>	<u>LS</u>	<u>OS</u>	<u>OM/MA</u>
<u>Medford office</u>					
Jackson and Josephine (D.8):	2.5 FTE	1.0	1.0	1.0	0.0
<u>Eugene office</u>					
Lane (D. 5):	1.0 FTE	0.5	1.0	0.0	0.0
AIC:	1.0 FTE				
<u>Salem office</u>					
Yamhill and Polk (part of D. 3):	0.5 FTE	1.0	1.0	0.5	0.5
Linn (part of D. 4):	0.5 FTE				
Subtotal PHASE I, by December 31, 2015:	5.5 FTE	2.5	3.0	1.5	0.5

PHASE II

<u>6 counties by June 30, 2016:</u>	<u>AAG adds</u>	<u>PL</u>	<u>LS</u>	<u>OS</u>	<u>OM/MA</u>
<u>SAAG office (in Klamath County)</u>					
Klamath and Lake (D.11):	0.00 FTE	0.0	1.0**	0.0	0.0
	0.75 SAAG FTE				
<u>Eugene office</u>					
Douglas (D.6):	1.0 FTE	1.0	1.0	1.0	0.0
<u>Salem office</u>					
Lincoln (part of D. 4):	0.5 FTE	0.0	0.0	0.0	0.0

Pendleton office

Umatilla and Morrow (D.12):	0.5 FTE	1.0	0.5	0.0	0.0
-----------------------------	---------	-----	-----	-----	-----

Subtotal PHASE II, by June 30, 2016:	2.0 FTE	2.0	2.5	1.0	0.0
	0.75 SAAG FTE				

PHASE III

<u>12 counties by June 30, 2017:</u>	<u>AAG adds</u>	<u>PL</u>	<u>LS</u>	<u>OS</u>	<u>OM/MA</u>
--------------------------------------	-----------------	-----------	-----------	-----------	--------------

SAAG office (in Coos County)

Coos and Curry (D.7):	0.0 FTE	0.5**	0.5**	0.0	0.0
-----------------------	---------	-------	-------	-----	-----

0.75 SAAG FTE

Bend office (new office location)

Crook, Jefferson, Deschutes (D.10):	0.75 FTE	0.5	0.5	0.5	0.0
-------------------------------------	----------	-----	-----	-----	-----

Salem office

Marion (rest of D. 3):	2.0 FTE	2.5	2.0	0.0	0.0
------------------------	---------	-----	-----	-----	-----

Benton (rest of D. 4):	0.5 FTE				
------------------------	---------	--	--	--	--

AIC:	1.0 FTE				
------	---------	--	--	--	--

Portland office

Clatsop, Columbia, Tillamook (D.1):	1.0 FTE	2.0	2.5	1.0	1.0
-------------------------------------	---------	-----	-----	-----	-----

Clackamas (D. 15):	1.5 FTE				
--------------------	---------	--	--	--	--

Washington (D.16):	2.0 FTE				
--------------------	---------	--	--	--	--

Subtotal PHASE III, by June 30, 2017:	8.75 FTE	5.5	5.5	1.5	1.0
	0.75 SAAG FTE				

PHASE IV

<u>12 counties by June 30, 2018:</u>	<u>AAG adds</u>	<u>PL</u>	<u>LS</u>	<u>OS</u>	<u>OM/MA</u>
--------------------------------------	-----------------	-----------	-----------	-----------	--------------

Portland office

Multnomah (D.2):	5.5 FTE	3.0	2.0	0.5	1.0
------------------	---------	-----	-----	-----	-----

Hood River, Wasco, Sherman,					
-----------------------------	--	--	--	--	--

Gilliam and Wheeler (D. 9):	1.0 FTE				
-----------------------------	---------	--	--	--	--

AIC:	1.0 FTE				
------	---------	--	--	--	--

Pendleton office

Wallowa, Union, Baker (D.13):	0.5 FTE	0.5	0.5	0.0	0.0
-------------------------------	---------	-----	-----	-----	-----

SAAG office (in Malheur County)

Grant, Harney and Malheur (D. 14): 0.00 FTE 0.5** 0.5** 0.5** 0.0
0.25 SAAG FTE

Subtotal PHASE IV, by June 30, 2018 8.00 FTE 4.0 3.0 1.0 1.0
0.25 SAAG FTE

TOTAL Adds for all three years: 24.25 FTE* 14.0 14.0 5.0 2.5
TOTAL SAAGs 1.75 SAAG FTE
TOTAL Attorney positions 26.0 FTE

* AAGs = 21.25; AICs = 3.0; the AAG adds total includes 3 AICs (making it a 21.25 to 1.0 manager/atty ratio, well above the 10 to 1 state estimate). Division Administrator to be included.

** The support staff figures have been adjusted to assume SAAG hourly rate would include legal assistant. Would likely bill for paralegal time. (See Summary of Estimates for potential issues)

- Add 2.0 for statewide Investigator positions: one in Phase II and one in Phase III.
- Additional legal support staff positions are listed on one line but include all counties listed for that office.
- The support staff figures fall approximately within the ratios in our Assumptions (excluding managers) except may be slightly higher due to additional smaller offices and inability to have a 0.25 position: PL: 1.0 to 2.25 AAG / LS: 1.0 to 2.39 AAG / OS: 1.0 to 8.81 AAG

REPRESENTATION OF DHS IN JUVENILE PROCEEDINGS STATEWIDE (Version #3 - SAAG)

2013-15 Legislatively Approved Budget	2015-17 Proposed Budget				2017-2019 Estimate								
	Current Service Level		Full Representation (Court) Phase In		Full Representation (Court) w/est. inflation		Total Court Representation						
DHS Program Admin	Foster Certification	Representation (Court)	Total	Phases 1-3 @ Partial FTE	Total Court Representation (includes CSL)	Total Child Welfare Estimate	15-17 Phases 1,2,3 @ 100% FTE (inc. Adm)	Phase 4	CSL Representation (Court)	Total Court Representation	DHS Prg Adm and Foster Care w/est. inflation	Total Child Welfare Estimate	
\$18,418,647	\$1,093,247	\$1,661,735	\$19,064,758	\$4,899,322	\$21,208,098	\$23,964,080	\$9,331,442	\$3,735,289	\$17,777,656	\$30,844,388	\$3,002,930	\$33,847,318	
4,781,778	310,324	471,692	5,349,286	1,339,810	5,907,080	6,689,096	1,980,481	838,377	4,704,288	7,523,146	805,476	8,328,623	
\$23,200,425	\$1,403,571	\$2,133,427	\$24,414,044	\$6,239,131	\$27,116,178	\$30,653,176	\$11,311,923	\$4,573,666	\$22,481,944	\$38,367,534	\$3,808,407	\$42,175,941	
81	5	8	81	53	121	134	53	19	68	140	13	153	
80.50	5.01	7.62	80.50	25.64	93.51	106.14	44.50	14.88	67.87	127.25	12.63	139.88	
DHS SAAG Contract Costs				656,038		1,176,520		223,777		1,400,297			
DHS Fiscal Estimate (AAG Line)				6,305,537		11,942,860		4,909,225		16,852,085			

(See Assumption 15 - '17-19 Rate)

Assumptions

- 2017-19 projected to include 8% FS & 3% SAS growth.
- Staff Ratios
AAG Ratio after call for package 2.25
Paralegal 2.39
Legal Secretary 2.39
OS Staff 8.81
- AAGs assumed 25% Sr AAG and 75% AAG
- Includes 2 DOJ Admin LDs - 8/1/15 - 3/31/18 and 1PF positions starting 8/1/15
 - Human Resource Analyst 3 PF
 - Operations Project Manager 1 LD (15-17 .96 FTE; 17-19 .38 FTE)
 - Information Systems Specialist 4 LD (15-17 .96 FTE; 17-19 .38 FTE)
- Add 2 Investigators in Phase 2 and Phase 3
- CSL is based on a percentage (60.07%) of the Civil Legal Section. It is an estimate only of what the actual costs of current FTE in the CHAS section of Civil Legal are. The % is based on CSL net of Package 080, Foreclosure Mediation, Civil Rights and Environmental Crimes.
- Included Division Administrator in Phase 4s

9) Start Dates	a	b	c	d	e
Phase 1	09/01/15	10/01/15	11/01/15	11/01/15	
Phase 2	02/01/16	04/01/16	06/01/16	06/01/16	
Phase 3	08/01/16	10/01/16	01/01/17	01/01/17	
Phase 4	09/01/17	01/01/18			

- Does not include build out for new or current facilities
- CSL FTE includes shared support resources with other sections of Civil Legal of approx 2 FTE
- Merit and CO-As not included in DOJ expenditure limitation.
- POB Estimates are included
- Phases out all furniture focus costs in biennium following position establishment (no chair replacement etc)
- SAAG Rates (not the paralegal)

2015-17	2017-18	2017-18
Medford/Kamath	\$215	\$215
Ontario	\$217	\$220
Coco Bay	\$215	\$220
- DOJ Rates

AAAG's	15-17	17-18
AIC	182.00	182.00
AAIC	182.00	182.00
Investigator	116.00	116.00
Paralegal	90.00	90.00
Division Administrator	182.00	182.00

(rates will be adjusted during the 2017-19 budget development process to cover State approved 182.00 inflation and cashflow)