



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>
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Eugene office

Coos and Curry (D.7):	1.0 FTE	0.5	0.5	0.0	0.0
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Salem office

Crook, Jefferson, Deschutes (D.10):	1.5 FTE	3.0	2.5	0.5	0.0
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Marion (rest of D. 3):	2.0 FTE				
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Benton (rest of D. 4):	0.5 FTE				
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AIC:	1.0 FTE				
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Portland office

Clatsop, Columbia, Tillamook (D.1):	1.0 FTE	2.0	2.5	1.0	1.0
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Clackamas (D. 15):	1.5 FTE				
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Washington (D.16):	2.0 FTE				
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Subtotal PHASE III, by June 30, 2017:	10.5 FTE	5.5	5.5	1.5	1.0
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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>
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Portland office

Multnomah (D.2):	5.5 FTE	3.0	2.0	0.5	1.0
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Hood River, Wasco, Sherman, Gilliam and Wheeler (D. 9):	1.0 FTE				
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AIC:	1.0 FTE				
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Pendleton office

Wallowa, Union, Baker (D.13):	0.5 FTE	1.0	1.0	0.5	0.0
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Grant, Harney and Malheur (D. 14):	0.5 FTE				
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Subtotal PHASE IV, by June 30, 2018	8.5 FTE	4.0	3.0	1.0	1.0
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TOTAL Adds for all three years:	27.5 FTE*	14.0	14.0	5.0	2.5
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* 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	2015-17 Proposed Budget								2017-2019 Estimate					
	Current Service Level				Full Representation (Court) Phase In				Full Representation (Court) w/ inflation					
	Approved Budget	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/ inflation	Total Child Welfare Estimate
Personal Services	\$ 18,418,647	\$ 1,093,247	\$ 1,661,735	\$ 16,309,776	\$ 19,064,758	\$ 5,423,341	\$ 21,733,117	\$ 24,488,099	\$ 10,391,417	\$ 3,987,929	\$ 17,777,656	\$ 32,157,002	\$ 3,002,930	\$ 35,159,932
Services and Supplies	4,781,778	310,324	471,692	4,567,270	5,349,286	1,478,762	\$ 6,046,032	\$ 6,828,048	2,205,448	902,175	4,704,288	7,811,911	805,476	\$ 8,617,388
Total	\$ 23,200,425	\$ 1,403,571	\$ 2,133,427	\$ 20,877,046	\$ 24,414,044	\$ 6,902,103	\$ 27,779,149	\$ 31,316,147	\$ 12,596,865	\$ 4,890,104	\$ 22,481,944	\$ 39,968,913	\$ 3,808,407	\$ 43,777,320
Positions	81	5	8	68	81	57	125	138	57	20	68	145	13	158
FTE	80.50	5.01	7.62	67.87	80.50	28.25	96.12	108.75	49.25	16.38	67.87	133.50	12.63	146.13
DHS Fiscal Estimate (AAG Line)						7,171,549		13,603,760		5,191,925		18,795,685		
(See Assumption 14 - '17-19 Rate)														

Assumptions

- 1) 2017-19 projected to include 9% PS & 3% S&S growth.
- 2) Staff Ratios AAG Ratio after policy package

Paralegal	2.25
Legal Secretary	2.39
DS Staff	8.81
- 3) AAG's assumed 25% Sr AAG and 75% AAG
- 4) 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)
- 5) Add 2 investigators in Phase 2 and Phase 3
- 6) CSL is based on a percentage (50.07%) 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.
- 7) Included Division Administrator in Phase 4a

6) 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 fixture costs in biennium following position establishment (no chair replacement etc)
- 14) DOJ Rates

	<u>15-17</u>	<u>17-19</u>
AAG's	181.00	181.00
AIC	181.00	181.00
AAIC	181.00	181.00
Investigator	116.00	116.00
Paralegal	90.00	90.00
Division Administrator	181.00	181.00

**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>
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Coos Bay office (new office location)

Coos and Curry (D.7):	0.5 FTE	0.5	0.5	0.0	0.0
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Bend office (new office location)

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

Marion (rest of D. 3):	2.0 FTE	2.5	2.0	0.0	0.0
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Benton (rest of D. 4):	0.5 FTE				
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AIC:	1.0 FTE				
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Portland office

Clatsop, Columbia, Tillamook (D.1):	1.0 FTE	2.0	2.5	1.0	1.0
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Clackamas (D. 15):	1.5 FTE				
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Washington (D.16):	2.0 FTE				
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Subtotal PHASE III, by June 30, 2017:	9.25 FTE	5.5	5.5	1.5	1.0
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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>
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Portland office

Multnomah (D.2):	5.5 FTE	3.0	2.0	0.5	1.0
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Hood River, Wasco, Sherman,					
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Gilliam and Wheeler (D. 9):	1.0 FTE				
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AIC:	1.0 FTE				
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Pendleton office

Wallowa, Union, Baker (D.13):	0.5 FTE	0.5	0.5	0.0	0.0
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Ontario office (new office location)

Grant, Harney and Malheur (D. 14):	0.25 FTE	0.5	0.5	0.5	0.0
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Subtotal PHASE IV, by June 30, 2018	8.25 FTE	4.0	3.0	1.0	1.0
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TOTAL Adds for all three years:	25.75 FTE*	14.0	14.0	5.0	2.5
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* 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	2015-17 Proposed Budget								2017-2019 Estimate						
	Current Service Level				Full Representation (Court) Phase In				Full Representation (Court) w/ inflation						
	Approved Budget	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/ inflation	Total Child Welfare Estimate	
Personal Services	\$ 18,418,647	\$ 1,093,247	\$ 1,661,735	\$ 16,309,776	\$ 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	
Services and Supplies	4,781,778	310,324	471,692	4,567,270	5,349,286	1,447,887	6,015,157	6,797,173	2,124,306	910,353	4,704,288	7,738,947	805,476	8,544,424	
Total	\$ 23,200,425	\$ 1,403,571	\$ 2,133,427	\$ 20,877,046	\$ 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	
Positions	81	5	8	68	81	58	126	139	58	23	68	149	13	162	
FTE	80.50	5.01	7.62	67.87	80.50	27.56	95.43	108.06	47.75	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)

Assumptions

- 1) 2017-19 projected to include 9% PS & 3% S&S growth.
- 2) Staff Ratios AAG Ratio after policy package

Paralegal	2.25
Legal Secretary	2.39
OS Staff	8.81
- 3) AAG's assumed 25% Sr AAG and 75% AAG
- 4) 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)
- 5) Add 2 Investigators in Phase 2 and Phase 3
- 6) 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.
- 7) Included Division Administrator in Phase 4a

B) 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 fixture costs in biennium following position establishment (no chair replacement etc)
- 14) DOJ Rates

	15-17	17-19 (rates will be adjusted during the 2017-19 budget development process to cover State approved inflation and cashflow)
AAG's	182.00	182.00
A/C	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

**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

<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:	2.0 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>
<u>SAAG office (in Coos County)</u>					
Coos and Curry (D.7):	0.0 FTE	0.5**	0.5**	0.0	0.0
	0.75 SAAG FTE				
<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:	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>
<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

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	2015-17 Proposed Budget								2017-2019 Estimate						
	Current Service Level				Full Representation (Court) Phase In				Full Representation (Court) w/est inflation						
	Approved Budget	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	
Personal Services	\$18,418,647	\$ 1,093,247	\$ 1,661,735	\$ 16,309,776	\$ 19,064,758	\$ 4,899,322	\$ 21,209,098	\$ 23,964,080	\$ 9,331,442	\$ 3,735,289	\$ 17,777,656	\$ 30,844,388	\$ 3,002,930	\$ 33,847,318	
Services and Supplies	4,781,778	310,324	471,692	4,567,270	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	
Total	\$23,200,425	\$ 1,403,571	\$ 2,133,427	\$ 20,877,046	\$ 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	
Positions	81	5	8	68	81	53	121	134	53	19	68	140	13	153	
FTE	80.50	5.01	7.62	67.87	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

- 1) 2017-19 projected to include 9% PS & 3% S&S growth.
- 2) Staff Ratios AAG Ratio after policy package
 - Paralegal 2.25
 - Legal Secretary 2.39
 - OS Staff 8.81
- 3) AAG's assumed 25% Sr AAG and 75% AAG
- 4) Includes 2 DOJ Admin LD's - 8/1/15 - 3/31/18 and 1PF 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)
- 5) Add 2 Investigators in Phase 2 and Phase 3
- 6) 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.
- 7) Included Division Administrator in Phase 4a

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) SAAG Rates (not inc paralegal)

	2015-17	2017-19
Medford/Klamath	\$215	\$220
Ontario	\$217	\$222
Coos Bay	\$215	\$220

15) DOJ Rates

	15-17	17-19	(rates will be adjusted during the 2017-19 budget development process to cover State approved inflation and cashflow)
AAG's	182.00	182.00	
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	

ATTACHMENT F