

**CHAIR KENY-GUYER, VICE-CHAIRS STARK AND PILUSO, MEMBERS OF THE COMMITTEE, MY NAME IS LAUREN ESBENSEN, AND I LIVE IN SOUTHEAST PORTLAND. I AM THE ASSOCIATE ATHLETIC DIRECTOR AT PACIFIC UNIVERSITY, AND FOR TWO WEEKS IN DECEMBER, I WAS A JUROR IN THE MULTNOMAH COUNTY CASE OF N.E. AND E.S. VERSUS THE STATE OF OREGON. THE CASE INVOLVED TWO LITTLE GIRLS WHO HAD BEEN PHYSICALLY AND SEXUALLY ABUSED BY THEIR FOSTER MOTHER, AND WE AS JURORS WERE TASKED WITH DECIDING WHETHER THE STATE OF OREGON WAS LIABLE FOR THEIR ABUSE.**

**I WANT TO START BY THANKING CHAIR KENY-GUYER FOR INVITING ME TO ADDRESS YOU TODAY. SHE IS MY STATE REPRESENTATIVE, AND I REACHED OUT TO HER AND SENATOR DEMBROW AFTER THE TRIAL BECAUSE OF THE CONCERNS I HAD ABOUT THE CHILD WELFARE SYSTEM AFTER HEARING THE TESTIMONY OF MORE THAN 30 WITNESSES DURING THE TRIAL, AND REVIEWING AROUND 100 EXHIBITS.**

**I ALSO WANT TO THANK THE COMMITTEE AND DHS FOR THEIR COMMITMENT AND EFFORTS TO DO THE RIGHT THING BY FOSTER CHILDREN IN THE STATE OF OREGON. AS SOMEONE WHO HAS NOT PURSUED THIS LINE OF WORK, I'M GRATEFUL FOR THOSE WHO CHOOSE TO WORK FOR AND SUPPORT SOME OF THE MOST VULNERABLE PEOPLE IN OUR SOCIETY. I HOPE TODAY THAT YOU SEE AS A JUROR AND CITIZEN I'M HERE TO SUPPORT AND ENCOURAGE EFFORTS TO CONTINUE TO BETTER THIS SYSTEM AND PROTECT THE CHILDREN IN OUR STATE.**

**SOME SUGGESTIONS FOR IMPROVEMENT THAT AROSE FROM WHAT SEEMED TO BE SYSTEMATIC ADMINISTRATIVE FAILINGS IN THIS CASE ARE AS FOLLOWS;**

- WE WISH TO SEE THE COMPLETION OF CERTIFICATION, RE-CERTIFICATION OR INCREASED CERTIFICATION OF POTENTIAL FOSTER PARENTS BEFORE PLACING CHILDREN IN THE HOME.
- WE WISH TO SEE THE COMPLETION OF BACKGROUND CHECKS BEFORE EVEN STARTING THE CERTIFICATION PROCESS, INCLUDING NON-CRIMINAL, PUBLICLY AVAILABLE INFORMATION (E.G. STATE AND FEDERAL COURT DATABASES) THAT REFLECT ON FINANCIAL RESPONSIBILITY, MATURITY, AND SAFETY OF APPLICANTS.
- WE WISH TO SEE DHS OBTAIN REFERENCES FROM PAST AND CURRENT EMPLOYERS, WITH REQUIRED FOLLOW-UP FOR INFORMATION OF CONCERN PROVIDED BY REFERENCES OR APPLICANT.
- WE WISH TO SEE DHS TAKE INTO CONSIDERATION THE TOTALITY OF THE INFORMATION PROVIDED TO MAKE A JUDGMENT DECISION ON THE QUALITIES AND OVERALL SUITABILITY OF A FOSTER CARE APPLICANT.
- FROM THE CONCERN THAT DHS WAS MAKING EXCEPTIONS TO THE RULE THAT A FOSTER PARENT MUST NOT BE FINANCIALLY DEPENDENT ON FOSTER CARE PAYMENTS JUST TO GET MORE FOSTER HOMES - WE WISH TO SEE DHS GIVE CERTIFIERS THE TOOLS TO EVALUATE FINANCIAL INFORMATION
- WE WISH TO SEE DHS REQUIRE THAT EXCEPTIONS BE APPROVED BY BRANCH MANAGERS, WITH NO

“DESIGNEES” ALLOWED (E.G. REQUIREMENT THAT OVERFILL EXCEPTIONS BE APPROVED BY BRANCH MANAGER, BUT ALLOWING BRANCH MANAGER TO DELEGATE APPROVAL TO SUPERVISORS, OFTEN USING A RUBBER STAMP OF THE BRANCH MANAGER’S SIGNATURE, WHEN THE REQUIREMENT OF BRANCH MANAGER APPROVAL IS SUPPOSED TO BE A CHECK ON THE SUPERVISOR’S APPROVAL)

- WE WISH TO SEE FOLLOW-UP AFTER CALLS OF ABUSE WITH THE REPORTER/CALLER OF THE ABUSE, E.G. TO SEE IF EXPLANATIONS GIVEN ARE CONSISTENT WITH OBSERVATIONS/INFORMATION OF THE CALLER OR CALLER’S SOURCE.
- WE WISH TO SEE MORE UNANNOUNCED VISITS BY CASE WORKERS AND CERTIFIERS TO FOSTER HOMES.

AFTER A VERY PRODUCTIVE CONVERSATION LAST WEEK WITH DHS AND CHILD WELFARE SERVICES WE UNDERSTAND THAT LEGISLATIVE ASSISTANCE WOULD BE REQUIRED TO ADDRESS THE FOLLOWING:

- THERE ARE NOT ENOUGH FOSTER HOMES IN THE STATE OF OREGON, RESULTING IN THE PRESSURE TO PLACE CHILDREN BEING GREATER THAN THE SAFEGUARDS IN PLACE.
  - SUPPORTING EMERGENCY OR EMERGENCY RESPITE PLACEMENTS SUCH AS THE CHILDREN’S RECEIVING CENTER.
  - INCENTIVIZING INDIVIDUALS TO BECOME FOSTER PARENTS

- THE FOSTER SYSTEM WAS CREATED DURING A TIME WHEN IT WAS TYPICAL TO HAVE A ONE INCOME HOUSEHOLD, THAT IS NO LONGER FEASIBLE IN MOST CASES SO CREATING FULL-TIME POSITIONS FOR FOSTER PARENTS MAY BE A SOLUTION WITH WHICH WOULD COME ACCOMPANYING ACCOUNTABILITY AND OVERSIGHT
  
- PRIORITIZING FOSTER HOME RECRUITMENT

OTHER STRATEGIES MAY INCLUDE;

- INCREASING THE STAFF AND CASE WORKERS NEEDED AT DHS
- SUPPORTING ALTERNATIVE PROGRAMS THAT SUPPORT FOSTER FAMILIES.
  
- LASTLY, WHAT I HAVE ALSO HEARD IN MY CONVERSATIONS AFTER THIS TRIAL IS THAT STAFF AND CASE WORKERS DO NOT FEEL COMFORTABLE STEPPING FORWARD TO ADDRESS ISSUES WITH THE SYSTEM OR INEFFECTIVE EMPLOYEES.

ULTIMATELY WHAT THE JURY SAW IN THIS CASE WAS A SYSTEMIC FAILURE, AND NOT THE FAILURE OF INDIVIDUAL CASEWORKERS.

EVALUATING DAMAGES TO AWARD WAS VERY CHALLENGING IN THIS CASE, ULTIMATELY WE DECIDED

THAT THERE WAS NO AMOUNT OF MONEY THAT WOULD HELP AND MAKE UP FOR THE ABUSE THAT THESE CHILDREN ENDURED IN THIS FOSTER HOME.

THANK YOU AGAIN TO BOTH THE COMMITTEE AND DHS FOR LISTENING AND HEARING OUR CONCERNS. WE HOPE TO CONTINUE TO SUPPORT THE EFFORTS OF DHS AND THIS COMMITTEE TO BETTER OUR SYSTEM AND ENSURE THAT WHAT WE SAW IN THIS CASE DOES NOT HAPPEN TO ANY OTHER CHILDREN.