

STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 04/06/15

Action: Do Pass The A-Eng Bill. Refer To Ways And Means.

Meeting Dates: 04/06

Vote:

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

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WHAT THE MEASURE DOES:

Requires Attorney General to represent Department of Human Services (DHS) caseworkers in dependency proceedings in all counties by June 30, 2018. Provides staggered repeal of statutes authorizing caseworkers to appear without required representation in certain juvenile dependency proceedings.

ISSUES DISCUSSED:

- Role of DHS caseworkers in dependency court proceedings
- Temporary authorization to appear without representation through House Bill 4156 (2014)
- HB 4156 to sunset June 30, 2015
- Sunset of measure would result in large fiscal and inadequate resources to meet needs
- Staggered repeal allows ramping up of trained attorneys and development of cost saving approaches
- Concerns with costs of Department of Justice representation
- Need for cost-saving alternatives

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Juvenile dependency is a court process whereby a child is temporarily or permanently removed from the care of a parent or guardian as a result of alleged abuse or neglect. Within 24 hours of a child being removed from a home by the Department of Human Services (DHS), a hearing must take place to determine if the child can stay safely within the home. A hearing to determine whether the court takes jurisdiction over a child must happen within 60 days of a petition being filed. In dependency cases, attorneys are appointed for the children and the parents. The District Attorney often is present on behalf of the state. A DHS caseworker is also present, but frequently appears without counsel.

Under ORS 9.320, the state must appear by attorney in all court cases; the Attorney General is the attorney for DHS. In the 2014 legislative session, the requirement for representation was suspended for hearings after the jurisdictional hearing, and when the district attorney represents the state and that position is not in conflict with the Department's position. The authority to appear without representation is set to sunset on June 30, 2015.

Senate Bill 222 A begins a rolling repeal of the suspension. As a result, the Department will be required to have representation by the Attorney General in all dependency proceedings by June 30, 2018.