

House Bill 2358

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Judicial Department, Public Defense Services Commission, Department of Human Services and Department of Justice to collaborate to establish pilot programs in four to six Oregon counties to reduce foster care use through effective representation in juvenile dependency proceedings.

Appropriates moneys to Judicial Department, Public Defense Services Commission, Department of Human Services and Housing and Community Services Department for purpose of implementing pilot programs.

Sunset pilot programs on June 30, 2021.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to pilot programs to improve juvenile dependency system; and declaring an emergency.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1. The Legislative Assembly finds that:**

4 **(1) Every child has the right to be raised in a permanent, safe and stable home.**

5 **(2) Foster care is a temporary service that can be both necessary and effective. However,**
6 **the effectiveness of foster care declines substantially as the length of stay in foster care in-**
7 **creases.**

8 **(3) Evidence-based research shows that high-quality legal representation improves out-**
9 **comes for children and families, in that children are more likely to remain safely in the**
10 **home, spend less time in foster care and achieve permanency more quickly.**

11 **(4) Safely reducing the use of foster care is both cost-effective and in the best interests**
12 **of Oregon's children.**

13 **(5) The Department of Human Services requires additional legal resources to fully comply**
14 **with Oregon's juvenile dependency laws.**

15 **(6) The Judicial Department requires additional judicial resources and staff to be trained**
16 **for and dedicated to juvenile court.**

17 **(7) The Public Defense Services Commission requires additional resources in order to**
18 **reduce attorney caseloads and provide adequate high-quality legal representation to parents**
19 **and children.**

20 **(8) The implementation of pilot programs as set forth in section 2 of this 2015 Act will**
21 **inform the Legislative Assembly and stakeholders of the prospect for success of implemen-**
22 **tation of similar programs throughout this state.**

23 **SECTION 2. (1) The Judicial Department, the Public Defense Services Commission, the**
24 **Department of Human Services and the Department of Justice shall collaborate to create and**
25 **implement pilot programs to reduce foster care through effective representation in juvenile**
26 **dependency proceedings in a minimum of four and a maximum of six counties in this state,**
27

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 including Linn and Yamhill Counties.

2 (2) The purposes of the pilot programs implemented under subsection (1) of this section
 3 include, but are not limited to:

4 (a) Improving the quality of legal representation for parents and children by reducing
 5 attorney caseloads, providing adequate compensation, ensuring additional oversight and pro-
 6 viding multidisciplinary support and training;

7 (b) Increasing resources to enable the State of Oregon and the Department of Human
 8 Services to be adequately represented in juvenile dependency proceedings;

9 (c) Increasing judicial resources and staff in the Judicial Department in order to adjudi-
 10 cate dependency cases more expeditiously;

11 (d) Increasing resources to CASA Volunteer Programs as defined in ORS 458.580 to pro-
 12 vide court appointed special advocates an opportunity for legal consultation when needed;
 13 and

14 (e) Measuring outcomes to determine if the use of foster care has declined as a result
 15 of implementation of the pilot programs.

16 (3) The pilot programs shall be implemented as follows:

17 (a) The Public Defense Services Commission shall contract with attorneys to represent
 18 children and parents in the counties where the pilot programs are implemented and shall
 19 adopt standards and training for the attorneys.

20 (b) The Department of Justice shall employ attorneys to represent the Department of
 21 Human Services in juvenile dependency proceedings and shall establish standards and train-
 22 ing for attorneys that provide the representation.

23 (c) The Public Defense Services Commission, in consultation with and with the support
 24 of the Judicial Department, the Department of Human Services and the Department of Jus-
 25 tice, shall select and contract with an independent evaluator to evaluate each pilot program.

26 (4) The Judicial Department, the Public Defense Services Commission, the Department
 27 of Human Services and the Department of Justice shall collaborate to submit a report on the
 28 status of the pilot programs to the interim or regular committees of the Legislative Assem-
 29 bly with subject matter jurisdiction over the judiciary on or before the date of the convening
 30 of each odd-numbered year regular session of the Legislative Assembly as specified in ORS
 31 171.010.

32 (5) The Judicial Department, the Public Defense Services Commission, the Department
 33 of Human Services and the Department of Justice shall collaborate to adopt rules to carry
 34 out the provisions of this section.

35 **SECTION 3.** In addition to and not in lieu of any other appropriation, there is appropri-
 36 ated to the Judicial Department, for the biennium beginning July 1, 2015, out of the General
 37 Fund, the amount of \$_____ for the purposes of carrying out the provisions of section 2
 38 of this 2015 Act.

39 **SECTION 4.** In addition to and not in lieu of any other appropriation, there is appropri-
 40 ated to the Public Defense Services Commission, for the biennium beginning July 1, 2015, out
 41 of the General Fund, the amount of \$_____ for the purposes of carrying out the provisions
 42 of section 2 of this 2015 Act.

43 **SECTION 5.** In addition to and not in lieu of any other appropriation, there is appropri-
 44 ated to the Department of Human Services, for the biennium beginning July 1, 2015, out of
 45 the General Fund, the amount of \$_____ for the purposes of carrying out the provisions

1 of section 2 of this 2015 Act.

2 **SECTION 6.** In addition to and not in lieu of any other appropriation, there is appropri-
3 ated to the Housing and Community Services Department, for the biennium beginning July
4 1, 2015, out of the General Fund, the amount of \$_____ to be deposited into the Court Ap-
5 pointed Special Advocate Fund created in ORS 458.584 for the purposes of carrying out the
6 provisions of section 2 (2)(d) of this 2015 Act.

7 **SECTION 7.** Sections 1 and 2 of this 2015 Act are repealed on June 30, 2021.

8 **SECTION 8.** This 2015 Act being necessary for the immediate preservation of the public
9 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
10 on its passage.

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