

**B-Engrossed**  
**Senate Bill 222**

Ordered by the Senate July 1  
Including Senate Amendments dated March 30 and July 1

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for Department of Human Services)

**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.

[*Authorizes*] **Extends sunset on provision authorizing** Department of Human Services to appear as party in juvenile court proceeding without appearance of Attorney General. [*Provides for gradual phaseout of authorization in specified counties by specified dates.*]

[*Sunset June 30, 2018.*]

**Creates Task Force on Legal Representation in Childhood Dependency to recommend models for legal representation in juvenile court proceedings. Requires report to interim legislative committees no later than July 15, 2016.**

**Sunset task force on December 31, 2017.**

**Increases appropriation from General Fund to Office of Governor for 2015-2017 biennium for task force.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to appearance by attorney in juvenile court proceedings; creating new provisions; amending  
3 section 3, chapter 106, Oregon Laws 2014; and declaring an emergency.

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

5 **SECTION 1.** Section 3, chapter 106, Oregon Laws 2014, is amended to read:

6 **Sec. 3.** Section 2, **chapter 106, Oregon Laws 2014**, [*of this 2014 Act*] is repealed on June 30,  
7 [2015] 2018.

8 **SECTION 2. (1) The Task Force on Legal Representation in Childhood Dependency is es-**  
9 **tablished to recommend models for legal representation in juvenile court proceedings that**  
10 **will improve outcomes for children and parents served by the child welfare system, to ensure**  
11 **that parties in juvenile court cases are prepared to proceed and to enable courts to resolve**  
12 **juvenile court proceedings as quickly and efficiently as possible. The task force shall consist**  
13 **of 18 members appointed as follows:**

14 (a) **The President of the Senate shall appoint two members from among members of the**  
15 **Senate.**

16 (b) **The Speaker of the House of Representatives shall appoint two members from among**  
17 **members of the House of Representatives.**

18 (c) **The Governor shall appoint seven representatives as follows:**

19 (A) **Two persons representing the Department of Human Services;**

20 (B) **Two persons representing the Oregon District Attorneys Association or district at-**  
21 **torneys in Oregon; and**

22 (C) **Three persons representing the Public Defense Services Commission or attorneys who**

**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 provide legal defense in juvenile dependency proceedings.

2 (d) The Chief Justice of the Supreme Court shall appoint five representatives as follows:

3 (A) Three judges with experience presiding over juvenile court dependency proceedings;

4 (B) One person representing court appointed special advocates; and

5 (C) One person representing the Citizen Review Board or local citizen review boards.

6 (e) The Attorney General shall appoint two persons representing the Department of  
7 Justice.

8 (2) The task force shall propose legislation and make recommendations to ensure that:

9 (a) Attorneys for parents and children in juvenile court proceedings have workloads that  
10 allow the attorneys to provide client-centered, competent and effective legal representation  
11 throughout the entirety of the proceedings;

12 (b) Attorneys for the state and for the Department of Human Services are available to  
13 provide competent, effective and efficient legal representation in juvenile court proceedings;

14 (c) Judicial and attorney resources are sufficient to avoid unnecessary delays that inhibit  
15 the resolution or conclusion of juvenile court proceedings; and

16 (d) Oregon statutory law is consistent with the models for legal representation proposed  
17 by the task force.

18 (3) The task force shall:

19 (a) Examine the use of performance standards unique to each role within the juvenile  
20 court system as a way to create and ensure statewide consistency in practice;

21 (b) Make recommendations regarding the development and enhancement of existing per-  
22 formance standards;

23 (c) Examine the unique needs and resources within each jurisdiction and statewide, and  
24 develop plans to work with partners and stakeholders at the state and local levels to adopt  
25 programs, policies and intergovernmental agreements designed to ensure efficient legal rep-  
26 resentation and produce improved outcomes for children and families in juvenile court pro-  
27 ceedings;

28 (d) Examine and make recommendations regarding the number of attorneys, paralegals  
29 and other staff and overhead capacity necessary to provide sufficient representation for the  
30 state, the Department of Human Services and children and parents who are parties in juve-  
31 nile dependency proceedings;

32 (e) Develop a plan to assist counties that want to implement procedures designed to re-  
33 duce delays within the juvenile court system, avoid duplication of efforts, identify potential  
34 efficiencies in crossover cases and encourage cost-effective case resolution;

35 (f) Conduct surveys of:

36 (A) Each county in the state to identify models of representation, effective practices,  
37 stages of juvenile court proceedings at which children and parents are represented and re-  
38 lated outcomes; and

39 (B) Other states to identify models of effective representation and funding that lead to  
40 improved outcomes for children and families;

41 (g) Review statutory and case law related to the unauthorized practice of law and con-  
42 sider the application of such laws in juvenile court proceedings; and

43 (h) Identify the following:

44 (A) Statutory changes needed to support proposed models of legal representation;

45 (B) The benefits of legal representation to the state, the Department of Human Services

1 and children and families in juvenile court proceedings;

2 (C) The obstacles in counties statewide to providing children and parents with legal rep-  
3 resentation in juvenile court proceedings;

4 (D) The obstacles in counties statewide to providing legal representation to the Depart-  
5 ment of Human Services; and

6 (E) Optimal attorney caseload levels and other resources necessary to provide appropri-  
7 ate legal representation in juvenile court proceedings.

8 (4) A majority of the members of the task force constitutes a quorum for the transaction  
9 of business.

10 (5) Official action by the task force requires the approval of a majority of the members  
11 of the task force.

12 (6) The task force shall elect one of its members to serve as chairperson.

13 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-  
14 ment to become immediately effective.

15 (8) The task force shall meet at times and places specified by the call of the chairperson  
16 or of a majority of the members of the task force.

17 (9) The task force may adopt rules necessary for the operation of the task force.

18 (10) The task force shall submit a report in the manner provided by ORS 192.245 that  
19 includes the recommendations of the task force, including recommendations for legislation,  
20 to the interim committees of the Legislative Assembly related to child welfare and juvenile  
21 court proceedings as appropriate no later than July 15, 2016.

22 (11) The Office of the Governor shall provide staff support to the task force in coordi-  
23 nation with the Governor's legal counsel appointed under ORS 133.743 and the Governor's  
24 human services policy advisor.

25 (12) Members of the task force who are not members of the Legislative Assembly are not  
26 entitled to compensation, but may be reimbursed for actual and necessary travel and other  
27 expenses incurred by them in the performance of their official duties in the manner and  
28 amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions  
29 of the task force shall be paid out of funds appropriated to Governor for purposes of the task  
30 force.

31 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist  
32 the task force in the performance of its duties and, to the extent permitted by laws relating  
33 to confidentiality, to furnish such information and advice as the members of the task force  
34 consider necessary to perform their duties.

35 **SECTION 3.** Section 2 of this 2015 Act is repealed on December 31, 2017.

36 **SECTION 4.** Notwithstanding any other provision of law, the General Fund appropriation  
37 made to the Office of Governor by section 1, chapter \_\_\_\_, Oregon Laws 2015 (Enrolled  
38 House Bill 5021), for the biennium beginning July 1, 2015, is increased by \$175,707 for expenses  
39 of the Task Force on Legal Representation in Childhood Dependency established by section  
40 2 of this 2015 Act.

41 **SECTION 5.** If this 2015 Act does not become effective until after June 30, 2015, the  
42 amendments to section 3, chapter 106, Oregon Laws 2014, by section 1 of this 2015 Act revive  
43 section 2, chapter 106, Oregon Laws 2014. If this 2015 Act does not become effective until  
44 after June 30, 2015, this 2015 Act shall be operative retroactively to that date, and the oper-  
45 ation and effect of section 2, chapter 106, Oregon Laws 2014, shall continue unaffected from

1 **June 30, 2015, to the effective date of this 2015 Act. Any otherwise lawful action taken or**  
2 **otherwise lawful obligation incurred under the authority of section 2, chapter 106, Oregon**  
3 **Laws 2014, after June 30, 2015, and before the effective date of this 2015 Act, is ratified and**  
4 **approved.**

5 **SECTION 6. This 2015 Act being necessary for the immediate preservation of the public**  
6 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
7 **on its passage.**

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