

Enrolled
Senate Bill 222

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)

CHAPTER

AN ACT

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

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

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

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 Section 2, **chapter 106, Oregon Laws 2014**, [of this 2014 Act] is repealed on June 30, [2015] **2018**.

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

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

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

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

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

(B) **Two persons representing the Oregon District Attorneys Association or district attorneys in Oregon; and**

(C) **Three persons representing the Public Defense Services Commission or attorneys who provide legal defense in juvenile dependency proceedings.**

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

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

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

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

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

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

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

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

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

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

(3) The task force shall:

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

(b) Make recommendations regarding the development and enhancement of existing performance standards;

(c) Examine the unique needs and resources within each jurisdiction and statewide, and develop plans to work with partners and stakeholders at the state and local levels to adopt programs, policies and intergovernmental agreements designed to ensure efficient legal representation and produce improved outcomes for children and families in juvenile court proceedings;

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

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

(f) Conduct surveys of:

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

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

(g) Review statutory and case law related to the unauthorized practice of law and consider the application of such laws in juvenile court proceedings; and

(h) Identify the following:

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

(B) The benefits of legal representation to the state, the Department of Human Services and children and families in juvenile court proceedings;

(C) The obstacles in counties statewide to providing children and parents with legal representation in juvenile court proceedings;

(D) The obstacles in counties statewide to providing legal representation to the Department of Human Services; and

(E) Optimal attorney caseload levels and other resources necessary to provide appropriate legal representation in juvenile court proceedings.

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

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

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

(7) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

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

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

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

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

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

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

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

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

SECTION 5. If this 2015 Act does not become effective until after June 30, 2015, the amendments to section 3, chapter 106, Oregon Laws 2014, by section 1 of this 2015 Act revive section 2, chapter 106, Oregon Laws 2014. If this 2015 Act does not become effective until after June 30, 2015, this 2015 Act shall be operative retroactively to that date, and the operation and effect of section 2, chapter 106, Oregon Laws 2014, shall continue unaffected from June 30, 2015, to the effective date of this 2015 Act. Any otherwise lawful action taken or otherwise lawful obligation incurred under the authority of section 2, chapter 106, Oregon Laws 2014, after June 30, 2015, and before the effective date of this 2015 Act, is ratified and approved.

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

Passed by Senate July 2, 2015

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House July 3, 2015

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State