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**Senate Committee on Human Services and Early Childhood
Testimony of John Devlin
In Support of SB 1515 and SB 1516
February 3, 2016**

My name is John Devlin. I am a Portland attorney, and a member of the Board of Governors of the Oregon Trial Lawyers Association (OTLA). I am one of a number of OTLA members who fights for the rights of abused and neglected children. OTLA supports the proposed legislation & any other efforts to reform DHS to keep foster children safe. We have seen what can happen when DHS fails to keep children safe.

Let me provide one example. In Oct. 2011, I represented a former foster child who had suffered horrific abuse for two years at the hands of his foster parents. He was starved & physically abused – all between age 1 and age 3. DHS only removed him from that foster home when his big sister was Life Flighted out of the home with a broken skull.

I brought a lawsuit against the state and five individual DHS employees for placing that child with those parents and for failing to keep him safe. DHS denied any responsibility for the abuse that he suffered. The trial lasted three weeks – there were 50 witnesses and hundreds of exhibits. Among other things, DHS failed to respond properly to seven reports to the DHS hotline about my client and his sister – from other DHS workers, community members, and even medical providers. A senior DHS representative sat through the entire trial, heard and saw all of the evidence, then told the jury that the DHS employees had not done anything wrong.

The jury awarded the full amount requested to that child. The jury also found that all five employees had violated the child’s civil rights..DHS agreed to a pre-trial settlement of a related case for my client’s big sister.

More recently, a second jury reached the same conclusion. In December 2014, two of my colleagues represented two girls who said that they were physically abused and molested by their foster mother. Following a two week trial, a jury ordered the State of Oregon to pay the full amount requested to each girl.

Through the litigation process surrounding these tragedies. our members have gained valuable perspective & learned a lot about how the system fails children. **We would greatly appreciate the chance to partner with legislators to tackle this problem and provide any insight that can be helpful in this area.** We are thrilled that Governor Brown appointed one of our members to her task force, and we would like to help at the legislative level too.

In the closing argument in my case, an attorney for the Department of Justice said: “What you need to understand, and I think what you’ve come to understand, is that these are not your normal, talented, and gifted children. These are not regular kids. These are * * * broken and damaged kids. That’s why DHS is involved.” Frankly, I found this attitude toward foster children shocking, and I found it equally shocking that the senior DHS representative in the courtroom allowed the attorney to speak about children that way. How can we help to change the attitude and culture and help prevent these abuses? My colleagues and I would love to solve this crisis so we never have to bring another case on behalf of a child in state care who has been abused or neglected.