

Youth, Rights & Justice

ATTORNEYS AT LAW

To: Senate Committee on Human Services and Early Childhood, 2016 Oregon Legislature

From: Mark McKechnie, Exec. Director, Youth, Rights & Justice

Date: Feb. 3, 2016

RE: SB 1515

Chair Gelser and Members of the Committee:

Youth, Rights & Justice was founded 41 years ago and has represented tens of thousands of children in foster care. We applaud Sen. Gelser's focus on the safety of children in our foster care system and the need to raise expectations about the standards of care they receive. We support the intent of this process and the need for the Department of Human Services to be accountable for the safety of every single child in its care. If DHS removes a child from his or her home due to abuse or neglect, we should be confident that the child will be better off in a foster home or other substitute care placement, licensed or certified by the agency, than the child would have been if left in his or her own home.

SB 1515 is a lengthy and complex bill that has been drafted and revised on a very short timeframe. This is understandable given the urgency of the issues it was designed to address. We have communicated extensively with Sen. Gelser, as have other concerned groups. The -1 amendments substantially improve the bill and help to avoid several unintended consequences. We appreciate the Senator's openness and responsiveness to the input of numerous stakeholders.

We believe there are still issues that need further work in the bill. We understand that some of them may be addressed in amendments in the Joint Ways and Means Committee and some may be addressed during the 2017 session. We recognize that this is a process that will continue beyond the current session, after the passage of SB 1515.

Two of the issues that will need further attention and discussion are: (1) the redefinition of "child" as a 'person under the age of 21' in Chapters 418 and 419B, and (2) the balance between the confidentiality and privacy of children in the care of the state and procedures designed to protect their safety.

There should be increased transparency so that public officials and the public can be confident that DHS is acting to ensure the safety of children and young adults in its care; however, it is also important that we do not overstep the important privacy protections in the juvenile code. The juvenile code currently respects and protects the heightened privacy needs of these children and young adults. Much work has been done to strike the right balance in the statutes governing the confidentiality of juvenile records.

As we move forward, we hope that new provisions created by SB 1515 will be made more consistent with juvenile code provisions that are the product of many years of work by stakeholders who represent a broad range of perspectives in the dependency system.

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