

# Invest in Justice *for* Oregon's Children

## THE SITUATION

Oregon's child welfare system is struggling and the most fundamental problems are compounded when children and parents lack lawyers and advocates:

### CHILDREN SEPARATED FROM PARENTS

44%

Oregon has 44% more children in foster care than the national average.

8.8 vs 6.1 children per 1,000<sup>1</sup>

### NO STABLE HOME OR SCHOOL

50%

Children in Oregon foster care experience repeated traumatic moves 50% more than the national standard.

6.3 vs 4.2 moves per 1,000 days<sup>2</sup>

### CHILDREN SEPARATED FROM PARENTS

3+  
YEARS

More than 1,600 children in Oregon foster care wait three years or longer to be reunited with their parents, get an appointed guardian or adopted into a new family.

Youth, Rights & Justice

ATTORNEYS AT LAW

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<sup>1</sup> National data from 2016 U.S. Children's Bureau AFCARS report: <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport23.pdf>  
State data from DHS "Oregon Child Welfare Data Book": <https://www.oregon.gov/DHS/CHILDREN/CHILD-ABUSE/Documents/2015-cw-data-book.pdf>

<sup>2</sup> Child and Family Services Reviews, Statewide Assessment, March 25, 2016.

## AN UNMET NEED

The Oregon Foster Youth Bill of Rights, signed into law in 2013, guarantees children the right to access their lawyer. But high caseloads can prevent attorneys from being as responsive and effective as they should be. Caseloads can be as high as 200 per attorney in Oregon, while national standards indicate that attorneys should have no more than 60 open cases (80 weighted cases) at one time. “Excessive caseloads make it harder for all attorneys to meet with clients, learn the facts of each particular case and prepare for court.”<sup>3</sup>

## THE SOLUTION

A multi-year program in Washington State and a pilot study conducted in Oregon’s Linn, Yamhill and Columbia counties found increased investment in legal representation (and lower attorney caseloads) produced positive results for children and their families including:

- Fewer children brought into foster care. In 2015 the foster care population in the three Oregon counties dropped by more than 20 percent. The number of children in foster care in counties implementing the PCRCP caseload model in 2014 (Linn and Yamhill) declined 42% from 2013 to 2016 – more than four times the rate of decline statewide (10%) for the same time period.
- All options explored. Attorneys for children and their parents successfully advocated for visitation, mental health treatment, substance abuse services, housing and other supports.
- Homes restored or found. Children were reunited with their parents or made more timely moves toward adoption or placement with a guardian. A 2010 audit in Washington State found a 39 percent increase in family reunification, while adoptions and guardianships were accelerated by one year. In Oregon’s pilot counties, it was more likely for children to be adopted in less than a year after their parental rights terminated.

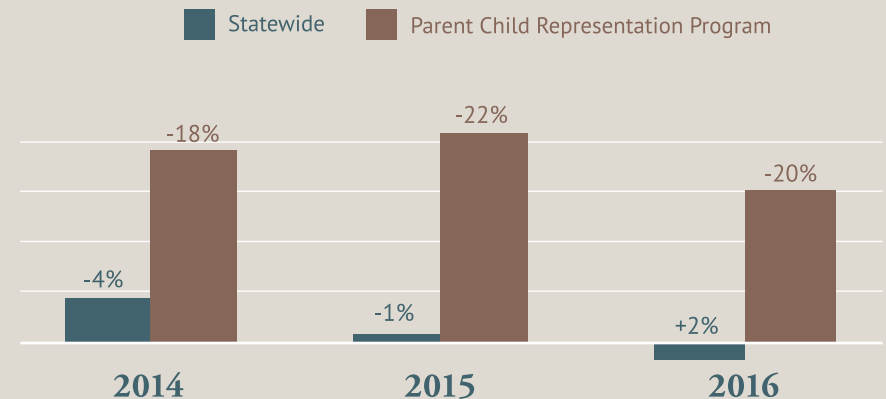
“*Dependency cases involve families in crisis, a maze of overlapping statutes....and extreme time pressure. These cases pose high stakes and they create high pressure; decisions made in dependency courtrooms across our state have many short- and long-term consequences for Oregon’s most vulnerable children and families.*”

**Oregon Supreme Court Justice David Brewer,**  
*Chair of the Governor’s Taskforce on Dependency Representation*

“*I remember being outside of court a lot. We went 27 times over 7 years. We had an amazing team of advocates. Julie (my attorney) was tenacious. She was great with us kids. But she put the hammer down when she needed to. She basically was in the front of the steam train and she just plowed through any barrier. We feel super lucky, especially because there are so many kids who have fallen through the cracks.*”

**Shannon,** *Adopted by her aunt from Oregon foster care*

## RATE OF REDUCTION IN FOSTER CARE POPULATION



## INVESTMENT REQUIRED

In their July 2016 report,<sup>4</sup> members of the Oregon Task Force on Dependency Representation recommended reforms that include additional funding to reduce dependency attorney caseloads. HB 2345 increases biennial funding for dependency cases from \$3,800 to \$6,368 per case. A \$35.9 million investment will deliver significant, measurable results for Oregon’s children in foster care.

<sup>3</sup> U.S. Department of Health and Human Services, Administration for Children and Families: ACYF-CB-IM-17-02, 2017.

<sup>4</sup> Oregon Task Force on Dependency Representation; Established by Senate Bill 222 during the 78th Legislative Assembly. [http://courts.oregon.gov/OJD/docs/OSCA/JFCPD/Juvenile/EYES-2016/Dependency%20Representation%20Task%20Force%20Report%20\(full\).pdf](http://courts.oregon.gov/OJD/docs/OSCA/JFCPD/Juvenile/EYES-2016/Dependency%20Representation%20Task%20Force%20Report%20(full).pdf)