



# Oregon

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### Testimony before the House Judiciary Committee House Bill 2345

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March 14, 2017

House Bill 2345 is the product of the Governor's Task Force on Dependency Representation. The legislative concept was produced following a remarkably thorough examination of representation in Oregon's child welfare system, and how it compares to other models around the country. The process included consideration of testimony from Oregon and national experts, as well as review of documented practices and outcomes. The recommendations are well-researched, thoroughly vetted, and keenly focused on improving outcomes for the children and families navigating Oregon's dependency courts.

The Alternative Models Subcommittee was responsible for evaluating different representation structures from around the country. Six separate models for representation of parents and children were examined.<sup>1</sup> These models were evaluated using specific attributes of high quality legal representation: consistency, continuity, availability, local community connection, manageable caseloads, outcome-oriented practice, cost-effectiveness and cost-efficiency, multidisciplinary representation, duration of representation, and scope of representation. In selecting a model, the subcommittee focused on finding one that offered data-driven positive outcomes in a cost effective manner.

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<sup>1</sup> Evaluated structures included a statewide public defender office with state employees, an hourly payment system, a per case payment model, the Parent Child Representation Program model – currently used in three Oregon counties, the current system of payment per hearing or event, which is used in most Oregon counties, and a hybrid model including public defender office regional hubs and Parent Child Representation Program attorneys.

Ultimately, the Parent Child Representation Program (PCRP) proved to be the most promising. Oregon's PCRP, launched in Linn and Yamhill counties in August 2014, and in Columbia County in January 2016, has three independent and critical components.

- A client-centered, sustainable legal representation structure.
- Case managers [social workers] – available to assist in approximately 10% of the caseload.
- Quality assurance oversight.

The PCRP provides lawyers with a base level of funding sufficient to allow for an office location, staff, and participation in all case events. The lawyers' caseload standard is 80 weighted cases, to ensure that lawyers have adequate time to invest in each case. Case managers are available to assist with eliminating barriers, including things like housing, treatment, child care, or other issues. In addition, the program requires enhanced oversight of the lawyers' performance. PCRP lawyers provide activity reports, and their contract requires them to spend approximately 1/3 of their time meeting with clients outside of court, 1/3 of their time preparing for court, and 1/3 of their time in court. Finally, additional training and support is available to PCRP lawyers.

The PCRP ranked well for several reasons. First, it is cost-effective, especially when compared to a statewide public defender or hybrid model, the only other models that offered a similar quality of representation. The PCRP showed similarly impressive results at a lower cost. Second, the PCRP addresses issues which have been consistently identified as impeding effective representation: excessive caseloads, inadequate resources, and a lack of data related to quality assurance and oversight. Finally, the program is evidence-based and can be easily replicated. It has already been implemented in three Oregon counties, where the initial indicators show promising outcomes, including a reduced use of foster care beds, reduced time to permanency, an increased rate of reunification, and a high level of client satisfaction.<sup>2</sup>

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<sup>2</sup> Parent Child Representation Program Annual Report (2014-2015).  
[http://www.oregon.gov/OPDS/docs/Reports/PCRP\\_report\\_PDSC\\_Jan\\_2016.pdf](http://www.oregon.gov/OPDS/docs/Reports/PCRP_report_PDSC_Jan_2016.pdf)

Oregon's results are consistent with a similar Washington State program (on which the PCRCP was based) and other programs implemented all across the country. Studies indicate that robust parent and child representation is correlated with improved outcomes for children and families.<sup>3</sup> An attorney's advocacy for frequent visitation, family involvement, and the right service plans engages parents and steers the case toward timely reunification. More specifically, parent and child representation has been shown to

- ensure that families receive more appropriate services, reducing unnecessary removals.
- decrease time to reunification.
- decrease re-entry post-reunification.
- decrease time to other forms of permanency.<sup>4</sup>

These improved outcomes, in turn, create cost savings and efficiency. In New York, one representation program was found to save \$9 million per year by reducing the length of stay in foster care and promoting safe reunification with parents.<sup>5</sup> The program in Washington State saved \$7.5 million in one year by reducing foster care stays.<sup>6</sup>

Through quality legal representation, hundreds of Oregon families have already experienced success and, as noted, Oregon's first two PCRCP counties show the following notable results.<sup>7</sup>

- **Reduced Use of Foster Care Beds:** While the statewide rate of foster care bed use increased by almost half a percent, the PCRCP counties had a 15% reduction in the use of foster care beds.<sup>8</sup>

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<sup>3</sup> Oregon Task Force on Dependency Representation Report (July 2016). [https://www.oregon.gov/gov/policy/Documents/LRCD/Oregon\\_Dependency\\_Representation\\_TaskForce\\_Final\\_Report\\_072516.pdf](https://www.oregon.gov/gov/policy/Documents/LRCD/Oregon_Dependency_Representation_TaskForce_Final_Report_072516.pdf)

<sup>4</sup> *Id.*

<sup>5</sup> The Center for Family Representation, 2013 Report to the Community (2013). <https://www.cfrny.org/wp-content/uploads/2013/11/CFR-2013-Report-to-the-Community.pdf>

<sup>6</sup> Center on Children and the Law, American Bar Association, Investment that Makes Sense. [http://www.americanbar.org/content/dam/aba/administrative/child\\_law/ParentRep/At-a-glance%20final.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/child_law/ParentRep/At-a-glance%20final.authcheckdam.pdf)

<sup>7</sup> While it is too early to conclude that the PCRCP was the sole or primary factor in creating the improvements, the correlative value is encouraging.

<sup>8</sup> Parent Child Representation Program Annual Report (2015-2016). [http://www.oregon.gov/OPDS/docs/Reports/PCRCP\\_report\\_PDSC\\_Jan\\_2017.pdf](http://www.oregon.gov/OPDS/docs/Reports/PCRCP_report_PDSC_Jan_2017.pdf)

- Reduced time to Permanency: Children in PCRCP counties are spending an average of five fewer months awaiting reunification while across the state children are spending an additional month awaiting the same outcome.<sup>9</sup>
- Preservation of families: In PCRCP counties, the reunification rate has increased 12% (to 68%) while the statewide rate increased 3% (to 63%).<sup>10</sup>
- Improved quality of representation: In PCRCP counties, there was a dramatic increase in attorney participation at shelter hearings, fewer continuances, increased use of experts and investigators, use of a multidisciplinary, team-based approach, and increased attendance at case-related meetings.

The Task Force endorsed the PCRCP model because it shows great promise for improving outcomes for Oregon families that struggle to navigate the increasingly complex child welfare system. The Public Defense Services Commission encourages you to pass HB 2345.

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<sup>9</sup> Parent Child Representation Program Annual Report (2015-2016).  
[http://www.oregon.gov/OPDS/docs/Reports/PCRCP\\_report\\_PDSC\\_Jan\\_2017.pdf](http://www.oregon.gov/OPDS/docs/Reports/PCRCP_report_PDSC_Jan_2017.pdf)

<sup>10</sup> Parent Child Representation Program Annual Report (2015-2016).  
[http://www.oregon.gov/OPDS/docs/Reports/PCRCP\\_report\\_PDSC\\_Jan\\_2017.pdf](http://www.oregon.gov/OPDS/docs/Reports/PCRCP_report_PDSC_Jan_2017.pdf)