

HB 2345 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Channa Newell, Counsel

Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/14

WHAT THE MEASURE DOES:

Enacts recommendations of Task Force on Legal Representation in Childhood Dependency. Requires Department of Human Services (DHS) and Department of Justice (DOJ) to ensure that all employees engaged in child welfare services have full access to representation counsel, advice, and support based on workload model with caseload limits. Directs DOJ to assist in other child welfare matters, including foster home certification, licensure, and administrative proceedings. Allows DOJ to charge flat fee for services provided. Specifies measure does not prevent district attorney from representing state in dependency proceedings. Requires Public Defense Services Commission to develop and maintain Parent-Child Representation Program. Specifies parameters of Program. Requires Oregon Volunteers Commission contract with minimum of four attorneys with expertise in child welfare and juvenile dependency to provide legal consultation to Court Appointed Special Advocates (CASA). Requires Judicial Department to convene continuous quality assurance advisory committee. Extends ability for Department of Human Services to appear without representation in juvenile dependency proceedings from June 20, 2018, June 30, 2020. Makes findings on effect of obstacles to adequate dependency representation in Oregon and benefits of access to high quality representation for parents, children, families, and Department of Human Services. Requires report to Legislative Assembly.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Limits Department of Justice representation to dependency proceedings. Clarifies that Department of Justice must charge flat fee for services. Includes additional finding. Makes technical and clarifying changes.

BACKGROUND:

Juvenile dependency is a court process whereby a child is temporarily or permanently removed from the care of a parent or guardian as a result of alleged abuse or neglect. Within 24 hours of a child being removed from a home by the Department of Human Services (DHS), a hearing must take place to determine if the child can stay safely within the home. A hearing to determine whether the court takes jurisdiction over a child must happen within 60 days of a petition being filed. In dependency cases, attorneys are appointed for the children and the parents. The District Attorney often is present on behalf of the state. A DHS caseworker is also present, but frequently appears without counsel. Under ORS 9.320, the state must appear by attorney in all court cases; the Attorney General is the attorney for DHS.

In the 2015 legislative session, Senate Bill 222 suspended the requirement for representation in some dependency proceedings until June 30, 2018. The measure also convened a Task Force to develop recommendations on models for legal representation to improve outcomes for children and parents, and to ensure effective and efficient representation and court processes.

House Bill 2345 is the recommendation of the Task Force.