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To: Honorable David Brewer
From: Daina Vitolins, President, Oregon District Attorneys Association
RE: Governor's Task Force on Legal Representation in Juvenile Dependency

Thank you for your leadership on the Governor's Task Force on Legal Representation in Juvenile Dependency. ODAA is grateful for the generous commitment of time, energy and effort you have provided as well as commitments made by all other members of the task force. Oregon's district attorneys recognize the importance of effective representation in all phases of the dependency process and are grateful for the opportunity to participate in this important discussion. Overall, the ODAA supports most of the task force recommendations. However, we are concerned that several of the findings highlighted in the report, and alluded to in a follow up letter you received from the American Bar Association, may lead to erroneous conclusions as to the role of the district attorney in Oregon's dependency process.

The letter from the ABA and the report itself focus on three parties requiring representation in dependency matters: the child, the parents and the agency. They ignore the significant benefits of having independent representation for the state. The ABA's 2004 report, which is specifically cited in the final task force findings, reviews the role of the prosecutor based on the presumption that they represent the child welfare agency. In Oregon, prosecutors actively participate in dependency cases, but they do not serve as legal counsel for the child welfare agency. Their role is to review all facets of the case and make an independent recommendation to the court with one eye towards the safety of the child and the other to the safety of the community. Oregon is unique in this approach and as such, the findings of the ABA are not representative of the practices in our state, where prosecutors do not represent the agency.

Oregon's district attorneys are deeply committed to protecting the children in our communities. Acknowledging the value of an independent prosecutorial voice for the state does not lessen the important voices of the parents, children and child welfare agency, nor does it diminish their need for legal representation. In fact, its value can be measured by the fact that virtually every county significantly augments the state's financial support to ensure the district attorney is available to appear in dependency proceedings. In some jurisdictions the county wholly funds the district attorney to appear. The state has also long recognized the importance of including the district attorney in facilitating safe and secure alternatives for our children. By statute, the counties Multi-Disciplinary Teams, which are charged with reviewing allegations of abuse and identifying cross-jurisdictional solutions, are chaired by the elected district attorney. Also, in many dependency cases, there is a criminal case involving the parents or guardians that is being prosecuted by the district attorney. It is critical that the district attorney be involved in the dependency process in such cases as district attorneys live in these communities and have working relationships with community partners.

Finally, we want to reiterate our concerns, which were expressed prior to the final report, that the ABA findings as it relates to the "prosecutorial model" is imbalanced and do not represent the actual practices in Oregon. The panel charged with crafting the ABA recommendations did not include a prosecutor and, to

the best of our knowledge, did not consult with any district attorney office in Oregon. While most of the findings in the ABA report are accurate, the bullet points related to the prosecutorial model are completely unsupported by any factual findings and absolutely inaccurate as it relates to the practices of Oregon's prosecutors. Of particular concern are the insinuations or outright assertions that district attorneys do not value the views of the case workers or are influenced by political or personal agendas. Oregon's district attorneys are deeply committed to protecting these children and consider every factor as they make recommendations to the court. The facts of each case drive the decision-making, not personal or political agendas. The inclusion of these ABA findings in the final report of the task force should include a specific statement that they are not based on the practices in Oregon, nor are the representative of the actions of Oregon's district attorneys.

Again, the ODAA absolutely supports most of the thoughtful conclusions of the task force. Increasing and streamlining the legal representation of all parties in dependency proceedings will result in faster dispositions and better outcomes for families. We look forward to continuing to advocate for strong representation for the families, the children, the agency and the state.

Thank you for your work on the task force and the opportunity to be involved in the process.

Best Regards,

7/21/2016

X Daina A. Vitolins

Daina A. Vitolins
ODAA President
Signed by: mnl

Daina Vitolins, ODAA President

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