

SB 525 -2 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 4/11

WHAT THE MEASURE DOES:

Extends, until 2020, authority for Department of Human Services (DHS) to appear in court in juvenile dependency proceedings, without legal representation. Directs DHS and Department of Justice (DOJ), in consultation with Oregon District Attorneys Association (ODAA) to ensure that DHS has access to legal advice and representation provided by DOJ or designee in child welfare matters. Authorizes DHS to identify counties where legal advice and representation provided by district attorney. Requires Public Defense Services Commission (PDSC) to maintain Parent-Child Representation Program. Requires DHS, DOJ and ODAA, and PDSC, to submit report no later than September 15, 2017, to interim committees having authority over child welfare, juvenile dependency and the judiciary. Requires Oregon Judicial Department to convene continuous quality assurance advisory committee, collect data and engage in quality improvement process in juvenile dependency and child welfare matters. Requires OJD to report annually to committees having authority over child welfare, juvenile dependency and the judiciary. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Excludes proceedings for termination of parental rights from scope of services Department of Human Services (DHS) may designate district attorney to perform. Authorizes DHS to appear without Department of Justice (DOJ) representation, if district attorney represents state and positions of DHS and district attorney not in conflict. Requires DOJ to adopt flat fee model for representation of DHS child welfare programs in juvenile dependency proceedings.

BACKGROUND:

Current law authorizes Department of Human Services caseworkers to appear in court in juvenile dependency proceedings without legal representation. This provision of law is scheduled to sunset in June of 2018.