

May 30, 2017  
Oregon State Legislature  
House Committee on Judiciary  
RE: SB 257

Chair Representative Barker, Co-Chair Representative Olson, and Members:

After hearing about the atrocities happening to our state's most vulnerable children in foster care by agencies such as Give Us This Day and the negligence of prior DHS Administration Erin Kelley-Siel, I am grateful for a bill such as SB 257 that would finally hold the agency and their employees accountable for their own actions. As Representative Stark and other members of the committee have said, the creation of this bill is intended to hold upper-management and agencies accountable rather than overworked front-line social workers.

However, if the bill's current broad and opaque language is kept as is, we can expect to see this adversely impact the lives of these front-line workers, which would dismantle critical components that would affect the agency's ability to ensure the overall safety for children involved in both the child welfare and foster care systems. The bigger issue we need to focus on is the missing accountability piece in this bill. There is simply nothing stated in SB 257 that would enforce the administration to uphold the current laws designed to protect the children in their care.

The revisions I recently have made to the bill's language would better fix this problem by upholding pre-existing laws that are simply not being enforced by DHS and CCA's **[(2015 ORS 419.010 (5))]**. Please keep in mind that if DHS is already failing to enforce pre-existing laws that would hold their employees criminally liable for abuse and neglect, then passing a bill that solely increases the severity of penalty would not make a difference in ensuring the safety of children in their care. Because of this, I agree that the penalty should increase from a Class C to a Class A misdemeanor for DHS and CCA's who fail to act.

If we do not fix the language, this bill would pose an unfair threat to livelihoods of many hardworking public servants who are already receiving very little training or support from the department to properly do their job. This bill would also impact their ability to make rational decisions for children and families. As someone who has nineteen years of real-life experience and a keen insight to the inner-workings of the foster care system, I ask that you take into account my sage advice and urge you to adopt these critical amendments to ensure our children are safe.

Thank you for taking the time to read this.

Respectfully,

Monique T. Molina

- 7[(a)] (~~The public servant DHS Administration and Child-caring Agencies (CCA's) knowingly fails to perform a duty imposed upon the public servant by law or one clearly inherent in the nature of the office; or investigate, require mandatory reports, and enforce 2015 ORS 419.010 (5) and 2015 ORS 419B.020, 1 (a)(b) upon becoming aware of child abuse and neglect that has occurred or is occurring in their care shall be charged with a Class A Misdemeanor, per ORS 162.415.~~

≥ Revised, the bill should read: The DHS Administration and CCA's knowingly fails to investigate, require mandatory reports, and enforce **2015 ORS 419.010 (5) and 2015 ORS 419B.020, 1 (a)(b)** upon becoming aware of child abuse and neglect that has occurred or is occurring in their care shall be charged with a Class A misdemeanor, per **ORS 162.415**

- 9 [(b)] (b) ~~the public servant knowingly performs an act constituting an unauthorized exercise in official duties.~~ **REMOVE: This language is unnecessary and does not pertain to system accountability**
- 11 (b) ~~the public servant DHS Administration and CCA's violate ORS 162.405 and 2015 ORS 419B.005.~~ and are aware of and consciously disregards a *risk* that the violation:
- 13 (a) places a vulnerable person in danger of physical injury;
- 14 (b) places a vulnerable person in danger of being the victim of a sex crime as defined in **ORS 163A.005**; or
- 16 (c) **causes** the withholding from a vulnerable person of **necessary and adequate food, physical care shelter or medical attention.**