

TESTIMONY OF CHIEF JUSTICE MARTHA WALTERS
House Bill 2239
House Judiciary Committee
January 22, 2019

Madam Chair, vice-chairs, and members of the committee, I am Martha Walters, Chief Justice of the Oregon Supreme Court. Thank you for quickly scheduling this important bill.

I am here to testify in support of House Bill 2239, and am pleased to be joined by Misha Isaak, Governor Brown's legal counsel; Judge Cheryl Pellegrini, who presides over dependency cases here in Marion County; Lea Ann Easton, a Portland attorney whose practice includes cases under ICWA – the federal Indian Child Welfare Act; and Aaron Knott, legislative director for Attorney General Ellen Rosenblum.

HB 2239 requests additional judicial positions to help meet our statutory timelines for dependency cases and to help ensure well-considered outcomes in these cases. As you know, courts must ensure that abused and neglected children are making consistent progress toward a safe and permanent placement, and that the many legal requirements governing these cases are being met.

HB 2239 seeks 14 new judges in 12 counties to address the most urgent needs for meeting dependency timelines. These counties were selected to reflect the results of a workload analysis conducted in 2015, which I would be glad to provide to the committee upon request.

That study found that courts are severely underjudged and understaffed, even without accounting for the additional time needed in cases to use best practices or other qualitative measures that would improve outcomes. It also showed that dependency cases take 30% more time to adjudicate than they did in 2000 – reflecting the increasing statutory requirements in these cases from the state and federal government – and not including the judge time needed to consistently implement best practices in dependency cases.

Th study also does not fully contemplate what one judge called “the iceberg effect.” The relatively short time in the courtroom masks the significant preparation time by judges. Dependency judges must absorb a large amount of information in each case, and be able to ensure that legal and due process requirements are being met while providing an independent, impartial decision.

As you will hear from others, dependency cases are very complex to decide. They involve the Department of Human Services, Department of Justice or district attorney, attorneys for parents and children, and reports from Citizen Review Boards and Court-Appointed Special Advocates. They involve multiple layers of state and federal laws and have an immense amount of information to absorb with a limited amount of court hearing time available – all aimed at protecting children and finding them a safe and stable home in the shortest time possible while providing for extensive due process.

We are continually examining our processes and practices across the state, to develop more consistent, efficient, and effective means to hear these cases. We currently have a pilot program in four counties evaluating a 'differentiated case management' process to help identify the "right" amount of judicial intervention in each individual case, so we are not over-processing or not paying enough attention at the right time to any child's case.

We admire the work that this legislature has done and continues to do to improve the lives of abused and neglected children in the state's care. When you provide our courts--your courts-- with judges and staff to assist with and carry out that work, you do one of the most important things you can do to advance it.

Unless there are questions for me, I would now like to turn to Mr. Isaak.