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With foster care shortage, teen held in juvenile detention in Deschutes County

State is also putting up children in hotel rooms and state offices

SALEM — Oregon’s shortage of families willing to accept children who are in need of homes has led to a troubling reality: Not only is the state putting children in hotel rooms and state offices because homes are scarce, juvenile detention is an option, too.

In at least one case in Deschutes County, a teenage boy was held in juvenile detention for nearly a month after the state couldn’t find an alternative place to house him.

Get info on being a foster parent

Central Oregon is holding three days of training for residents from Crook, Jefferson and Deschutes counties who are interested in becoming foster parents. The trainings take place Sept. 30, Oct. 7 and Oct. 14 in the Department of Human Services’ Bend DHS office. Call 541-548-9480 for more information.

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The case highlights ongoing shortages in many corners of Oregon to place children in stable housing as the state pushes to crawl out from reports of abuse and poor supervision in its foster care system.

“I represented a young man who was removed from his home because he was the victim of abuse,” said Lori Hellis, a Bend-based family lawyer. “He was placed in foster placement, which didn’t work, and as a result of that he was moved to a higher level of care at Eastern Oregon Academy.”

Eastern Oregon Academy houses youths from both the Department of Human Services and the Oregon Youth Authority, which handles those with delinquent histories.

The privately run academy is a residential program outside Burns that cares for males ages 12 to 25 with behavioral problems who are at-risk of getting into trouble. It’s being investigated by DHS for allegations of sexual abuse and poor supervision, and the Oregon Youth Authority this month decided it would no longer house youth there.

Employees at the academy didn’t respond to requests for comment this week.

While at the academy earlier this year, the boy walked away from the program, Hellis said.

“He was picked up. The (academy) said, ‘We don’t want him back,’ he was picked up by his DHS caseworker, and there was nowhere else to put him,” Hellis said. “So they put him in detention.”

From April 29 to May 26 the boy was in juvenile detention in Central Oregon, Hellis said, before the state found a family to take him in.

“He had no outstanding charges, but he was held in detention because there was nowhere else to put him,” Hellis said.

The Department of Human Services wouldn't make employees in the director's office available to comment. A spokeswoman said she had no information about the particular case.

Patrick Carey, Central Oregon district manager for DHS, said he couldn't talk about a specific case, but he acknowledged a child could be held in detention without pending charges through a court order.

"In general the only way in my knowledge and experience a child has ended up in juvenile detention is either through crimes or through a court order," Carey said.

Hellis declined to identify the boy or his case, citing juvenile privacy laws. Deschutes County Circuit Judge Stephen Forte, who Hellis said handled the case, didn't return requests for comment.

State law allows judges to place kids in detention if the child's surroundings "reasonably appear" to put them in jeopardy, said Tom Crabtree, another Bend-based family law attorney.

"It's unfortunate that it does happen. I don't think anybody likes it," said Crabtree, who also independently confirmed the case. "If Judge Forte would talk to you about it, he'd say it's a gut-wrenching decision and he doesn't like to do it."

The allegations that Oregon used a detention facility for a youth who was in the state's foster care program come after reports of abuse and neglect at foster homes the state licenses. A federal report this year also found the state fails to provide ample care for its foster children.

DHS this month moved to change Eastern Oregon Academy's licensing conditions and place DHS staff at the facility around the clock "to observe day-to-day operations and make sure resident's needs are met," wrote Reginald Richardson, DHS deputy director, in an Aug. 19 letter to lawmakers.

The federal report (<http://www.oregon.gov/DHS/CHILDREN/Documents/cfsr-or-statewide-assess-2016.pdf>) said Oregon was "trending in the wrong direction" on quickly responding to reports of abuse. The report also noted a slight uptick in reports of abuse in late 2015.

The state moved to revoke the license of a foster care provider in Eugene in part after finding a student had indicated she suffered from a rape but staff never followed up, among other repeated violations.

A shortage of families and facilities offering foster beds is rampant statewide. DHS has launched an effort to recruit and train families who are willing to open up their homes to foster youth.

In the meantime, when no other options are available, the agency continues to house kids in the system in hotels and state office space with state employees who take care of them. The number is about six kids per week, said Andrea Cantu-Schomus, a DHS spokeswoman.

"That goes up and down with the need and depending on what's happening with kids in placements," she said. "We definitely saw a little bit of an increase in July. Those numbers are going down in August as we're aggressively dealing with the issue and working with residential and family providers."

It's not clear how often judges use court orders to place youths in detention

due to a shortage of other options in Oregon.

Sen. Sara Gelser, D-Corvallis, who is a leader in the Legislature on improving the child welfare system, said she knows of cases where children are put in detention because of a lack of options that meet their needs.

“I was actually in Linn County court yesterday and there was a 12-year-old who was being returned to detention because there was no placement for him,” Gelser said. “And he was shackled. That was really hard to see.”

David Rogers, executive director of the American Civil Liberties Union of Oregon said he was “saddened, disappointed and upset” kids in the state’s care are placed in detention.

“When a young person is either experiencing violence, or the threat of violence, and is placed under the supervision of child protective services, it is not OK to criminalize them,” Rogers said. “This situation is fundamentally contrary to both how we should be protecting at-risk youth and how we should be approaching juvenile justice.”

Statewide, the number of available certified foster homes dropped by nearly 700 between 2011 and 2015. However, the number has risen slightly during that time in Central Oregon, from 142 in 2011 to 156 last year, according to state data.

But the problem persists in Central Oregon as well, said Lara Tchalemian, a DHS child welfare line manager in Central Oregon.

“We’ve lost over 300 residential beds, so that is compounding our problem,” Tchalemian said. “Statewide, our teenagers are not able to get the appropriate services they need.”

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