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OPINION

Editorial: Child-welfare lawsuit could force the accountability Oregon needs

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This undated photo provided by A Better Childhood, shows a barbed-wire enclosed exercise yard at the Youth Inspiration Program in Klamath Falls, Ore., that girls share with juvenile inmates housed at the same facility. Children still under the care of Oregon's foster care system filed a lawsuit Tuesday, April 16, 2019, alleging the state provided inadequate services and exposed children to abuse and further neglect. (A Better Childhood via AP) AP AP



By [The Oregonian Editorial Board](#)

Time and again, the leaders of Oregon's Department of Human Services vow to do better to protect children in foster care. After news articles or lawsuits reveal abuse, deplorable living conditions or deaths of foster children, DHS' top managers appear before legislators assuring them they'll adjust practices to ensure that such lapses don't occur again.

But inevitably, they do. DHS and child-welfare leaders are replaced, new appointees take the helm and the dysfunctional cycle starts again. The agency's broken system persists, cemented in place by an immutable culture, as even the most well-intentioned caseworkers, agency heads – and governors – come and go.

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And here we are again. As The Oregonian/OregonLive and Oregon Public Broadcasting have reported in recent months, the agency has been shipping abused and neglected children to converted juvenile jails and out-of-state institutions with controversial practices. The kids aren't receiving adequate counseling, education or services and have little, if any, contact with Oregon caseworkers. And the agency has continued its long-standing pattern of obscuring, misstating and withholding information from the public about how well, or poorly, it is doing its job.

Accountability isn't going to come from the system we have in place – and likely not under a new advisory board that Gov. Kate Brown announced on Thursday. And that's why Oregon's leaders should swallow their pride and welcome the federal lawsuit filed

against them that seeks to represent Oregon's 8,000 foster kids. Instead of fight the suit, the state should work with the plaintiffs on a settlement that maps out specific, measurable and enforceable reforms that can finally, effectively repair Oregon's foster-care system.

The complaint, filed by foster-care nonprofit A Better Childhood and Disability Rights Oregon, doesn't seek monetary damages. Rather, they want a judge to require the state to fulfill its obligations to foster children under federal law. Among other things, they want the state to conduct individualized assessments of foster children, provide them with counseling and other needed services, and develop a plan for a permanent home. They seek a court order requiring the state to hire an adequate number of caseworkers to keep workloads at a manageable level so they can provide the attention, care and follow-up that foster children need. And they want the state to develop a plan for recruiting, training and retaining a sufficient network of foster and adoptive families who can provide safe homes for children entering the system.

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These are not outlandish goals. They are what many Oregonians would expect that DHS' Child Welfare division would already be doing and match the agency's own objectives. But DHS, now under its fourth interim or permanent director in four years, struggles to hire and train enough caseworkers, remains woefully short of suitable foster families and has been overwhelmed for so long that it can't even recognize how broken it is.

But anyone who sees the lawsuit does. There's the 7-year-old girl who has been in five different foster homes in less than two months, separated from her brother and dropped off at a home with lice so bad, her head was shaved. Or the boy whose reports of being sexually abused by a relative went uninvestigated by DHS for years, even as he defecated on himself repeatedly as a defense mechanism. Or the 9-year-old girl who was shipped out of Oregon to a Montana facility, effectively abandoned by Oregon caseworkers and regularly injected with a "chemical restraint" to calm her down.

“We’re traumatizing these children more,” said Sen. Sara Gelser, D-Corvallis, whose stalwart advocacy for children has helped close some of the gaps in foster-care policies and who has pressed DHS relentlessly on its practice of institutionalizing foster kids. She decried a general lack of urgency, noting that agency leaders are focused more on long-term goals than addressing that a 9-year-old is spending her childhood alone and in misery. “These are kids in our system right now,” she said, noting her frustration that Oregon officials waited 24 days from the time the agency was told of the injections before telling the Montana facility to stop administering them.

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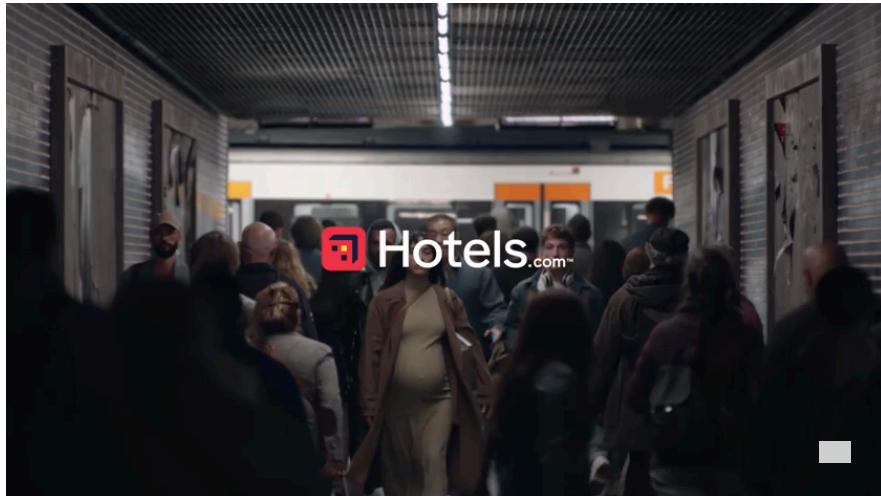
That lack of urgency has extended on up to the governor’s office until recently. Just a year ago, after the Secretary of State’s office released a scathing audit about the foster-care system, her spokesman, Chris Pair, dismissed it as “just about politics.” It was only after her Republican opponent, Knute Buehler, called for a \$50 million investment and a “rapid improvement team” to carry out reforms in DHS, that she sought less than a third of that from the Legislature with no plan for a team.

And while news stories about the state shipping kids out of Oregon have been coming out for months and legislators have been grilling DHS officials for weeks, it was not until Thursday, two days after the lawsuit was filed, that Brown announced a new child-welfare board and a crisis management team to advise her in overseeing the agency and implementing reforms.

A court judgment or settlement requiring the state to hire an adequate number of case workers instantly elevates child welfare as a funding priority for the governor and the Legislature. A court-ordered monitor overseeing whether DHS is providing individualized assessments of foster care children within 60 days brings a level of accountability that can’t

easily be brushed aside. And Oregon could follow the lead of Tennessee, which had also been sued by A Better Childhood and is now lauded for the improvements it has made in its system. There is an opportunity that comes when you finally admit the need for help.

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As the lawsuit notes, “the problems in the Oregon foster care system have been exhaustively documented for well over a decade. It is time that Oregon is held accountable.”

These kids – the ones who are covering themselves in feces to prevent sexual abuse, the ones who are kept in locked detention centers despite having committed no crime, the ones who were separated from their families and for whom DHS has no plan of a permanent home – have been waiting and waiting for someone to hold the state accountable. Oregon leaders should not pass up this opportunity to do so.

-The Oregonian/OregonLive Editorial Board

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