



**FINAL**

DHS Children, Adults and Families  
Child Welfare Advisory Committee  
**Legislative Subcommittee**  
September 5, 2006

## **ATTENDING**

Linda Guss, Mickey Serice, Angela Sherbo by phone, Becky Smith, Judy Stiegler, Timothy Travis for Nancy Miller

Guest: Michelle Cole, *The Oregonian*

## **MINUTES**

Approval of the July 10, 2006, minutes was deferred. Clarification is needed on pages 2 and 4 before they can be approved.

## **LEGISLATIVE CONCEPTS**

The agenda was changed to move Legislative Concepts to the beginning of the meeting.

### DHS

Legislative Counsel has prepared draft legislative concept language for “Caseworker Authority to Remove” and “Pre-notification Criminal Records Checks.” A new concept, “Relative Foster Parents,” seeks a statutory change to allow payments to relatives to care for their relative children in foster care and allows a means test to determine payment. Mickey will forward that proposal to CWAC.

Updates on the other DHS concepts was provided by Mickey Serice and Una Swanson:

- **Threat of Harm:** Its purpose is to take a closer look at how “threat of harm” is defined in the child abuse reporting statutes. A connection between the threat of and the type of abuse was made in rules and this concept makes that connection in statute. This will distinguish the type of abuse from the process that DHS Child Welfare and law enforcement use to determine safety of children during a child abuse investigation. The work group is supportive of the direction we are taking. The concept includes some changes to the role of

the mandatory reporter and requires DHS Child Welfare and law enforcement to both be involved in the investigation.

- **Worker Authority to Remove:** The intent is to more clearly define when a child welfare person can use his/her authority to take a child into protective custody and to clearly identify in statute the practice of collaboration between DHS Child Welfare and law enforcement on the removal decision. Feedback from the work group improved the concept. Legislative Counsel's draft was sent to the work group. Their comments did not address the draft language, but did reinforce their previous positions. Some changes were made and are awaiting Bruce Goldberg's approval.
  - Sherbo: Current law allows such removal when there is imminent danger and no resistance by the parent.
  - Serice: A worker can remove when law enforcement is present, when law enforcement is not present and a child is in immediate danger or when the worker has a court order. That is the language we are working around.
  - Sherbo: Most people in the work group oppose the concept and want to know what direction DHS is going. Asked if the revised draft is more broad or narrower. The opposition comes from law enforcement, DHS staff and community partners because they do not want children left in dangerous situations. There is a fiscal impact for law enforcement. She has heard workers saying that there are many circumstances where they currently remove children and feel comfortable to continue doing so.
  - Swanson: Recalled that Angela was concerned about limiting a worker's authority to remove when parents are resisting.
  - Sherbo: Her concern is that this concept makes it so that the state agency dedicated to child safety is the one who won't remove a child in imminent danger.
  - Swanson: Gave the example of a worker in a home where the parents have weapons and are actively resisting. The worker would call 911 and wait for law enforcement before removing the child.
  - Stiegler: Asked if those types of incidences should be codified. Suggested addressing these concerns through internal policy instead. Codifying may limit DHS more than you intend. You create liability either direction you take. We don't want to put workers in danger, but

that may be something that can be addressed in policy rather than statute.

- Travis: Asked if it is the agency's hope that with these changes there will be more removals with law enforcement's support and with court orders than in the past. Or is DHS trying to spell out situations in which it does not want workers to face danger when doing the removal?
  - Serice: Primarily, we are wanting to have more removals with law enforcement and court orders. At the same time, we want the statute to be clear.
- As DHS gets other drafts from Legislative Counsel, they will be forwarded to the work groups. We have only 14 days to submit changes to Legislative Counsel.

## COURTS

Timothy Travis had no report.

## JRP

Angela Sherbo expects to have draft language on their concept later this month. She has several meetings scheduled with Rep. Gelser, Ramona Foley, Janet Arenz, and other interested parties. She will let Mickey know what the concept number is.

## **PRINCIPLES FOR CHILD WELFARE SYSTEM CHANGE**

- Stiegler: The Future Issues Work Group (FIWG) developed draft principles to serve as an overarching framework for CWAC. They were written in response to Rep. Dalto's statement to CWAC that he plans to propose foster care reform legislation. They will also be usable as a template for future exercises. She has not heard if Dalto's committee (House Interim Committee on Child Welfare) has a meeting scheduled. The House Interim Task Force on DHS Review is meeting on September 20. The draft principles are a framework from which we can enumerate in general terms best practices of an ideal foster care system that we would recommend be considered when making changes to the system.
- Serice: Many of the statements in the draft principles are at a high enough level they would fit for any child caring agency. It is apparent that the intent was to have a document that all CWAC members can support.

- Smith: It is big enough to encompass all the interest groups represented on CWAC, yet specific enough to be meaningful.
- Stiegler: It recognizes that there are such diverse interest groups involved in CWAC, it cannot reach 100 percent consensus on specific issues and concerns; however, it can come to a consensus on these broad principles.
- Smith: It could be used as a screening tool for legislative bills or issues. Suggested a thought process of what would be screened out by this set of criteria. For example, it would screen out legislation based on a single case / fixed scenario.
- Serice: It would screen out “policy driven by the media.”
- Stiegler: It would screen out policy focusing on one age group at the expense of another.
- Smith: As the session goes on, it could be referred to when reading a bill to see if the bill goes along with what CWAC agreed to. However, if it is not used as a screening tool, we need to decide how it would be used.
- Stiegler: It was designed to be a screening tool against which to measure proposals, ideas and policies.
- Smith: If we sent it to Rep. Dalto, perhaps the interim committee would compare it to their ideas for foster care reform.
- Stiegler: Our intent would be that this is CWAC’s framework. Rep. Dalto sought input from us on what foster care practices warrant change. CWAC cannot reach consensus to make recommendations on specifics that individual member agencies would propose. The broad recommendations in this framework is the level at which CWAC can agree.
- Travis: If Rep. Dalto is going to develop a foster care reform package, how would he and his committee be guided by this document?
- Guss: Rep. Dalto said he will be addressing the foster care system, but she is not sure how that differs from the child welfare system.
- Travis: He was reminded of the Human Services Coalition when budget deficits were pitting one agency against another. Is the purpose to say to Rep. Dalto that we need a conversation about resources as well as change?
- Stiegler: These principles are meant more for CWAC’s internal use.
- Serice: They are for internal use, but if we have someone like Rep. Dalto asking for things from CWAC, we would have something from which to work. Any one CWAC member may not be able to support a specific piece of legislation.

- Travis: Any one item on the list could be used to oppose any piece of legislation. The list provides a good description of what we would like the system to do. It could be used as a screening device as Becky Smith described.
- Serice: If CWAC did adopt something like this and in the future took one point to discuss what child caring agencies could do on that one point, it could be a guide for the conversation.
- Travis: It can educate and guide decision making. In the past, the legislature did not see the ripple effect on other systems when changes were made to one.
- Stiegler: It can be used as a tool for that as well. The idea was that we might have issues individually, but we can all agree on a set of overarching principles. When the legislature is considering changes, if they also consider these principles, they can achieve balance between the competing interests. If we are going to make specific recommendations to Rep. Dalto, they must align with these principles.
- Travis: If we look at foster care reform through these principles, we could make a grid with the principles listed in a column and the specific practices that would be part of the reform in a row at the top. The grid would show which practices meet the criteria for which principles. That might be a helpful exercise for any proposal. If we agree these principles are what a system should be built upon, such a grid would be a way to analyze a proposal.
- Stiegler: If changes to the system are made, they should be made while being cognizant of these principles. At the least it should stimulate the conversation beyond the silo mentality.
- Travis: It could be a way to measure and analyze proposals. For that purpose, the principles could be abbreviated into a series of questions/queries. For example: How does a proposal fit in with a balance between prevention and intervention? How does a proposal fit in with a holistic system? Etc. In other circumstances, the full text of the principles document would be more useful.
- Guss: Each could be summarized in a few words such as balanced system, funded reform, etc.
- Stiegler: The FIWG had difficulty capturing the universally agreed upon practices in foster care. At an earlier FIWG meeting, Nancy Miller had described how state public safety agencies used the same document, "Justice in the Balance," in their last legislative budget presentations to show how pulling at one end of the system can stretch and break it at another end. Nancy had suggested developing a similar one-page document that all CWAC members

could support. FIWG struggled to do that for foster care and decided the Legislative Subcommittee should take on that assignment.

- Sherbo: Do we know Rep. Dalto has foster care reform legislation drafted? Does he have something CWAC can react to?
- Travis: Does not know if Rep. Dalto has any such legislation drafted. However, even if he does not or is not re-elected there are other legislators that will have proposals. This document may be a platform on which to stand. If everyone on CWAC believes that these principles should guide change in the system, we can use it with legislators and with one another.
- Sherbo: Suggested something different be prepared because the document is too complicated. It is not only about foster care.
- Stiegler: It is not meant to be. It is something CWAC can use as a tool when making recommendations.
- Sherbo: If we want to do this grid with foster care, Linda Guss is on track in summarizing each bullet in order to have a shorter document. Suggested that this analysis of foster care be done from the perspective of the foster child. For examples: each foster child should have...family, continuity of caregiver, adequate medical care, etc. We would then compare statutes with that list.
- Stiegler: If we are going to have a document used as a measurement tool for changes proposed by some entity, the more succinct, the better. We can do what Timothy proposes. Then we could proceed with Angela's proposal to use this broad set of principles to come up with a set within a specific issue like foster care. They would have to be broad, like continuity of care, that CWAC could all agree on.
- Travis: Angela's proposal has merit. Most of the principles could be changed to be child-centered. That could be useful at times.
- Stiegler: We must look broadly first and then narrow it to what we can come to consensus on for change within foster care, such as that it be viewed from a child's perspective.
- Serice: Is this discussion taking the document to a different place than what was intended? Are we considering an additional document?
- Stiegler: Yes. We will take the idea to CWAC of having this as a framework to be followed by a list as Angela suggested.

**NOTE:** Angela Sherbo ended her conference call at this time; therefore the remaining minutes do not include comments from her.

- Travis: Asked if the draft principles will go to CWAC. Will CWAC will be the ones to decide if it will be a frame of reference, if it needs to be expanded and if it is accurate?
- Stiegler: Yes. She agrees with his idea of a detailed document and another that is brief for use as a screening tool.
- Travis: Each principle has a lot of research behind it and could be expanded even further. In some cases that could be useful. Each principle reflects input from all of CWAC. If CWAC can agree to this common language, it would be a tremendous step forward in not hanging apart in the legislative process. It can help hold each other accountable.
- Serice: Hopes to leave this detailed document intact and not replace it with a shorter version. It is important to describe the membership in CWAC and the uniqueness of the group in how each member looks at an issue from a different perspective.
- Stiegler: That was the other part of the dual intent. She sees utilizing this document to take an issue like foster care and discuss what practices fit within these principles that CWAC can reach consensus on. We wouldn't lose this document, but when reacting to pieces of legislation or internal policy, we could use a shorter checklist to apply the principles to those proposed changes. That would be a second document, a "principles checklist."
- Travis: Everyone has their own perspective. If these perspectives can be conditioned by these principles, it would be a major step forward. If we would be starting a child welfare system from scratch, this would be something good to start with. As for the specifics in the foster care system, we are not going to be proposing a child welfare reform package ourselves.
- Stiegler: CWAC may not be able to do what Angela is proposing.
- Travis: The JRP can and will and each member can also. Having a comprehensive framework for analysis that each member could use would be a powerful tool.
- Stiegler: Maybe the focus should be toward consensus on the broad principles and developing a companion checklist. CWAC will discuss this idea of a checklist and how it can be used internally and externally. Originally there was a sense of urgency to respond to Rep. Dalto, but we now recognize the difficulty of agreeing to a detailed list of items.
- Travis: If the conversations of all the constituents represented on CWAC talked with legislators were based on these principles, then the principles would control the conversations.

- Smith: Would be interested to know if the interim legislative task forces have such a set of principles. If not, there is room for us.
- Cole: Mentioned that she has a tentative date of September 29 for the next meeting of the House Interim Committee on Child Welfare. It is not a confirmed date.

Meeting adjourned.