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March 26, 2015

The Honorable Richard Devlin, Co-Chair The Honorable Peter Buckley, Co-Chair Joint Committee on Ways and Means 900 Court Street NE H-178 State Capitol Salem, OR 97301-4048

Dear Senator Devlin and Representative Buckley:

The Department of Justice (DOJ) and Department of Human Services (DHS) submit the following status report on our efforts to develop options for delivering and funding legal services for the DHS Child Welfare program. Current law that allows DHS to appear without legal counsel in all juvenile dependency proceedings expires on July 1, 2015. In this report we provide three options to help provide a transition for DOJ to provide full representation for the DHS Child Welfare Program.

Background

Before presenting our options, we first offer some background on juvenile dependency proceedings and preceding events that necessitate legislative action. Upon receipt of a report of child abuse or neglect DHS assesses and investigates whether child abuse or neglect occurred and whether the family could benefit from social services. In some cases, juvenile court involvement may be necessary to maintain child safety. By statute, the State and DHS are separate parties to a juvenile dependency proceeding. District Attorneys in the particular county in which the case arises represent the interest of the State and Juvenile Department. On the other hand, DOJ represents the interests of DHS statewide.

DOJ consults with and provides advice to DHS throughout the life of a juvenile case, but generally does not appear in all court hearings to represent DHS. Although state law prohibits state agencies from appearing in court proceedings without DOJ representation, those restrictions have not been enforced in dependency proceedings for DHS. Consequently, DHS caseworkers routinely appear without legal counsel. In contrast, the State is represented by the DA at the

early jurisdictional stage of the case and the other parties are represented mostly by court appointed attorneys generally at all hearings.

DHS caseworkers are at a disadvantage as they are often the only unrepresented party at these proceedings. The lack of legal counsel for DHS at hearings frequently results in delays in achieving permanency for children in the custody of DHS, including appeals and reversals of trial court rulings. Prolonged foster care placement results in an increased cost to the state, as well as a detrimental impact on the child.

In December 2013, some circuit court judges raised concerns that ORS 9.320 (applying to all state agencies) requires DHS to be represented by counsel in all juvenile dependency court hearings. Those concerns ultimately resulted in the 2014 Legislature passing House Bill 4156 as a temporary "status quo" solution. That bill, codified in Chapter 106, 2014 Laws, allows DHS to appear without legal counsel in: (1) any hearing held after the jurisdictional hearing under ORS 419B.305; and (2) any proceeding where the DA represents the State, provided the positions of DHS and the State are not in conflict with respect to issues raised for consideration or determination in the proceeding. That bill, however, sunsets on June 30, 2015.

To implement HB 4156, DHS and DOJ met as partner agencies and also with other community partners to determine the most appropriate resolution to the legal representation issue and its fiscal implications. Unable to determine a feasible budget and staffing plan in the short time frame allotted, DHS, through the Governor's Office, proposed Senate Bill 222 for the 2015 legislative session to extend the sunset on former HB 4156 to June 30, 2017.

As the legal authority for DHS to appear without legal counsel sunsets on June 31, 2015, there is insufficient time and resources for DOJ to be fully staffed to implement full legal representation on that date. Additionally, as expected, this will increase costs to DHS. DHS is currently funded at \$30,742,200 of Total Funds in the Governor's Budget for Attorney General Expenditures for the entire Agency. These proposals would increase that Total Fund amount by \$7,331,280 in the 2015-17 biennium and by \$18,994,784 of Total Funds for the 2017-19 biennium, creating a Total Funds gap of \$7,331,280 in the 2015-17 biennium and \$18,994,784 in Total Funds for the 2017-19 biennium.

Options for Consideration

We provide three options to provide a transition to full DOJ representation for the DHS Child Welfare Program. All three options provide for a rolling sunset to allow a staged implementation over the next two bienna. Options 2 and 3 also provide additional requirements which may reduce costs. This staged implementation will provide the necessary lead time to recruit, provide adequate training, and to prepare facilities. It also would reduce the expenditures in the 2015-17 and 2017-18 biennia.

Option I. Rolling Conventional Implementation of Legal Representation of DHS

Our first option provides for a rolling sunset and four-phased implementation of full DOJ representation of DHS over the next two biennia. Phase I provides that the sunset expires on December 31, 2015 in six counties identified by DHS and DOJ, in consultation with the Oregon Judicial Department (OJD). In Phase II, the sunset expires on June 30, 2016 in another six counties mutually identified as above. Phase III provides that the sunset expires on June 30, 2017 in another twelve counties mutually identified as above. Finally, in Phase IV, the sunset expires on June 30, 2018 in all remaining counties.

Attachment A includes the staffing estimates for Option I. Attachment B includes the associated cost estimates.

Option II. Rolling Regional Implementation of Legal Representation of DHS

This second option also provides for the rolling sunset and staged implementation as outlined above, but also requires DOJ to open regional offices to assist in reducing staffing and legal costs. DOJ could open additional offices in Deschutes, Malheur, Coos, and Klamath counties. The cost reductions are not significant, but are proposed as an option for the legislature to consider.

Attachment C includes the staffing estimates for Option II. Attachment D includes the associated cost estimates.

Option III. Rolling Regional and Alternate Staffing Implementation of Legal Representation of DHS

This third option also provides for a rolling sunset and staged implementation, but attempts to reduce costs by having DOJ open one additional regional office and contract with a limited number of attorneys as Special Assistant Attorneys General (SAAGs) in other locations. Deschutes County would still be considered for an additional DOJ office. Counties in which DOJ could potentially contract with a SAAG include: Malheur, Coos and Klamath.

To ensure the quality of legal services and consistency of representation, the SAAG would be used for limited purposes. SAAGs would represent DHS at shelter hearings, jurisdictional fact findings, disposition and disposition review hearings, and routine uncontested permanency hearings. DOJ would continue to represent DHS on any complex contested hearing and all specialized termination of parental rights litigation.

The cost reductions are again, not significant, but are offered for consideration. The costs for hiring SAAGs are removed from the DOJ staffing estimates but are noted to include as an additional cost to DHS. There are some concerns with the consistency of legal representation with this option.

Attachment E includes the staffing estimates for Option III. Attachment F includes the associated cost estimates.

We welcome the opportunity to discuss the strengths and weaknesses of each of the above options and any other questions posed by this Committee.

Sincerely,

M. M. Bos

FREDERICK M. BOSS Deputy Attorney General Department of Justice

ERINN KELLEY-SIEL Director Department of Human Services

 cc: Ben Souede, Governor's Office General Counsel Lisa Udland, DOJ Civil Enforcement Division Administrator Lois Day, Department of Human Services Child Welfare Director Ken Rocco, Legislative Fiscal Officer George Naughton, Department of Administrative Services Michelle Lisper, Department of Administrative Services Tamara Brickman, Department of Administrative Services

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ChAS STAFFING ESTIMATES FOR ROLLING CONVENTIONAL IMPLEMENTATION OF LEGAL REPRESENTATION OF DHS CHILD WELFARE

ChAS staffing estimates for AAGs, Paralegals (PL), Legal Secretaries (LS), Office Specialists (OS), and Office Manager/Management Assistant (OM/MA) under a Rolling Implementation of legal representation. See related cost estimate.

| PHASE I | <i>5</i> | | | | |
|---|--------------------|-----|-----|-----|--------|
| 6 counties by December 31, 2015: | AAG adds | PL | LS | OS | OM/MA |
| 50 C | | | | | |
| Medford office | | | | | |
| Jackson and Josephine (D.8): | 2.5 FTE | 1.0 | 1.0 | 1.0 | 0.0 |
| Eugene office | | | | | |
| Lane (D. 5): | 1.0 FTE | 0.5 | 1.0 | 0.0 | 0.0 |
| AIC: | 1.0 FTE | | | | |
| | 8 | | | | |
| <u>Salem office</u> Yamhill and Polk (part of D. 3): | | 1.0 | 1.0 | 0.5 | 0.5 |
| Linn (part of D. 4): | 0.5 FTE 0.5 FTE | 1.0 | 1.0 | 0.5 | 0.5 |
| | 0.5112 | | | | |
| Subtotal PHASE I, by December 31, 2015: | 5.5 FTE | 2.5 | 3.0 | 1.5 | 0.5 |
| | | | | | |
| | | | | | |
| PHASE II <u>6 counties by June 30, 2016:</u> | AAG adds | PL | LS | OS | OM/MA |
| <u>o countes 57 June 50, 2010.</u> | And duds | L | | 03 | OWITWA |
| Medford office | | | | | |
| Klamath and Lake (D.11): | 1.0 FTE | 0.0 | 1.0 | 0.0 | 0.0 |
| F | | | | | |
| <u>Eugene office</u> Douglas (D.6): | 1.0 FTE | 1.0 | 1.0 | 1.0 | 0.0 |
| Douglas (D.0). | 1.0 FTE | 1.0 | 1.0 | 1.0 | 0.0 |
| Salem office | | | | | |
| Lincoln (part of D. 4): | 0.5 FTE | 0.0 | 0.0 | 0.0 | 0.0 |
| | | | | | |
| Pendleton office | | 1.0 | 0 5 | 0.0 | 0.0 |
| Umatilla and Morrow (D.12): | 0.5 FTE | 1.0 | 0.5 | 0.0 | 0.0 |
| Subtotal PHASE II, by June 30, 2016: | 3.0 FTE | 2.0 | 2.5 | 1.0 | 0.0 |
| nameling menungan in Daggapadan na sau 🕈 Salapagan gent sau 🖓 🔤 | 2 A | | | | |

| PHASE III | | ы | 10 | 00 | 004/044 |
|---|---------------------------------------|---------|-----------|------------|---------|
| 12 counties by June 30, 2017: | AAG adds | PL | LS | OS | OM/MA |
| Eugene office | | | | | |
| Coos and Curry (D.7): | 1.0 FTE | 0.5 | 0.5 | 0.0 | 0.0 |
| anadalars idabada pressonal tabuta Ins | | | | 24 | |
| Salem office | | | | | |
| Crook, Jefferson, Deschutes (D.10): | 1.5 FTE | 3.0 | 2.5 | 0.5 | 0.0 |
| Marion (rest of D. 3): | 2.0 FTE | | | | |
| Benton (rest of D. 4): | 0.5 FTE | | | | |
| AIC: | 1.0 FTE | | | | |
| | 15 | | | | |
| Portland office | 1 0 FTF | 2.0 | 2 5 | | 1.0 |
| Clatsop, Columbia, Tillamook (D.1): Clackamas (D. 15): | 1.0 FTE 1.5 FTE | 2.0 | 2.5 | 1.0 | 1.0 |
| Washington (D.16): | 2.0 FTE | | | | |
| washington (D.10). | 2.0 FTC | | | | |
| Subtotal PHASE III, by June 30, 2017: | 10.5 FTE | 5.5 | 5.5 | 1.5 | 1.0 |
| ····· | | | 0.0 | | 1.0 |
| | | | | | |
| PHASE IV | | | 3 | | |
| <u>12 counties by June 30, 2018:</u> | ÁAG adds | PL | LS | OS | OM/MA |
| -7 (4 | | | | | |
| Portland office | | | | | |
| Multnomah (D.2): | 5.5 FTE | 3.0 | 2.0 | 0.5 | 1.0 |
| Hood River, Wasco, Sherman, | 1.0 FTF | | | | |
| Gilliam and Wheeler (D. 9): AIC: | 1.0 FTE | | | | |
| AIC: | 1.0 FTE | | | | |
| Pendleton office | | | | | |
| Wallowa, Union, Baker (D.13): | 0.5 FTE | 1.0 | 1.0 | 0.5 | 0.0 |
| Grant, Harney and Malheur (D. 14): | 0.5 FTE | 1.0 | 1.0 | 0.5 | 0.0 |
| ,,, _,, _ | | | | | |
| Subtotal PHASE IV, by June 30, 2018 | 8.5 FTE | 4.0 | 3.0 | 1.0 | 1.0 |
| | | | | | |
| | · · · · · · · · · · · · · · · · · · · | 00 X 92 | 737-8-724 | 25.0 10.23 | A |
| TOTAL Adds for all three years: | 27.5 FTE* | 14.0 | 14.0 | 5.0 | 2.5 |

* AAGs = 24.5; AICs = 3.0; the AAG adds total includes 3 AICs (making it a 22.3 to 1.0 manager/atty ratio, well above the 10 to 1 state estimate). Division Administrator to be included.

- Add 2.0 for statewide Investigator positions: one in Phase II and one in Phase III.

- Additional legal support staff positions are listed on one line but include all counties listed for that office.

- The support staff figures fall within the ratios in our Assumptions (excluding managers): PL: 1.0 to 2.25 AAG / LS: 1.0 to 2.39 AAG / OS: 1.0 to 8.81 AAG

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REPRESENTATION OF DHS IN JUVENILE PROCEEDINGS STATEWIDE (Version #1 - current office structure)

| | | | | | 17 Proposed B | | | | | | 2017-2019 | Estimate | | |
|--|--|--|--|---------------------------|---|-------------------------------|--|---------------------------------|---|--|---|-------------------------------|--|-----------------------------------|
| | 2013-15 Legislatively | | Current | Service Level | | Full Representatio | n (Court) Phase In | | Full Re | presentation | (Court) w/ infla | | | |
| | | DHS Program Admin | Foster Certification | Representation (Court) | Total | Phases 1 - 3 @ Partial FTE | Total Court Representation (includes CSL) | Total Child Welfare Estimate | 15-17 Phases 1,2,3 @ 100% FTE (inc Adm) | Phase 4 | CSL Representation (Court) | Total Court Representation | DHS Prg Adm and Foster Care w/ inflation | Total Chil Welfare Estimate |
| Personal Services /ices and Supplies Total | | 310,324 | \$ 1,661,735 471,692 \$ 2,133,427 | 4,567,270 | \$ 19,064,758 5,349,286 \$ 24,414,044 | 1,478,762 | \$ 21,733,117 \$ 6,046.032 \$ 27,779,149 | 0.020.048 | \$ 10,391,417 S 2,205,448 \$ 12,596,865 S | 902,175 | \$ 17,777,656 4,704,288 \$ 22,481,944 | 7.811.911 | 805 476 | \$ 8,617. |
| Positions FTE | 81 80.50 | 5 5.01 | 8 7.62 | 68 67.87 | | 57 28.25 | 125 96.12 | 138 108.75 | 57 49.25 | 20 16.38 | 68 | 145 | | |
| 1 | And the second sec | and a state of the | | | | | | | | | | | | and the second second |
| | DHS Fiscal Estin | nate (AAG Line) | | | | 7,171,549 | Contract of the Children of Ch | | 13 603 760 | 5 101 025 | | 40 70 5 00 5 | the section of the se | |
| | DHS Fiscal Estin | nate (AAG Line) | an a | | | 7,171,549 | | | 13,603,760 (See Assumption : | 5,191,925 | to) | 18,795,685 | | |
| | DHS Fiscal Estin | nate (AAG Line) | | | | 7,171,549 | | | 13,603,760 (See Assumption | | te) | 18,795,685 | | |
| | Assumptions | | | | | • | 8) Start Dates | а | NAME AND ADDRESS OF TAXABLE PARTY OF TAXABLE PARTY. | | te) | 18,795,685 | | . 7 |
| | | | .3% S&S growth. | | | • | 8) Start Dates Phase 1 | <u>a</u> 09/01/15 | (See Assumption | 14 - '17-19 Ra | te) | 18,795,685 | | . 7 |
| | Assumptions 1) 2017-19 projecte | | | | | • | | 8 03/01/15 02/01/16 | (See Assumption | 14 - '17-19 Ra <u>e</u> 11/01/15 | te) | 18,795,685 | | . 7 |
| | Assumptions 1) 2017-19 projecte | d to include 9% PS 8 | | | | • | Phase 1 | | (See Assumption * | 9 9 11/01/15 06/01/16 | te) | 18,795,685 | | . 1 |
| | Assumptions 1) 2017-19 projecte | d to include 9% PS 8 AAG Ratio after pol | cy package | | | • | Phase 1 Phase 2 | 02/01/16 | (See Assumption | 14 - '17-19 Ra <u>e</u> 11/01/15 | te) | 18,795,685 | | . 1 |

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ChAS STAFFING ESTIMATES FOR ROLLING REGIONAL IMPLEMENTATION OF LEGAL REPRESENTATION OF DHS CHILD WELFARE (WITH ADDITIONAL DOJ OFFICES)

ChAS staffing estimates for AAGs, Paralegals (PL), Legal Secretaries (LS), Office Specialists (OS), and Office Manager/Management Assistant (OM/MA) under a rolling regional implementation of legal representation with additional DOJ office locations potentially in Deschutes, Coos, Malheur and Klamath counties. See related cost estimate.

PHASE I

| 6 counties by December 31, 2015: | AAG adds | PL | LS | OS | OM/MA |
|--|--------------------------------|-------------------|-------------------|-------------------|-----------------------|
| <u>Medford office</u> Jackson and Josephine (D.8): | 2.5 FTE | 1.0 | 1.0 | 1.0 | 0.0 |
| Jackson and Josephine (D.8). | 2.5 FIE | 1.0 | 1.0 | 1.0 | 0.0 |
| <u>Eugene office</u> Lane (D. 5): | 1.0 FTE | 0.5 | 1.0 | 0.0 | 0.0 |
| AIC: | 1.0 FTE | | | | |
| Salem office | | | | | |
| Yamhill and Polk (part of D. 3): Linn (part of D. 4): | 0.5 FTE 0.5 FTE | 1.0 | 1.0 | 0.5 | 0.5 |
| | <i>9</i> | | 2 | | |
| Subtotal PHASE I, by December 31, 2015: | 5.5 FTE | 2.5 | 3.0 | 1.5 | 0.5 |
| PHASE II | | | | | |
| | | | | | |
| 6 counties by June 30, 2016: | AAG adds | PL | LS | OS | OM/MA |
| | AAG adds | PL | LS | OS | <u>OM/MA</u> |
| <u>6 counties by June 30, 2016:</u> <u>Klamath office</u> (new office location) Klamath and Lake (D.11): | AAG adds | <u>PL</u> 0.0 | <u>LS</u> 1.0 | <u>OS</u> 0.0 | <u>OM/MA</u> 0.0 |
| Klamath office (new office location) | 6 A ¹¹ | | | 2 | ™a/n - - 'kn > n " |
| <u>Klamath office</u> (new office location) Klamath and Lake (D.11): | 6 A ¹¹ | | | 2 | ™a/n - - 'kn > n " |
| <u>Klamath office</u> (new office location) Klamath and Lake (D.11): <u>Eugene office</u> Douglas (D.6): <u>Salem office</u> | 0.75 FTE 1.0 FTE | 0.0 | 1.0 1.0 | 0.0 | 0.0 0.0 |
| <u>Klamath office</u> (new office location) Klamath and Lake (D.11): <u>Eugene office</u> Douglas (D.6): | 0.75 FTE | 0.0 | 1.0 | 0.0 | 0.0 |
| <u>Klamath office</u> (new office location) Klamath and Lake (D.11): <u>Eugene office</u> Douglas (D.6): <u>Salem office</u> Lincoln (part of D. 4): <u>Pendleton office</u> | 0.75 FTE 1.0 FTE 0.5 FTE | 0.0 1.0 0.0 | 1.0 1.0 0.0 | 0.0 1.0 0.0 | 0.0 0.0 0.0 |
| <u>Klamath office</u> (new office location) Klamath and Lake (D.11): <u>Eugene office</u> Douglas (D.6): <u>Salem office</u> Lincoln (part of D. 4): | 0.75 FTE 1.0 FTE | 0.0 | 1.0 1.0 | 0.0 | 0.0 0.0 |

| TOTAL Adds for all three years: | 25.75 FTE* | 14.0 | 14.0 | 5.0 | 2.5 |
|---|-------------------------------|------|------|-----|-------|
| Subtotal PHASE IV, by June 30, 2018 | 8.25 FTE | 4.0 | 3.0 | 1.0 | 1.0 |
| <u>Ontario office</u> <i>(new office location)</i> Grant, Harney and Malheur (D. 14): | 0.25 FTE | 0.5 | 0.5 | 0.5 | 0.0 |
| <u>Pendleton office</u> Wallowa, Union, Baker (D.13): | 0.5 FTE | 0.5 | 0.5 | 0.0 | 0.0 |
| Hood River, Wasco, Sherman, Gilliam and Wheeler (D. 9): AIC: | 1.0 FTE 1.0 FTE | | | | 12 |
| <u>Portland office</u> Multnomah (D.2): | 5.5 FTE | 3.0 | 2.0 | 0.5 | 1.0 |
| PHASE IV 12 counties by June 30, 2018: | AAG adds | PL | LS | OS | OM/MA |
| Subtotal PHASE III, by June 30, 2017: | 9.25 FTE | 5.5 | 5.5 | 1.5 | 1.0 |
| <u>Portland office</u> Clatsop, Columbia, Tillamook (D.1): Clackamas (D. 15): Washington (D.16): | 1.0 FTE 1.5 FTE 2.0 FTE | 2.0 | 2.5 | 1.0 | 1.0 |
| <u>Salem office</u> Marion (rest of D. 3): Benton (rest of D. 4): AIC: | 2.0 FTE 0.5 FTE 1.0 FTE | 2.5 | 2.0 | 0.0 | 0.0 |
| <u>Bend office</u> (new office location) Crook, Jefferson, Deschutes (D.10): | 0.75 FTE | 0.5 | 0.5 | 0.5 | 0.0 |
| <u>Coos Bay office</u> (new office location) Coos and Curry (D.7): | 0.5 FTE | 0.5 | 0.5 | 0.0 | 0.0 |
| PHASE III 12 counties by June 30, 2017: | AAG adds | PL | LS | OS | OM/MA |

* AAGs = 22.75; AICs = 3.0; the AAG adds total includes 3 AICs (making it a 21.8 to 1.0 manager/atty ratio, well above the 10 to 1 state estimate). Division Administrator to be included.

- Add 2.0 for statewide Investigator positions: one in Phase II and one in Phase III.

- Additional legal support staff positions are listed on one line but include all counties listed for that office.

- The support staff figures fall approximately within the ratios in our Assumptions (excluding managers) except may be slightly higher due to additional smaller offices and inability to have a 0.25 position: PL: 1.0 to 2.25 AAG / LS: 1.0 to 2.39 AAG / OS: 1.0 to 8.81 AAG

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REPRESENTATION OF DHS IN JUVENILE PROCEEDINGS STATEWIDE (Version #2 - new offices)

| | | and the second of the | | | 17 Proposed E | and the second se | | | and the second s | | 2017-2019 | Estimate | | |
|---|---|--|---|---------------------------|---|---|--|---|--|----------------------|----------------------------------|-------------------------------|--|------------------------------------|
| | 2013-15 Legislatively | | Current | Service Level | | Full Representation | (Court) Phase In | | Full Re | presentation | (Court) w/ infla | | | 1 |
| | Approved Budget | DHS Program Admin | Foster Certification | Representation (Court) | Total | Phases 1 - 3 @ Partial FTE | Total Court Representation (includes CSL) | Total Child Welfare Estimate | 15-17 Phases 1,2,3 @ 100% FTE (inc Adm) | Phase 4 | CSL Representation (Court) | Total Court Representation | DHS Prg Adm and Foster Care w/ inflation | Total Child Welfare Estimate |
| Personal Services Services and Supplies Total | \$18,418,647 4,781,778 \$23,200,425 | 310.324 | \$ 1,661,735 471,692 \$ 2,133,427 | 4,567,270 | \$ 19,064,758 5,349,286 \$ 24,414,04 4 | 1,447,887 | \$ 6.015,157 | \$ 24,304,856 \$ 6,797,173 \$ 31,102,030 | 2,124,306 | 910,353 | \$ 17,777,656 4,704,288 | 7.738.947 | 805,476 | S 8.544.42 |
| | | | | | | | ¥ 27,000,002 | 5 51,102,030 | \$ 12,019,933 \$ | 4,843,808 | \$ 22,481,944 | \$ 39,405,685 | \$ 3,808,407 | \$ 43,214,09 |
| Positions FTE | 100000000000000000000000000000000000000 | | 8 7.62 | | 81 80.50 | 58 27.56 | 126 95.43 | 139 108.06 | 58 47.75 | 23 16.19 | | 149 131.81 | | |
| | DHS Fiscal Esti | mate (AAG Line) | | | | 6,802,441 | | | 12,788,760 | E 457 200 | | | | |
| | | | | | | 5,502,111 | NAME OF COLUMN ASSOCIATION AND | | THE R. P. LEWIS CO., NAMES IN CO., NAMES INC., NAMES IN CO., NAMES INTERCO., | 5,457,200 | | 18,245,960 | | |
| | | | | | | | | | (See Assumption | 14 - '17-19 Ra | te) | | | |
| | Assumptions | | | | | ¥6 | 8) Start Dates | | b | 10 | 1 | | | |
| | 1) 2017-19 project | ed to include 9% PS | & 3% S&S growth. | | | | Phase 1 | 09/01/15 | 10/01/15 | <u>s</u> 11/01/15 | | | | |
| 2 1) | 2) Staff Ratios | AAG Ratio after po | licy package | | | | Phase 2 | 02/01/16 | 04/01/16 | 06/01/16 | | | | |
| | | Paralegal | 2.25 | | | | Phase 3 | 08/01/16 | 10/01/16 | 01/01/17 | | | | |
| | | Legal Secretory | 2.39 | | | | Phase 4 | 09/01/17 | 01/01/18 | 010011 | | K. | | |
| | 4) Includes 2 DOJ A 5) Add 2 Investigato 6) CSL is based on costs of current FTL | OS Stoff 25% Sr AAG and 75% dmin LD's - 8/1/15 - 1 Human Resour 1 Operations Pro 1 Information Sy rrs in Phase 2 and Pt a percentage (60.07 E in the CHaS section ths and Environment | 8.81 6 AAG 3/31/18 and 1PF pos ce Analyst 3 PF ject Manager 1 LD stems Specialist 4 tase 3 %) of the Civil Legal are. T al Crimes. | | 9 .38 FTE) | | 9) Does not include bu 10)CSL FTE includes 11) Merit and COLAs 12)POB Estimates and | ald out for new or curre shared support resour, not included in DOJ ex included alture facture costs in bit 15-17 182.000 182.000 182.000000000000000 | ent facilities ccs with other sections of Ch penditure limitation. semium following position est <u>17-19</u> (ra 182.00 inf 182.00 132.00 132.00 136.00 90.00 | ablishment (no ch | air replacement etc) | 19 budget developn | nent process to cov | er State approv |

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ChAS STAFFING ESTIMATES FOR ROLLING REGIONAL IMPLEMENTATION OF LEGAL REPRESENTATION OF DHS CHILD WELFARE (WITH ADDITIONAL DOJ OFFICES AND ALTERNATE STAFFING PLAN)

ChAS staffing estimates for AAGs, Paralegals (PL), Legal Secretaries (LS), Office Specialists (OS), and Office Manager/Management Assistant (OM/MA) under a rolling regional implementation of legal representation with additional DOJ office location (potentially in Deschutes County and option for hiring Special AAGs (SAAGs)). SAAG contracts in regional locations to include handle shelter hearings, jurisdictional fact findings, disposition and disposition review hearings and some routine uncontested permanency hearings. See related cost estimate.

| PHASE I | | | | | |
|---|--------------------|-----------|-------------|------------------|---------------------|
| 6 counties by December 31, 2015: | AAG adds | PL | LS | OS | OM/MA |
| <u>Medford office</u> Jackson and Josephine (D.8): | 2.5 FTE | 1.0 | 1.0 | 1.0 | 0.0 |
| Eugene office Lane (D. 5): AIC: | 1.0 FTE 1.0 FTE | 0.5 | 1.0 | 0.0 | 0.0 |
| <u>Salem office</u> Yamhill and Polk (part of D. 3): Linn (part of D. 4): | 0.5 FTE 0.5 FTE | 1.0 | 1.0 | 0.5 | 0.5 |
| Subtotal PHASE I, by December 31, 2015: | 5.5 FTE | 2.5 | 3.0 | 1.5 | 0.5 |
| Subtotal PHASE I, by December 51, 2015. | | | | | |
| Subtotal PHASE I, by December 31, 2013. | | | | | |
| PHASE II | | | | | |
| | AAG adds | PL | LS | OS | OM/MA |
| PHASE II | | <u>PL</u> | LS 1.0** | <u>OS</u> 0.0 | <u>OM/MA</u> 0.0 |
| PHASE II 6 counties by June 30, 2016: SAAG office (in Klamath County) | AAG adds | <u>PL</u> | | | 5. h |

| Subtotal PHASE III, by June 30, 2017: | 8.75 FTE 0.75 SAAG FT | 5.5 ⁻ E | 5.5 | 1.5 | 1.0 |
|--|--------------------------|-----------------------|-------|-----|-------|
| Washington (D.16): | 2.0 FTE | | | | |
| Clackamas (D. 15): | 1.5 FTE | | | | |
| Clatsop, Columbia, Tillamook (D.1): | 1.0 FTE | 2.0 | 2.5 | 1.0 | 1.0 |
| Portland office | | | | | |
| AIC: | 1.0 FTE | | | | |
| Benton (rest of D. 4): | 0.5 FTE | | | | |
| Marion (rest of D. 3): | 2.0 FTE | 2.5 | 2.0 | 0.0 | 0.0 |
| Salem office | | | | | |
| ······································ | | | | | |
| <u>Bend office</u> (<i>new office location</i>) Crook, Jefferson, Deschutes (D.10): | 0.75 FTE | 0.5 | 0.5 | 0.5 | 0.0 |
| | | | | | |
| | 0.75 SAAG F | ГЕ | | | 121 |
| Coos and Curry (D.7): | 0.0 FTE | | 0.5** | 0.0 | 0.0 |
| SAAG office (in Coos County) | | | | | 11 |
| 12 counties by June 30, 2017: | AAG adds | PL | LS | OS | OM/MA |
| PHASE III | | | | | |
| | | | | | |
| Subtotal PHASE II, by Julie 30, 2010. | 0.75 SAAG F | 1-1200 | 2.5 | 1.0 | 0.0 |
| Subtotal PHASE II, by June 30, 2016: | 2.0 FTE | 2.0 | 2.5 | 1.0 | 0.0 |
| Umatilla and Morrow (D.12): | 0.5 FTE | 1.0 | 0.5 | 0.0 | 0.0 |
| Pendleton office | | | | | |

PHASE IV

| <u>12 counties by June 30, 2018:</u> | | AAG adds | PL | LS | OS | OM/MA |
|--|-----|----------|-----|-----|-----|-------|
| <u>Portland office</u> Multnomah (D.2): | | 5.5 FTE | 3.0 | 2.0 | 0.5 | 1.0 |
| Gilliam and Wheeler (D. 9): | | 1.0 FTE | 5.0 | 2.0 | 0.5 | 1.0 |
| AIC: | | 1.0 FTE | | | | |
| <u>Pendleton office</u> Wallowa, Union, Baker (D.13): | ies | 0.5 FTE | 0.5 | 0.5 | 0.0 | 0.0 |

| <u>SAAG office</u> <i>(in Malheur County)</i> Grant, Harney and Malheur (D. 14): | 0.00 FTE 0.25 SAAG F | 0.5** TE | 0.5** | 0.5** | 0.0 |
|---|---------------------------------------|-------------|-------|-------|-----|
| Subtotal PHASE IV, by June 30, 2018 | 8.00 FTE 0.25 SAAG F | 4.0 TE | 3.0 | 1.0 | 1.0 |
| TOTAL Adds for all three years: TOTAL SAAGs TOTAL Attorney positions | 24.25 FTE* 1.75 SAAG F 26.0 FTE | 14.0 TE | 14.0 | 5.0 | 2.5 |

* AAGs = 21.25; AICs = 3.0; the AAG adds total includes 3 AICs (making it a 21.25 to 1.0 manager/atty ratio, well above the 10 to 1 state estimate). Division Administrator to be included.

** The support staff figures have been adjusted to assume SAAG hourly rate would include legal assistant. Would likely bill for paralegal time. (See Summary of Estimates for potential issues)

- Add 2.0 for statewide Investigator positions: one in Phase II and one in Phase III.

- Additional legal support staff positions are listed on one line but include all counties listed for that office.

- The support staff figures fall approximately within the ratios in our Assumptions (excluding managers) except may be slightly higher due to additional smaller offices and inability to have a 0.25 position: PL: 1.0 to 2.25 AAG / LS: 1.0 to 2.39 AAG / OS: 1.0 to 8.81 AAG

DM#6341646

REPRESENTATION OF DHS IN JUVENILE PROCEEDINGS STATEWIDE (Version #3 - SAAG)

| | | | and the state | 2015- | 17 Proposed B | udget | | | 1 | Number of the | 2047 0040 | | | |
|---|--|--|--|--|---|--|--|--|---|--|--|--------------------|--|---|
| | 13-15 | | Current | Service Level | | Full Representation | (Court) Phase in | 1 | Eull Don | The state of the s | 2017-2019 | Estimate | | |
| Appr | latively proved Di udget | HS Program Admin | Foster Certification | Representation (Court) | Total | Phases 1 - 3 @ Partial FTE | Total Court Representation (includes CSL) | Total Child Welfare Estimate | 15-17 Phases 1,2,3 @ 100% FTE (inc Adm) | Phase 4 | Court) w/est inf CSL Representation (Court) | Total Court | DHS Prg Adm and Foster Care | Total Child Welfare |
| | 781,778 | 310,324 | \$ 1,661,735 471,692 \$ 2,133,427 | 4,567,270 | \$ 19,064,758 5.349,286 \$ 24,414,044 | 1,339,810 | \$ 21,209,098 \$ 5,907,080 \$ 27,116,178 | \$ 6 689 096 | \$ 9,331,442 \$ | 3,735,289 838,377 | \$ 17,777,656 4,704,288 | 7 523 146 | 805,476 | Estimate \$ 33,847,31 \$ 8,328,62 |
| Positions FTE | 81 80.50 | 5 5.01 | 8 7.62 | 68 67.87 | 81 80.50 | 53 25.64 | 121 93.51 | 134 106.14 | 53 44.50 | 4,573,666 19 14.88 | | 140 | \$ 3,808,407 13 12,63 | \$ 42,175,94 |
| DHS SA | AAG Contra | ict Costs | | | | 656,038 | | | | | | | 12.00 | 153. |
| DHS Fis | iscal Estimat | te (AAG Line) | | | | Statute of the statut | And the owner of the | | 1,176,520 | 223,777 | | 1,400,297 | | |
| | | | | | | 6,305,537 | | | 11,942,860 | 4,909,225 | | 16,852,085 | Contractor of the Association of | - Andrew Colonadora |
| | -19 projected to | include 9% PS & | | | | | 8) Start Dates | <u>a</u> | b | 15 - '17-19 Ra | , | | | |
| Constant of the second s | | | | | | | 8) Start Dates | | | | , | | | |
| 1) 2017-1 | -19 projected to | | | 586 | | | Phase 1 | <u>a</u> 09/01/15 | b | | , | | | |
| Constant of the second s | -19 projected to | G Ratio ofter poli | icy package | | | | Phase 1 Phase 2 | | b 10/01/15 04/01/16 | ۰ ۶ | | | | |
| 1) 2017-1 | -19 projected to Ratios <u>AA</u> | | i <u>cy package</u> 2.25 | sec s | ĩ | | Phase 1 Phase 2 Phase 3 | 09/01/15 02/01/16 08/01/16 | and the second se | s 11/01/15 | | | | |
| 1) 2017-1 2) Staff R | -19 projected to Ratios <u>AA</u> L | <u>G Ratio ofter poli</u> Paralegal egal Secretory OS Staff | i <u>cv package</u> 2.25 2.39 8.81 | | is. | | Phase 1 Phase 2 | 09/01/15 02/01/16 | 04/01/16 | ç 11/01/15 06/01/16 | | | | |
| 1) 2017-1 2) Staff R 3)AAG's a 4)Includes | -19 projected to Ratios <u>AA</u> L assumed 25% es 2 DOJ Admir 1 t 1 c 1 l | IG Ratio ofter poli Paralegal Legal Secretary OS Staff Sr AAG and 75% In LD's - 8/1/15 - 3/ Human Resource Operations Proje Information Syst | A pockage 2.25 2.39 8.81 AAG B1/18 and 1PF positi ect Manager 1 LD(terns Specialist 4 L | ions starting 8/1/15 15-17 .96 FTE ; 17-19 .1 D (15-17 .96 FTE ; 17-19 | 38 FTE) 9 .38 FTE) | 5 *1 | Phase 1 Phase 2 Phase 3 Phase 3 Phase 4 9) Does not include bu 10)CSL FTE includes 3 11) Merit and COLAs n 12)POB Estimates are | 09/01/15 02/01/16 08/01/16 09/01/17 ild out for new or curre shared support resourc ot included in DOJ exp included | 04/01/16 10/01/16 01/01/15 nt facilities es with other sections of Ce enditure limitation. | 9 11/01/15 06/01/16 01/01/17 41 Legal of approx 2 | 2 FTE | | | |
| 1) 2017-1 2) Staff R 3)AAG's a 4)Includes 5) Add 2 Ir | -19 projected to Ratios <u>AA</u> L assumed 25% es 2 DOJ Admir 1 k 1 c 1 l 2 Investigators in | IS Ratio ofter poli Paralegal egal Secretary OS Staff Sr AAG and 75%, In LD's - 8/1/15 - 3, Human Resourc Operations Projunformation Syst Phase 2 and Pha | 2.25 2.39 8.81 AAG 831/18 and 1PF posit e Analyst 3 PF ext Manager 1 LD terms Specialist 4 U use 3 | 15-17 .96 FTE ; 17-19 .: D (15-17 .96 FTE; 17-19 | 38 FTE) | а | Phase 1 Phase 2 Phase 3 Phase 3 Phase 4 9) Does not include bu 10)CSL FTE includes 3 11) Merit and COLAs n 12)POB Estimates are | 09/01/15 02/01/16 08/01/16 09/01/17 ild out for new or curre shared support resourc ot included in DOJ exp included iture focure costs in bio | 04/01/16 10/01/16 01/01/18 nt facilities es with other sections of Cr | 2 11/01/15 06/01/16 01/01/17 Al Legal of approx 2 | 2 FTE | | | |
| 1) 2017-1 2) Staff R 3)AAG's a 4)Includes 5) Add 2 Ir 6) CSL is t | -19 projected to Ratios <u>AA</u> L assumed 25% es 2 DOJ Admir 1 k 1 c 1 l l Investigators in 5 based on a pe | IS Ratio after poli Paralega! egal Secretary OS Staff Sr AAG and 75% In LD's - 81/15 - 3; Human Resourco Operations Proj In formation Syst I Phase 2 and Pha eccentage (60.07% | Expectage 2.25 2.39 8.81 AAG 81/18 and 1PF posit e Analyst 3 PF ect Manager 1 LD(terms Specialist 4 L use 3) of the Civit Legal S | 15-17 .96 FTE ; 17-19 .; D (15-17 .96 FTE; 17-19 Section. It is an estimate on | 38 FTE) | 76 180 | Phase 1 Phase 2 Phase 3 Phase 3 Phase 4 9) Does not include bu 10)CSL FTE includes 3 11) Meit and COLAs n 12)POB Estimates are 13) Phases out all fum 14)SAAG Rates (not in | 09/01/15 02/01/16 09/01/16 09/01/17 ild out for new or curre shared support resourc of included in DOJ exp included iture focure costs in bite o paralegal) Medford/Klamath | 04/01/16 10/01/16 01/01/16 et facilities es with other sections of Ca enditure limitation. | 9 11/01/15 06/01/16 01/01/17 41 Legal of approx 2 | 2 FTE | | | |
| 1) 2017-1 2) Staff R 3)AAG's a 4)Includes 5) Add 2 Ir 6) CSL is t costs of cu | -19 projected to Ratios AA L assumed 25% es 2 DOJ Admir 1 t 1 c 1 c 1 c 1 c 1 c 1 c 1 c 1 c 1 c 1 c | IS Ratio after poli Paralegal egal Secretary OS Staff Sr AAG and 75% In LD's - 8/1/15 - 3, Human Resourco Operations Proj Information Syst Phase 2 and Phas Phase 2 and Phas Phase 2 and Phas Phase 2 and Phas | Expectage 2.25 2.39 8.81 AAG 81/18 and 1PF posit e Analyst 3 PF ect Manager 1 LD terms Specialist 4 [use 3 0 of the Civil Legal are. Th | 15-17 .96 FTE ; 17-19 .: D (15-17 .96 FTE; 17-19 | 38 FTE) | 76 180 | Phase 1 Phase 2 Phase 3 Phase 4 9) Does not include bu 10)CSL FTE includes a 11) Morit and COLAs n 12)POB Estimates are 13) Phases out all furn 14)SAAG Rates (not in | 09/01/15 02/01/16 08/01/16 09/01/17 ild out for new or curre shared support resourc of Included in DOJ exp included iture fixaure costs in bite c paralegal) Medford/Klamath Ontario | 04/01/16 10/01/16 01/01/16 es with other sections of Ca enditure limitation. nnium following position est 2015-17 | 9 11/01/15 06/01/16 01/01/17 01/01/17 Al Legal of approx 2 ablishment (no cha 2017-19 | 2 FTE | | | |
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