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The Honorable Representative Jeff Barker, Chair
The Honorable Representative Jennifer Williamson, Vice-Chair
The Honorable Representative Andy Olson, Vice-Chair
House Committee on Judiciary, Members

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RE: House Bill 4009—Testimony in Support

Dear Chair Barker, Vice-Chairs Williamson and Olson, and Members of the Committee:

I am an attorney in Douglas County Oregon who appears in juvenile matters as part of indigent defense contract. I have been practicing juvenile dependency and delinquency law for roughly seven years. I am a partner in a six member law firm where a substantial percentage of our court appointed work is representing children in the foster care system. I previously worked in Lane County and Washington County representing adult victims of domestic violence and sexual assault in civil cases, primarily restraining orders and family law issues, at Legal Aid under various grants. Many of my clients were also involved or had recently been involved in a juvenile dependency matters.

Prior to attending law school at Lewis and Clark, I was caseworker in Arizona in a transitional living program that worked primarily with "throw away" teens who had lived on the street and parenting teens where I taught parenting, and life skills as part of my position. Many of my clients were former foster children who had voluntarily opted out of the system to the streets or teens who had been in foster care system and delinquency systems as younger children. I have been privileged to works with children and adult clients of the juvenile dependency system in two states for more than twenty years.

I urge the committee to adopt the bill I recently reviewed the Secretary of State's audit of DHS- CWP and a factor that stood out to me was the relative inexperience of the individuals working at child welfare as well as the lack consistent of state wide practices and standards. We are placing untrained, inexperienced, overworked caseworkers in an

impossible position where we ask them to keep children safe but fail to provide a neutral standard to hold them accountable. This change would provide that while making the processes simpler for the caseworkers.

Each removal of a child disrupts that child from their home, their sense of safety and the extended community such daycare, school and church communities. It is hard to emphasize how damaging that process is for a child, it best described as the best choice out of terrible options. Even when we are able to quickly place the children back home where have taught them that the pro-social stabilizing relationships outside of the family are impermanent and unreliable as sources of comfort.

Finally, the failure of a neutral, constitutionally required check on inexperienced and overworked caseworkers results in significant preventable errors. It is unwritten law of juvenile dependency work that if a kid will get removed depends on who is working when the file is assigned. This lack of consistent application of the agency's policy leads to huge distortions in the system and significant unnecessary harm to children and families. It is hard to address as each removal is profoundly fact specific to that situation and family. The judiciary are experienced at this type of review, and the requirement will require caseworkers to clearly articulate for themselves and the families why a child is being removed and why it can't be prevented.

I recently represented three children who range from infancy to middle school in a case that was ultimately dismissed because the state could not prove abuse and neglect at the jurisdictional hearing on the petition alleging abuse and neglect. In the course of that case, while waiting for the trial, my young clients were removed by caseworkers at the end of the day after business hours. This was a removal accompanied by uniformed armed law enforcement in official cars which is normal. The children were removed because a caseworker had misunderstood a sentence in an email and not verified the information by calling and speaking to the person who sent the email.

Multiple members of the extended family was present at the removal and stated that what the caseworker was alleging as physically impossible and were told point blank that because they were not professionals and they were not credible.

The agency returned the next day after admitting that they had made a mistake and misread a sentence in the email. However, review by a neutral fact finder would likely have prevented this instance or required the agency to articulate why they understood that sentence to constitute a danger. This type of experience also makes it more difficult to work with families to engage early on to work collaboratively to address issues as the clients and the agency are pitted against each other in aggressive finger pointing match.

On a fundamental level, I would ask the committee to signal the importance of requiring the state to abide by the constitutional requirements when intervening into the family. When the government is intruding into the core of peoples' lives, their relationships with their children, fundamental fairness requires us to follow the processes required by the constitution.

I urge your yes vote.

Sincerely,

Signed
S/ Gina Marie Stewart

Gina Marie Stewart
Attorney at Law