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March 1, 2021

To: Senate Committee On Judiciary and Ballot Measure 110 Implementation
From: Amy Miller, Executive Director

Re: Support for SB 720: Family Preservation Project

Dear Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee,

Youth, Rights & Justice is Oregon's only non-profit juvenile public defense firm. Every year, YRJ represents over 1200 children and parents in Oregon's juvenile court system. All of our clients come from low-income families. Most have suffered significant trauma and many have physical, mental health and/or substance abuse issues. Approximately 45% are children of color. Because of our unique position handling court-appointed juvenile cases, we often see the same systemic problems and we work to change the policies that contribute to these problems.

We represent incarcerated parents who have open child welfare cases, as well as children in DHS custody whose parent or parents are incarcerated. There is a significant overlap between families that are DOC and DHS involved, with conservative estimates that 10% of incarcerated mothers and 6% of incarcerated fathers have at least one child in foster care.¹

A growing body of research has linked parental incarceration to worse outcomes for children. Children who have parents in custody may be more likely to struggle with mental health and depression, are at greater risk for residential instability and homelessness, and may be less likely to form healthy attachments, particularly for young children.² Continued family interaction while incarcerated creates opportunities to mitigate negative impacts on children, supports stronger parent-child attachments, and has been shown to increase parental involvement in their children's lives after release.³

Through our work, we've seen how FPP can make a crucial difference as to whether a parent is able to maintain their parental rights. Incarcerated parents face a high risk of losing their

¹ J. Mark Eddy and Julie Poehlmann, eds., *Children of Incarcerated Parents: A Handbook for Researchers and Practitioners*, 268-69 (2010).

² Mooney and Bala, *The Importance of Supporting Family Connections to Ensure Successful Re-entry* (2018).

³ *Id.*,

parental rights, because The Adoption and Safe Families Act (ASFA, 1997) requires states to file a termination of parental rights petition after a child has been in foster care for 15 of 22 months, subject to some exceptions. 15 months is a much shorter timeframe than the typical prison sentence.

That being said, Oregon law recognizes that incarceration should not necessarily be a basis for termination of a parent's rights forever. If a parent can continue to play an active, positive role in the child's life, if they can maintain a connection with the child, and if they can access services in prison to address some of the underlying issues that brought them there, DHS and the juvenile court may determine that it is in the child's best interests to wait for the parent's release, or to find permanency through guardianship or placement with a fit and willing relative rather than through adoption into a new family. FPP gives parents that chance.

FPP does the deep work to meaningfully and individually engage with parents, operating from a variety of different angles at once and taking the family system into consideration. Because of FPP, parent clients were able to more fully participate in their cases and make meaningful progress towards reunifying with their kids while they were in prison, in a way that absolutely would not have been possible otherwise. We have seen parent clients find their strength, voice, and motivation through this program, maintain their relationships with their children, and go on to lead successful lives

We urge your support of SB 720.

Thank you for your consideration of this important issue.

Sincerely,

Amy Miller
Executive Director