Juvenile Law Reader

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"There are many things defense counsel can do to help ensure an innocent client is never charged."

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Pre-Indictment Representation of the Juvenile Court Client

By Elizabeth Levi, Levi Merrithew Horst LLP

As juvenile practitioners, odds are you occasionally have a client being investigated for felony charges. For example, you represent a father in a dependency case who is in juvenile court because of a hotline call reporting he injured his child, but the police are still investigating the potential criminal mistreatment case. Or maybe your child client in foster care has been accused of sexual abuse against a foster sibling. Perhaps the 15-year old kid you have represented on a string of MIP's has been implicated in a robbery and risks being charged as an adult under Ballot Measure 11.

There are two basic categories of pre-indictment (or delinquency pre-petition) representation. The first is when your client has been falsely accused and you work to completely exonerate him and preclude the filing of any charges. The second is when there is evidence your client has committed some type of crime, and your focus is mitigation, or damage control.

The Falsely Accused Client

If your client has been accused of something that is simply not true, it may be easy to think the truth will

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come out during any investigation, and thus it is not necessary for you to do anything. Unfortunately, we all know of wrongly charged, and wrongly convicted, defendants, so it is a mistake to rely on law enforcement and the district attorney to get the story straight 100% of the time. There are many things defense counsel can do to help ensure an innocent client is never charged.

So what can you do to help? Every case is unique, so there is no recipe for pre-indictment representation, but a good general principal is to *always control the transfer of information*. Start by sitting down with your client and controlling the outward flow of information. Even if you truly believe your client is innocent, it is generally a good idea to make sure he does not have any conversations with anyone about the accusation, in person, on the phone, in writing, or over the internet, without you present. Sit down with your client and make sure he understands not to talk to the police, his caseworker, his friends, or anyone else. There is always a risk that something he says will be misconstrued or twisted around and used against him or, even worse, someone will put words in his mouth that lead to a false confession. Give your client a letter to sign and carry that invokes his right not to incriminate himself so he can show it to any police officer or other state agent who might want to question him. Also send letters to all relevant players – the DA, the police, DHS, etc. – informing them that your client is represented by counsel and that they need to contact you if they have any questions for your client.

Warn your client about pretext calls. If he is accused of a crime involving a victim, he might get a phone call from the victim asking why he did what he did, or maybe demanding an apology. The best response to such a call is along the lines of "I did not do anything and I will not talk to you. Goodbye." Oftentimes these calls are being recorded, or there is an officer listening in, and anything your client says or does can be used against him.

Once you have made sure the flow of information from your client to everyone else has been limited by the aforementioned letters and warnings, it is time to start gathering exculpatory information that will help convince the DA not to charge your client. If you are confident your client is innocent, there is no harm in aggressively gathering information to share with law enforcement officers and the DA. First gather information about what your client has been accused of and how the accusation came about. Ask your client, but also ask the police, the district attorney, the DHS worker, or whoever else might have knowledge of the accusation, like a family member or foster parent. There is no guarantee your potential source will talk to you, but it is worth asking and can be quite productive.

Talk to your client about the accusation and assess what evidence you can gather that will help disprove it. Perhaps your client was at work at the time he was accused of burglarizing a neighbor's house. Get confirmation from his supervisor, or a time card. Maybe he was at a movie with his friends. Talk to the friends and confirm the movie time and location, and see if your client still has his ticket stub. Maybe the actual robber had long hair in a ponytail and every

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Youth, Rights & Justice
401 NE 19TH Ave., Suite 200
Portland, OR 97232
(503) 232-2540
F: (503) 231-4767
www.youthrightsjustice.org

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one who knows your client says he got a crew cut a month prior. Look for alibi witnesses and documents, or eyewitnesses to the crime who can confirm your client was not involved.

Image courtesy of Sakhorn38/FreeDigitalPhotos.netFreeDigitalPhotos.net

If the accuser has a motive to lie about your client, look for evidence of that motive. Witnesses who have overheard the accuser say he is going to get your client back for something, or that your client will be sorry. Dialogue on Facebook or in text messages that is any way threatening to your client. Evidence that someone is encouraging the accuser to lie – a classic example being the angry spouse or partner grooming a child to make false accusations in a child custody battle. There is an infinite list of things that might help exculpate your falsely accused client, all depending on the circumstances of the case.

In addition to gathering evidence to help your client, consider whether a polygraph would be useful. If you have enough specific information about the accusation to develop a useful test question, you may want to have your client take a polygraph. Even though they are not admissible as evidence in a trial, many police agencies and district attorneys give them significant weight when deciding whether to charge a case. Polygraphs are only about 85% accurate, and certain people should not take them. For example, people who have a functional age of less than 12-years old, people who are actively psychotic, people with an IQ lower than 55, and people who are observably impaired by drugs or alcohol are not suitable for taking a polygraph. If you have any questions about your client's ability to take a polygraph, or about what type of question would be appropriate for the polygraph, most certified polygraphers are happy to consult with you free of charge.

If the police want your client to do a polygraph with the police polygrapher, do a confidential one with your own polygrapher, both to get your client comfortable with the procedure, and also to make sure he will pass. Many private polygraphers can look at the data from the polygraph they have your client do and make a pretty accurate prediction about whether your client will pass with a police polygrapher.

Once you have gathered all the evidence and information you can, it is time to share with the DA. Until now, you have been restricting the flow of information to the state, but now you can start sending it their way. Assuming you are confident in your evidence, share witness statements, Facebook pages, texts, polygraph results, etc. Additionally, this might be the time when you need to decide whether your client should meet with law enforcement to share his side of the story.

If it seems that your client would do well in a police interview or meeting with the DA, you can offer to have your client meet with them with you present. A more risky but sometimes unavoidable option is to have your client testify at grand jury where,

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unfortunately, defense counsel is not allowed in the room. Prepare your client well and make very sure you are confident that your client will not go into the grand jury room and fall apart under pressure. It is not often that an accused client is invited to testify at grand jury, but sometimes the prosecutor is not willing to close a file without a No True Bill from the grand jury, so while rare, it is not unheard of, and defense counsel should do the best they can to prepare their clients for it in such cases.

It is often easier for a prosecutor to decline prosecution of a felony case than it is for them to dismiss the charge once it is indicted. If you have reason to believe your client is falsely accused, it is well worth the effort up front to prevent charges from ever being filed.

Damage Control

False accusations are common enough that most defense counsel will come across them at some point in time, but in pre-indictment and pre-petition representation, the second category – mitigation and damage control – is probably much more common, and equally important to invest time and energy into. Just as it is easier for prosecutors to decline cases than dismiss cases, it is also often easier for prosecutors to, for example, charge a felony assault as a misdemeanor rather than reduce an indicted felony to a misdemeanor after the fact. Every county has its own policies, but oftentimes a prosecutor has individual discretion prior to a formal charge, and is bound by a committee decision-making process once a case has been indicted, particularly if it is a Measure 11 or Measure 57 crime or involves child abuse or sex abuse of any sort.

If you have information that your client has participated in some type of criminal activity, the guiding principle is again to *control the transfer of information*. If your client tells you himself that he did something, and nobody has reported it to police or otherwise seems to know about it, it may be that you can help prevent criminal charges just by making sure your client remains silent. More often, you find out about an investigation that has already begun. Maybe your client's foster parent reported a sexual assault to CPS because she is a mandatory reporter, but also called you because she understands your role as her foster child's attorney and wants to make sure his rights are protected. Maybe a criminal act by a parent is the basis for a dependency petition but the law enforcement investigation is still ongoing when you come on board at the dependency prelim. There are a million possible examples, and defense counsel must assess each case individually and plan accordingly.

As in the case of false accusations, meet with your client as soon as practicable and gather as much information as you can. Advise your client not to talk to anyone about the investigation, just as in the false accusation example, and prepare the same letters for him to carry and to send to any relevant agencies who might want to interview your client.

Gather evidence. Presumably the police are also gathering evidence, but often overlook evidence that is exculpatory or mitigating. Look for evidence similar to what you would gather to prepare for trial. If you convince the DA that he has problems with his case in the form of an unstable victim or a drug-addled

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eyewitness, he might take that into consideration when determining whether and with what to charge your client.

Assess whether witnesses, parents, or other relevant players may also need representation. The most common example is unwilling victims wanting advice about their rights, but many times there are other people involved who might benefit from having legal advice, which could in turn benefit your client.

Gather mitigating information. If you have already been representing your client in juvenile court, you may have a wealth of mitigation at your fingertips. Records of medical issues, mental health problems, IEP's, history of abuse, etc. are all potentially mitigating, and also help form a foundation for further mitigation in the form of new evaluations. For example, if your client's alleged behavior was driven by his mental illness, get a forensic psychological evaluation with recommendations for treatment that would help convince a DA to charge your client with a less serious felony or misdemeanor as part of a pre-indictment resolution that includes probation with the appropriate treatment rather than a felony with presumptive prison.

If your client is being investigated for a sex crime, get a psychosexual evaluation with a risk assessment to show your client is not a threat to society and should not be sent to prison.

If your client is not a citizen, consult with an immigration attorney about the immigration consequences that could flow from various resolutions of the case. Some DA's might not be interested in this, but some are, especially if your client has children or other connections to the United States that would create a ripple effect of misery if he was to be deported.

If your client is a parent in a dependency case, encourage him to engage heartily in services to demonstrate his dedication to his family and ameliorating the underlying problem. Talk to the DHS caseworker, the CASA, and the children's attorney. If the bond between the children and your client is evident, you may have strong allies from the dependency case who can advocate for your client with the DA in criminal court.

If the potential charge against your client is also the basis for a dependency petition, like physical abuse of the child or drug possession, many district attorneys will agree to

a global resolution of sorts where, for example, your client gets a pre-indictment misdemeanor assault offer (instead of a felony criminal mistreatment charge) in exchange for stipulating to juvenile court jurisdiction and agreeing to participate in services through DHS.

If your client is a child, assess whether there is a better option than felony prosecution that the district attorney might agree to. Would juvenile treatment or a dependency case be more fitting than a delinquency case or adult charges? A psychological evaluation addressing your client's developmental needs, and how they can be better met by DHS than the Juvenile Department, or by OYA rather than the DOC, might convince the prosecutor to handle a case in a creative way that doesn't amount to a felony prosecution.

The aforementioned forms of mitigating evidence all focus on who your client is, what his needs are, and how to arrive at a solution that best fits those needs while also helping minimize the chance of recidivism. Sometimes, your client has been involved in some type of criminal activity but there are other ways to control the damage. Maybe your client was the lesser actor in a co-defendant case, and the state wants him to participate in a cooperation agreement.

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Many clients do not want to be snitches, and cooperation agreements are drafted by the state and have horrible terms, but they can lead to reduced charges or reduced sentences, and may be a good option for some clients. If a cooperation agreement is on the table for your client, read through it with a fine-tooth comb and make sure your client really understands it before proceeding. If the state wants a proffer of evidence, review your client's version of events carefully with your client beforehand and attend the proffer interview with him. Make sure the state gives you time to do this. Rushing into a cooperation agreement without fully advising your client and making sure he understands the terms and has the wherewithal to follow through is a recipe for disaster.

Last, but not least, assess whether your client has a statutory defense to whatever charge he is being investigated for. Was he defending himself or someone else? Was he under duress, or extremely intoxicated? Was he guilty except for insanity? If it appears such a defense exists, work it up just as if your client was already charged and you were preparing for trial. You can present this evidence to the district attorney to help convince them not to charge your client. If the evidence is very clear that your client's actions were justified, the DA may decide not to proceed at all. Alternatively, they may want your client to testify before the grand jury and let the grand jury decide whether the defense is valid. As previously discussed, sending a client alone into a grand jury room is a nail-biting experience for defense counsel and can backfire, so make sure your client is very well-prepared before he goes in to testify.

All of the suggestions included here are just that - suggestions. Some might work in some cases, and might be a really bad idea in others. This is also not a comprehensive to-do list. Just as when preparing for trial, defense counsel must evaluate every case individually and think creatively about all possible options and strategies to best help achieve their goal.

Many juvenile practitioners also practice adult criminal law and are comfortable representing their clients in pre-indictment situations. Some juvenile practitioners do not practice criminal law and may want to refer their clients to criminal lawyers for pre-indictment representation. Because of the nature of our indigent defense contracts, some contractors may be unable or unwilling to handle pre-indictment work because clients who have not yet been charged do not qualify for court appointed counsel, so it may be outside the scope of the contracted representation. If you are court appointed and have a juvenile client being investigated for felony charges, and those felony charges could impact the outcome of your case, it is worth contacting OPDS about either incorporating pre-petition work into your representation, or hiring an outside attorney to handle the pre-petition representation as a sub-contractor on your case. If you have a juvenile delinquency or dependency client under investigation for a felony, it is more than likely that a subsequent indictment and possible conviction will have a negative impact on the outcome of the juvenile case. Pre-indictment and pre-petition representation is always worth pursuing in order to help achieve the best outcomes for our juvenile court clients. ●

Implementing a Title IV-E Claiming Program for Juvenile Justice in Multnomah County, Oregon

By Christina McMahan, Juvenile Services Division Director for the Multnomah County Department of Community Justice

Title IV of the Social Security Act, Part E – Federal Payments for Foster Care and Adoption Assistance ("Title IV-E") permanently authorizes federal matching to states for costs related to foster care and adoption assistance. It is an open-ended entitlement program, which provides support to state programs for: out-of-home care and adoption assistance for children; programs aimed at

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preventing removal of children from their homes and communities; or for returning children to their homes once they have been removed. Additionally, it authorizes grants to states for independent living programs. In Oregon, and across the nation, Title IV-E has been used by state child welfare agencies to fund important programs and services for children and families.

In some states, Title IV-E has also been used in the juvenile justice realm, as the federal regulations do allow claiming for activities that are often the focus of work for juvenile departments. Title IV-E can provide quarterly reimbursement for preventative measures taken to keep "at risk" youth in their homes, such as:

- Out-of-home placements (e.g. shelter beds, foster homes, and residential treatment)
- Preparation for placement
- Development of case plans
- Case reviews
- Home visits
- School visits
- Court related activity

In early 2012, the Juvenile Services Division (JSD) of Multnomah County's Department of Community Justice (DCJ) began exploring the possibility of developing a Title IV-E Claiming program. JSD was already providing these Title IV-E reimbursable services, and already incurring these costs. JSD believed that drawing down these federal funds could help sustain important programs and services, and support the Department of Community Justice's values of continuous quality improvement and innovation. In the summer of 2012, DCJ issued a Request for Proposals to hire a firm to assist the Juvenile Services Division in developing and implementing a Title IV-E Claiming Program.

Justice Benefits, Inc. ("JBI") was awarded the contract, and began the project with JSD on October 1, 2012. JBI is a Government Consulting Firm that was established in 1997 and specializes in federal reimbursement programs, and works with over 600 Counties nationwide on numerous reimbursement programs. JBI specializes in IV-E claiming for juvenile justice departments, and has 17 years of experience with that particular program. At the time of the contract, JBI was working with seven different states and multiple jurisdictions for Title IV-E claiming for juvenile justice programs, including Texas, Ohio, California, and Cook County, Illinois.

While hiring JBI was instrumental, implementing a Title IV-E program would require many people from many disciplines at the table. JBI worked to ensure that JSD had the information needed to work in collaboration with key stakeholders and community partners to assist in developing the necessary claiming components, and to make sure the Title IV-E program became a reality. The collaborative process included the Oregon Department of Human Services, Multnomah Circuit Court Judges and Judicial Officers, Multnomah Trial Court Administrator's Office, DCJ managers and employees from several work units, Youth, Rights, and Justice, Oregon Youth Authority, and the Multnomah County District Attorney's Office/ Juvenile Division.

Title IV-E entitlement funding is administered by a single state agency designated as the administrative IV-E agent in each state and covers foster care maintenance payments, training costs and administrative

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costs on a percentage basis. In Oregon, the Department of Human Services (DHS) is the designated single state agency. DHS Child Welfare Director, Lois Day and DHS Federal Compliance Manager, Sherril Kuhns quickly came to the table to work on the project. DHS had to work closely with Region 10 officials of the federal agency charged with overseeing the Title IV-E program, the Administration for Children and Families, as the proposed claiming program in Multnomah County would be the first juvenile justice program in Oregon, as well as in Region 10.

The implementation of a county juvenile justice claiming program required DHS to work with Region 10 and obtain approval to amend the state's federal financial participation plan to allow such a program. DHS worked to develop protocols and procedures with the county, as well as infrastructure to support claiming by county juvenile departments in OR-KIDs, DHS' statewide automated child welfare information system. In order to implement the desired claiming program, DHS had to work with Multnomah County to develop an interagency agreement before claiming could begin. The agreement between DHS and Multnomah County was fully executed on December 31, 2013.

Additionally, to claim Title IV-E, juvenile court orders in delinquency cases must contain special findings and must adhere to the Code of Federal Regulations. From the start, Presiding Judge of the Multnomah County Circuit Court Nan Waller and Chief Family Court Judge Maureen McKnight demonstrated support of the project through their leadership and commitment to helping youth and families in Multnomah County. The Multnomah County Circuit Court modified its court orders to adhere to the necessary Title IV-E requirements, and implemented those new forms in January, 2013.

Employees and managers of the Multnomah Department of Community Justice were also key in implementing the Title IV-E Program, as the project brought with it a myriad of changes in business practices for JSD staff. Some of the many changes included: The format and content of JSD's Case Plans were changed to be in compliance with Title IV-E; New Court Orders and Forms were adopted; JSD Staff learned to use JBI's web-based Random Time Study program to capture time spent on preventative case management services to enhance the Title IV-E reimbursability rate; Managers learned how to use the various quality assurance reports and features of JBI's web-based program to be able to assist staff. JSD managers and staff participated in extensive training before the start of the ongoing Random Time Study on January 1, 2013, and also in refresher trainings provided by JBI on an ongoing basis.

Many Employees of the Juvenile Services Division made significant changes in how they did their work and had to learn many new things in a short amount of time to allow for the collection of information on January 1, 2013 for future claims, as there was an opportunity to make

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a retroactive Title IV-E claim once the interagency agreement with DHS was in place. Without their initial and ongoing hard work and dedication, Multnomah County would not be positioned to submit claims to receive Title IV-E reimbursements, and could not maintain a successful claiming program.

In Multnomah County, JSD will benefit from having additional resources to keep kids connected to their families and to their home communities, as well as promoting public safety by utilizing interventions that will increase the success of youth on probation, and reduce the number of youth who further penetrate the juvenile and/or adult criminal justice systems. It is anticipated that Multnomah will be able to receive over $200,000 per quarter in Title IV-E reimbursements. The Title IV-E Program will assist Multnomah County in maintaining its commitment to continuous improvement, system change, and innovation.

One example of how innovation funded by Title IV-E reimbursements will be put in action is through the Intercept Model, provided to Multnomah youth through a contract with Youth Villages-Christie Care of Oregon. The Intercept Model is a service that is used to divert youth from residential placements and/or youth correctional facility commitments. The Intercept Model provides intensive wraparound services to youth and families in their homes. This model has been used nationally and has achieved significant results in achieving permanency for youth, keeping them out of trouble with the law, and enabling them to achieve educational success.

Multnomah County not only leads the effort in Oregon, but is actually the first county in Federal Region 10 (consisting of Alaska, Washington, Idaho, and Oregon) to implement a Title IV-E claiming program for juvenile justice. The establishment of the formal agreement between Multnomah county and DHS was a monumental moment for the county, for the state, and for children and families in communities throughout Oregon, as it means in years to come, other Oregon counties will be able to start their own claiming programs, which will have profound future impacts. In the years to come, thousands of children and families in Oregon will receive the benefit of having critical juvenile justice programs sustained or innovative new programs implemented. ●

Progress Made on Performance Standards for Criminal and Delinquency Cases

By Paul Levy, General Counsel
Office of Public Defense Services

Earlier this year, a small task force appointed by the Oregon State Bar's Board of Governors (BOG) finished work, begun in 2011, on proposed revisions to the Bar's performance standards for criminal and delinquency cases[1]. The revisions are now pending review by the BOG, which is expected to consider them at its April 25 meeting.

The task force[2], which included representatives from academia, the bench and from both private practice and public defender offices, began its work by conducting a detailed examination of the existing standards and a review of other states' standards and the standards of national organizations. The task force found that although Oregon's standards, like those of most other states, are firmly grounded in the standards first promulgated by the National Legal Aid and Defender Association (NLADA) in 1994, the structure and substance of Oregon's standards had significant changes.

The variations from the NLADA standards were both good and bad. On the positive side, through an earlier revision of the Bar standards in 2005, they reflected a growing recognition that the role of a juvenile defender is highly specialized and complex, requiring knowledge and skills unique to delinquency cases in addition to those required in adult criminal cases. The standards also placed emphasis on the collateral consequences of criminal convictions, presaging the U.S. Supreme Court's seminal decision on that

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subject in *Padilla v. Kentucky*, 559 US 356 (2010). Indeed, overall, the existing Oregon standards serve as strong and valid guideposts to effective criminal and juvenile defense.

But the task force also found that the structure of the standards was confusing and unhelpful. Why, for instance, should we have five "general standards," only to repeat them again in another set of "specific standards?" And is it really necessary to set out in the standards specific provisions of the Oregon Rules of Professional Conduct when those obligations already exist for all attorneys in the state? More fundamentally, since the last revision in 2005, the defense of both criminal and delinquency cases has become increasingly complex and challenging. Advances in neuroscience, for instance, have challenged traditional notions of accountability in both delinquency and adult criminal cases. Adult criminal defense has changed dramatically with the evolution of constitutional doctrine applying the right to jury trial to some sentencing proceedings. The ubiquity of computers and smartphones has dramatically changed the type of evidence lawyers are likely to encounter, as well as how lawyers are likely to do their own work.

The task force decided that the original organization of NLADA's standards provided the best structure for our own standards, while preserving much of the good work that had already been done to update the Oregon standards prior to our revision. Thus, within a new structure we have maintained a format of a short statement of a standard, followed by more detailed implementation language. New for this revision, and in keeping with the NLADA and many other state standards, is commentary following many of the standards, which provides additional background and guidance regarding a particular aspect of criminal or delinquency defense.

The task force also had the benefit of recently published *National Juvenile Defense Standards* (2012)[3], a work of the highly regarded National Juvenile Defender Center, which presents a systematic approach to defense practice in juvenile court. While the new revision specifically recognizes this work as establishing a national norm for representation in delinquency cases, it also incorporates specific elements of this work into relevant Oregon standards.

The task force also brought its own considerable expertise and perspective to the review of existing standards and the drafting of revisions, consulting as required with other practitioners with recognized expertise in certain areas of practice. Building on an existing set of very good standards, the revision, if approved by the BOG, will serve as a useful tool for both the lawyer new to criminal and delinquency defense and the experienced lawyer who seeks guidance on the best practices for diligent and high quality representation. As such, the revision should be a useful tool for lawyers and law firms providing training for new lawyers. And they should serve as a helpful guide for courts, clients, the media and others in the interested public who wish to understand the expectations for defense lawyers in criminal and delinquency cases. ●

[1] The current standards are available at http://www.osbar.org/surveys_research/performancestandard/index.html.

[2] Members of the task force were Margie Paris, Professor of Law, University of Oregon; Shaun McCrea, in private practice in Eugene; The Honorable Lisa Grief, Jackson County Circuit Court; Lane Borg, Executive Director, Metropolitan Public Defender; Julie McFarlane, Supervising Attorney, Youth, Rights & Justice; Shawn Wiley, Chief Deputy Defender, Appellate Division, Office of Public Defense Services. Paul Levy, General Counsel, Office of Public Defense Services served as chair of the task force. Matt Shields served as liaison with the Oregon State Bar.

[3] The NJDC standards are available at http://www.njdc.info/publications.php.

Trial and Error

New models in many states are improving representation for parents

(Reprinted with permission from Rise, a magazine by parents affected by the child welfare system: www.risemagazine.org)

By Erica Harrigan-Orr

When New York City's Children's Services (ACS) took my children three years ago, I was refusing to comply with mental health treatment and was getting into violent fights with my husband. I needed a lot of help. But I was assigned a lawyer who said he had never represented anyone in a child welfare case before.

My husband, on the other hand, was lucky enough to get a lawyer from Bronx Defenders, an agency set up to provide better legal representation to parents in child welfare cases. His lawyer had many years of experience with child welfare, worked closely with a parent advocate, and knew how to guide us. My husband's lawyer fought to have our children returned home to me with a homemaker providing 24-hour supervision. He encouraged us to attend domestic violence counseling, even though ours wasn't a typical domestic violence case. Our voluntary attendance made a big difference to the judge later on. The parent advocate also came to visits with our children and was able to say in court that she'd seen for herself that the visits went well.

How can more parents have a legal team like my husband's? To find out, I spoke with Mimi Laver, director of legal education for the American Bar Association's Center on Children and the Law, which runs the National Project to Improve Representation for Parents.

Q: What are the barriers to excellent legal representation for parents in family court?

In many states, there aren't any qualifications required to represent parents in family court, except that a lawyer go through law school and pass the bar exam. A lawyer can be appointed who has never had a child welfare case before.

Plus, lawyers are usually paid per client and, in many places around the country, they don't get paid very well. As a result, they often feel like they need to have too many clients. That means that each case gets less attention than it should and not enough lawyers spend time with their clients out of court really getting to know them or how best to represent them.

Q: What's improving in parent representation?

In the last 6 to 8 years we have seen lots of improvement in parent representation around the country. In New York City, for instance, three agencies—the Center for Family Representation, the Bronx Defenders, and Brooklyn Family Defense Project—raised private dollars and convinced the city to invest public dollars in trying a new model of parent representation in which lawyers work for an agency rather than being paid per case.

At these agencies, lawyers have supervisors that help train them and colleagues to discuss hard cases with. They work with parent advocates and social workers who can support parents while the lawyer works on legal strategy. Lawyers there are paid a salary, rather than being paid per case, so they don't feel pressured to take on too many cases.

Not every lawyer who works for an agency does a good job, and there are some excellent lawyers who are sole practitioners. But overall, the structure and the support make a difference. Since that agency model started in New York City, we have been working to spread it to other states, including Vermont, Washington, Michigan and Minnesota.

Michigan has a pilot project—the

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Detroit Center for Family Advocacy—where lawyers help parents as soon as an investigation is started. They focus on problems like housing, education and domestic violence. When you have a lawyer going with you to housing court, it often means a crumbling building gets fixed. If you have a lawyer with you at an IEP hearing, it often means the child gets the services she needs to stay in the school. These lawyers work as part of a team to solve problems early on so that family crises don't escalate and children don't end up in care unnecessarily.

There are other places doing good work as well. In Massachusetts, new lawyers have to shadow more experienced lawyers. They have a mentor lawyer for at least a year who can oversee what they are doing.

One of our goals at the National Project to Improve Representation for Parents is to bring lawyers together at conferences, on our listserv for parent lawyers, and through trainings all around the country so that these best practices spread.

Q: How can every parent come to be represented by a lawyer who is truly up to the job?

Money and politics keep these improvements from spreading everywhere. For instance, it costs more upfront to have social workers and parent advocates working with a lawyer. In order to have the agency model spread, we have begun collecting data to show that, despite the cost, that model improves safety and saves foster care dollars in the long run.

More broadly, we're working to change the widespread view that if a parent has a child welfare case, that parent probably shouldn't have her kids at home anyway. We know that supporting parents means supporting kids and families. What parent advocates and parent lawyers can do is show that strengthening parent representation leads to stronger families. ●

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Case Summaries

By Arianna DeStefano, Hannah Truitt and Caitlin Mitchell

Department of Human Services v. KMM, 260 Or App 34, 316 P3d 369 (2013)

Mother appealed the juvenile court's termination of her parental rights as to her ten-year-old daughter, S, whom mother had parented until S was eight years old. DHS became involved when mother refused treatment for her psychotic delusions. The court ultimately terminated mother's rights on the ground that "mother was unfit at the time of the proceeding by reason of conduct or condition that was seriously detrimental to the child." It further found that integration of the child's into mother's home was improbable within a reasonable time, and that termination of mother's rights was in S's best interests. Mother appealed all three findings.

The Court of Appeals upheld the trial court's decision. It found that, pursuant to the test articulated in *State ex rel SOSCF v. Stillman*, 333 Or. 135, 36 P3d 490 (2010), mother's diagnosis of schizophrenia was a "condition" that was "seriously detrimental" to S, in light of S's diagnosis of adjustment disorder, her parentification, and her ongoing anxiety around permanency. The court also affirmed the trial court's determination that S could not return to her mother's care within a reasonable time, based on testimony that mother refused to acknowledge her mental health diagnosis and her need for medication, and that mother's condition would only improve if she were to take antipsychotic medication and participate in monitored medication treatment for at least four to six months. Finally, the court affirmed the trial court's determination that termination of mother's rights and adoption by the paternal grandparents was in the best interests of S, based on testimony of S's treatment providers that S required permanency and stability in order to form age appropriate relationships. *Id.*

Department of Human Services v. J.M., 260 Or App 261, 317 P3d 402 (2013)

Father appealed the juvenile court's judgment changing the permanency plan for his two children from reunification to adoption. At the time of the permanency hearing, the children had been in substitute care for eighteen months, based on a jurisdictional finding that father had engaged in inappropriate physical punishment. Father had visited the children, completed parenting class with a grade of 105.3%, had undergone a psychological evaluation, and had engaged in DBT therapy for a short time, until he was terminated due to concerns that he would not understand and implement the changes in his parenting. Dr. Miller, who conducted father's psychological evaluation, reported that father understood the law regarding the use of corporal punishment. However, he also opined that father would likely regress to earlier disciplinary behavior once authorities were out of the picture, and thus would be unable to provide a safe environment for the children. During the

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permanency hearing, father testified that although he still believed in the use of physical punishment as dictated in biblical scripture, he understood and would obey Oregon law in regard to punishing his children.

The Court of Appeals reversed. It determined that, for the trial court to continue jurisdiction, DHS must demonstrate that the conditions originally found to endanger the children still exist at the time of the permanency hearing, and that DHS had failed to do so in this case. The court stated: "Although we do not question the assumption that a person is more likely to conform his or her conduct to societal norms that he or she has internalized and adopted as his or her own, that is a far cry from accepting the premise that a person is likely to deviate from unassimilated norms." In light of father's testimony and his completion of parenting classes, the court concluded that father did not still present a threat of harm to his children and could reasonably be believed to follow Oregon law on corporal punishment. Thus, the evidence was legally insufficient to support the trial court's decision that the children could not be returned safely to father's care.

Department of Human Services v. A.D.G., 260 Or App 525, 317 P3d 950 (2014)

Mother appealed a default judgment terminating her parental rights, as well as an order denying her motion to set aside that default judgment. In September of 2012, DHS had consolidated the termination petitions regarding mother's two children, N and G, after mother was defaulted for failing to appear for the initial appearance on N's case. The court set a prima facie hearing, and mother sought a postponement based on the fact that she was in the process of hiring private counsel. The court denied mother's motion and notified mother that her failure to appear at the hearing would result in an order against her. On the date of the hearing, mother appeared; however, she was notified that an order of default on both cases had already been entered, based on her previous failure to appear. The court offered mother appointment of counsel, but informed her that she was no longer a party to the proceeding and needed to observe the hearing from the audience. The prima facie hearing proceeded as scheduled and judgment resulted in the termination of mother's rights. Mother appealed the termination of her rights as to both children, which was denied; her petition for review to the Supreme Court was also denied. Mother then filed a motion to set aside the default termination, arguing that (1) the juvenile court had the authority to set aside a default judgment; and (2) that the court's original default judgment was based on legal error.

The Court of Appeals reversed. After conducting an extensive analysis of the legislative history, the court concluded that the trial court has broad authority under ORS 419B.923(1) to modify or set aside a judgment or order. The court found that the juvenile court had sufficient grounds to exercise that authority where mother had appeared at the prima facie hearing. It then determined that a termination of parental rights during the prima facie hearing under ORS 419B.819(7) requires an actual absence to count as a failure to appear by the defaulting party. In support of that determination, the court cited *J.R.F.*, 351 OR. at 579, 273 P.3d 87, which requires the juvenile court to be mindful of the due process rights present during juvenile dependency proceedings. *Id.* The court held that the trial court had committed legal error under ORS 418B.819(7) in defaulting mother and in denying her subsequent motion to set aside, and that the error was not harmless.

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Learn more about who we are and what we do at: www.youthrightsjustice.org

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Department of Human Services v. D.J., 259 Or App 638, 314 P3d 998 (2013)

Father appeals a juvenile court's permanency order changing the plan from reunification to adoption, arguing that he was denied his right to participate in the permanency hearing. At the time of the hearing, father was incarcerated and needed to appear by phone. The court attempted to contact father but was unable to reach him after two attempts. The court elected to continue the hearing without father's participation, over the objection of father's lawyer. Father argued that this denial constituted a fundamental deprivation of his rights, and that the error was prejudicial, despite the fact that father's attorney was present and able to testify as to father's engagement in services in the prison.

The Court of Appeals reversed. It held that ORS 419B.875(2)(c) afforded father the right to participate, including the right to testify on his own behalf, and that the juvenile court thus had erred when it proceeded in the permanency hearing without father present. The court also held that the error was prejudicial, notwithstanding the testimony of father's attorney. That was because father's attorney's statement regarding father's engagement in services (1) did not constitute evidence; (2) was inadequate compared to the detailed testimony that father could have provided; and (3) does not carry as much weight as a parent's personal account of his or her engagement in services, future plans, and reasons for ongoing contact with the child. The information also is affected by the parent's demeanor and manner of delivery.

Department of Human Services v. J.G., 260 Or App 500, 317 P3d 936 (2014)

Mother appealed the juvenile court's decision to grant the state's motion for guardianship as to an Indian child. In 2011, the juvenile court had changed the permanency plan for the child from reunification to guardianship, based on a finding that mother had not made sufficient progress despite DHS's active efforts. A year later, the court affirmed its earlier ruling and continued the plan of guardianship for the child. In 2013, the trial court granted DHS's motion to establish the guardianship with the child's current foster placement. It did not make an active efforts finding at that time. Mother appealed, arguing that DHS had failed to make "active efforts" to reunify the family as required by ICWA, and that she was permitted to make this argument for the first time on appeal pursuant to 25 U.S.C. § 1914. *See* 25 U.S.C. § 1914 (2013).

The Court of Appeals affirmed. The court first held that mother was permitted to make her unpreserved "active efforts" argument, because, under the theory of conflict preemption, precluding mother from doing so would stand as "an obstacle to

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the accomplishment and execution of the full purposes and objectives of Congress" as stated and inferred under ICWA. The court determined that ICWA's broad federal standard for the protection of Indian families overrides Oregon's preclusion rule which promotes judicial efficiency. The court then determined that a guardianship placement qualifies as a "foster care placement" for the purposes of 1912(d) of ICWA, and that DHS thus is required to make "active efforts" to provide services and rehabilitative programs to reunite the family prior to effectuating a guardianship. The court held, however, that the trial court was not required to make an "active efforts" finding at the time of the 2013 guardianship hearing, because DHS had already satisfied its active efforts requirement at the 2011 permanency hearing, when the court changed the plan for the child to guardianship.

***Department of Human Services v. G.L.H.,* 260 Or App 72, 316 P3d 428 (2013)**

Child and the Department of Human Services (DHS) appealed the juvenile court's permanency judgment dismissing wardship over J, mother's six-year-old child. In May 2012, mother admitted to jurisdictional allegations relating to her mental health and borderline intellectual functioning, drug use, and impulsive and angry behavior. At a permanency hearing in March of 2013, the court found that DHS had made reasonable efforts and that mother had not made sufficient progress. The permanency plan of reunification was continued; however, mother was ordered to participate in services and DHS was ordered to "staff the case with A.G. within 54 days." At the next permanency hearing in May 2013, DHS had not yet determined whether to pursue termination of mother's rights, but recommended that J remain in DHS custody. DHS asked that the court make a finding that DHS had made reasonable efforts, and to order that mother and DHS abide by a signed action agreement.

At the hearing, court received into evidence the caseworker's report, which described mother's participation in services as "spotty" and noted that she continued to exhibit poor judgment as to safety issues and had failed to visit J regularly. The report also stated that mother had attempted suicide by overdosing on antidepressant medication in February of 2013, and referred to two psychological evaluations of mother, both of which concluded that mother's significant limitations impaired her ability to parent. Mother's attorney reported that mother was making progress in services and provided a letter from a psychiatrist stating that mother was able to adequately parent. No party presented testimony at the hearing. No party challenged the court's continued jurisdiction or sought to dismiss wardship. At the conclusion of the hearing, the court stated that it would make findings as requested by DHS. However, the court also dismissed wardship because mother had made "some progress toward the issues" that gave rise to jurisdiction. The judgment did not include an explicit finding as to whether J could safely be returned to mother's care. The Court of Appeals reversed, holding that the evidence was not sufficient to support the trial court's finding that J could safely be returned to mother's care.

***Department of Human Services v. R.L.F.,* 260 Or App 166, 316 P3d 424 (2013)**

Father appealed the juvenile court's jurisdictional judgment as to his child, A, contending that the evidence was insufficient to prove that his conditions and circumstances exposed A to a current risk of serious loss or injury that was likely to be realized. ORS 419B.100(1)(c). DHS became involved with the family when mother was arrested for assaulting father, who was intoxicated. DHS filed a petition alleging

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mother's domestic violence, father's inability to protect A, father's substance abuse, and the fact that father lacked sole legal custody of A. In the months before the jurisdictional hearing, father took steps to ameliorate the issues giving rise to jurisdiction. He ended his relationship with mother and obtained a restraining order against her; he arranged to move into a family-friendly sober housing facility, where A could also live; he participated in a drug and alcohol assessment and in outpatient treatment, which he was scheduled to complete two months after the hearing. Father initiated proceedings to obtain sole legal custody of A, though his petition had not yet been granted at the time of the jurisdictional hearing. At the hearing, DHS presented evidence of father's marijuana and alcohol use, lack of safe housing, and A's behavioral issues, which she had not exhibited during her visits with father. The trial court established jurisdiction over A.

The Court of Appeals reversed, concluding that the record failed to establish that there was a current, non-speculative threat of serious loss or injury to A as of the time of the hearing. When evaluating whether a parent's alleged behavior may cause harm to the child sufficient to support dependency jurisdiction, "the fact that a parent engages in behavior that could negatively affect his or her parenting does not necessarily mean that the behavior can serve as a basis for juvenile court jurisdiction over a child." *Dept. of Human Services v. A.F.*, 243 Or. App. 378, 387, 259 P3d 957. Without evidence of father's alleged inability to protect A or that A would suffer some actual harm because father lacked sole legal custody, lack of a custody order alone is an insufficient basis for jurisdiction. *C.J.T.*, Or. App. at 62, 308 P3d 307. Further, though DHS presented evidence regarding A's behavioral problems, there was nothing to suggest that those behavior problems were in any way related to father's alcohol or marijuana use, or inability to protect A from mother's violence.

Department of Human Services v. C.W.J., 260 Or App 180, 316 P3d 423 (2013)

Father moved to dismiss a jurisdictional petition alleging that father

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lacked a custody order and therefore could not protect the child from mother. The juvenile court denied father's motion, and father appealed. After father had filed his appeal, the juvenile court entered a judgment terminating jurisdiction. The Court of Appeals determined that father's appeal of the juvenile court's denial of his motion to dismiss was moot. The court distinguished father's case from *State v. S.T.S.*, in which the court had held that a juvenile court's dismissal of a jurisdictional petition did *not* render a parent's appeal moot, due to the existence of collateral consequences. 236 Or. App. 646, 238 P.3d 53 (2010). Those collateral consequences were: (1) The adverse effect of the original judgment on the father's employment opportunities; (2) The negative effect of the original judgment on the father's record with the Department of Human Services; (3) The social stigma that resulted from a determination of jurisdiction based on abuse or neglect. *Id.*, citing State *ex rel. Juv. Dept. v. L.B.*, 233 Or.App. 360, 226 P.3d 66 (2010)). The court determined that father's case differed from *S.T.S.* and *L.B.* because the basis for jurisdiction was not abuse or neglect, but rather the fact that father did not have a custody order. Because father contended that there were no collateral consequences from the determination, and none of the considerations present in *S.T.S.* or *L.B.* seemed to apply, the court concluded that the case was moot and dismissed the appeal.

Department of Human Services v. F.J.S., 259 Or App 565, 315 P3d 433 (2013)

Father appealed the juvenile court's judgment terminating his parental rights to his child, F. The Department of Human Services (DHS) had placed F and his half-siblings, P and H, in protective custody when F was one month old. At that time, mother stipulated that her mental health, lack of housing, and marijuana use created a risk of harm to all three children. Father stipulated that he had a history of substance abuse and domestic violence against mother, and that he lacked housing, all of which impaired his ability to parent F. Both parents engaged in services, and several months later DHS returned all three children – P and H to mother's care, and F to father's care. Mother, P, and H later moved in with father and F. After an incident where father became angry and struck P, DHS removed all three children from the home. From that point until the termination trial, father engaged in additional services but failed to complete his anger management class and continued to exhibit an inability to control his anger. The juvenile court terminated father's rights, finding that father's anger and impulsiveness rendered him unfit and that F could not be returned within a reasonable time.

After reviewing the facts *de novo*, ORS 19.415(3)(a), the Court of Appeals affirmed. It found that father had participated successfully in many services, and that he had always been consistent and appropriate in his visitation with F. However, father had failed multiple times at completing anger management, and had stated that the material in the classes was not helpful because he did not have a problem with domestic violence. The court held that DHS had proved by clear and convincing evidence that father had an anger-management condition that was seriously detrimental to child, and that integration of child into father's home was improbable within a reasonable period of time, due to conduct or conditions not likely to change. ●

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"Justice will not be served until those who are unaffected are as outraged as those who are."

– *Benjamin Franklin*

"Kids for Cash" Judge Liable in Federal Court

On January 9, 2014, U.S. District Court for the Middle District of Pennsylvania Judge A. Richard Caputo found Luzerne County Juvenile Court Judge Mark Ciavarella liable for having violated the constitutional rights of the children who appeared before him to an impartial tribunal, as guaranteed by the Fifth, Sixth, and Fourteenth Amendments to the U. S. Constitution. The now infamous "Kids for Cash" Judge was found to have conspired to enact zero tolerance policies that dictated when probation officers had to file charges and detain juveniles. Ciavarella and another judge received more than $2.7 million from the operator of the private detention facility in which the children were detained. Marsha Levick, Deputy Director and Chief Counsel of the Juvenile Law Center and co-counsel on the federal court litigation commented: "Of the 2500 children who appeared before Ciavarella between 2003-2008, the duration of this illegal conspiracy, a substantial number of them were referred by the schools in Luzerne County. Luzerne County exposed the dark side of zero-tolerance policies, resulting in the loss of key educational opportunities for too many children who still struggle today to get their lives back on track. With this decision and the new federal guidelines, we have new tools to return school discipline to the principal's office, rather than the courtroom. Former Judge Ciavarella is currently serving a 28-year federal prison sentence following his criminal conviction in February 2011 on charges arising out of the scandal. For more information go to: http://www.jlc.org/news-room/press-releases/kids-cash-judge-ciavarella-found-liable-enactment-zero-tolerance-policies-a ●

You can request showings in your area at http://kidsforcashthemovie.com.

New Filing Requirements for Adoption Cases Involving Minors Effective January 1, 2014

By Megan Hassen, J.D.

Senate Bill 623, passed during the regular 2013 legislative session, creates new filing requirements for adoption cases. Section (4) of the bill sets forth mandatory items to be included in the petition for adoption, and section (5) sets forth a new requirement that an "Adoption Summary and Segregated Information Statement" (ASSIS) be filed concurrently with the petition. The bill also sets forth which documents should be attached as exhibits to the petition and ASSIS. Failure to file a petition and ASSIS in compliance with the requirements of the bill will likely delay the finalization of the adoption, as the court may not grant a judgment of adoption until these two documents are filed in compliance with SB 623. See ORS 109.309 as amended by section 2, chapter 346, Oregon Laws 2013. An ASSIS must also be filed in petitionless adoptions. ORS 419B.529 as amended by section 8, chapter 346, Oregon Laws 2013.

SB 1536 (2014), effective 3/13/14, modified SB 623 (2013) with respect to birth parent access to court records as follows:

Section 7 of SB 1536 clarifies redaction requirements for adoption court records when the adoption petition was filed prior to 1/1/14, and the court has granted a birth parent access to court records. Under ORS 109.319(5)(b)(B) and 109.319(5)(c)(A)(ii), courts were required to redact

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all information described in ORS 109.317 (Adoption Summary and Segregated Information Statement) if the underlying adoption case was filed prior to 1/1/14. Senate Bill 1536 changes that, providing that only the following information must be removed or redacted:

- UCCJEA information provided pursuant to ORS 109.767;
- For consenting birth parents: addresses, phone numbers and social security numbers of the petitioner, child and the person whose consent was required (ORS 109.321), or for whom the written consent requirement was waived, not required, or substituted for as provided in ORS 109.317(1)(d);
- For parents whose rights have been terminated/surrendered under ORS Chapters 418 or 419: name, address, phone number and social security number of any individual or entity other than the parent.

The bill was drafted by the Oregon Law Commission and also loosens the confidentiality restrictions on court adoption records involving minors. Petitioners and their attorneys of record now have access to the court file pre and post judgment without the necessity of obtaining a court order. For a more detailed analysis of the new confidentiality rules, please refer to the resources below.

For additional information about the changes, please visit the following:

Juvenile Court Programs Online Tutorial and Related Forms: http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/jcip/Pages/SB622_SB623Modules.aspx

Enrolled Version of SB 623: https://olis.leg.state.or.us/liz/2013R1/Measures/Text/SB623/Enrolled

New Administrative Rules - Independent Adoption Services: http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-g4.pdf

Oregon Law Commission Report: https://olis.leg.state.or.us/liz/2013R1/Downloads/CommitteeMeetingDocument/23986 ●

PDSC 2013-15 Budget Update

By Nancy Cozine, Executive Director, Office of Public Defense Services

The short 2014 legislative session was very successful for the PDSC and its providers. A full restoration of the 2% holdback to the agency's Professional Services Account (PSA), which funds trial level representation, offered much needed relief to public defense providers across the state. With the 2% restoration, the PSA is very close to current service level and allows the agency to continue all contracts without a reduction to the 3.25% rate increases included in 2014 contract agreements. The PDSC appreciates contract provider efforts to help educate legislators regarding the significant level of need for funding, as well as the support of Representative Jennifer Williamson, Co-Chairs Senator Richard Devlin and Representative Peter Buckley, and the Legislature.

Image courtesy of Pong / FreeDigitalPhotos.net

The PDSC is now beginning the process of building its budget request for the 2015-17 legislative session. Contractor feedback received during regional meetings will be used to help the Commission craft a package to stabilize public defense services across the state.

We continue to communicate with legislators and the Legislative Fiscal Office regarding the important work of criminal and juvenile providers in Oregon, and the need for funding to reduce caseloads and increase compensation. Please let us know if you would like information to share with your legislator. ●

Job Announcement

PDSC Seeks Manager for Pilot Program to Improve Juvenile Dependency

PDSC has announced a new limited duration position. The primary purpose of this position is to implement and manage the agency's pilot program to improve juvenile dependency cases in the trial courts. The Deputy General Counsel will perform other quality assurance, contract management and fiscal oversight duties relating to public defense services with a focus on juvenile dependency and delinquency representation. Promotion of quality representation by public defense providers through oversight, training and contract enforcement is also expected.

Opening Date/Time: Fri. 03/07/14 12:00 AM Pacific Time

Closing Date/Time: Sun. 03/30/14 11:59 PM Pacific Time

Job Type: Limited Duration

Location: Salem, Oregon

This is a Limited Duration appointment expected to end on or before 30 April 2016. Limited Duration appointments are regular status, benefits eligible, with a designated maximum length of service. NOTE: although the agency intends to seek permanent financing for the position, this has not yet been confirmed beyond the pilot program.

See the full position description and duties here: http://www.oregon.gov/jobs/Documents/Deputy%20General%20Counsel%20PD.pdf

For complete information on how to apply: http://agency.governmentjobs.com/oregon/default.cfm?action=viewjob&JobID=823706&headerfooter=1&promo=0&transfer=0&WDDXJobSearchParams=%3Cwddxpacket%20version%3D%271.0%27%3E%3Cheader%2F%3E%3Cdata%3E%3Cstruct%3E%3Cvar%20name%3D%27CATEGORYID%27%3E%3Cstring%3E- ●

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Case Summary

Third Pennsylvania Trial Court Declares Lifetime Sex Offender Registration for Juveniles Unconstitutional

The Lancaster County Court joined two other Pennsylvania Courts in ruling that the statute implementing the federal Sex Offender Registration Notification Act (SORNA) is unconstitutional. See Juvenile Law Reader, Volume 10, Issue 4 at p. 4 (2013)[discussion of first Pensylvania Court ruling registration law as applied to juveniles is unconstitutional]. For more information about the ruling go to: http://www.jlc.org/news-room/press-releases/juvenile-court-judge-finds-juvenile-sex-offender-registration-law-unconstit ●

Resources

Even though research shows that the majority of juvenile justice system youth have been diagnosed with psychiatric conditions, reports issued by the Surgeon General and the President's New Freedom Commission on Mental Health show that juvenile detainees often do not needed treatment. A useful tool for delinquency attorneys is the OJJDP Juvenile Justice Bulletin on **"Functional Impairment in Delinquent Youth"** by Karen M. Abram, Jeanne Y. Choe, Jason J. Washburn, Erin G. Romero, Linda A Teplin and Elena Bassett. This bulletin presents results of the Northwestern Juvenile Project – a longitudinal study of youth detained at the Cook County Juvenile Temporary Detention Centers. The study looked at functional impairment of youth 3 years after their release from detention. Functional impairment refers to a youth's day-to-day social, psychiatric and academic difficulties.

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Key findings included that:

- "Only 7.5 percent of youth had no notable impairment in functioning.
- Approximately one of every five youth had markedly impaired functioning.

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- Markedly impaired functioning was much more common in males than in females; however, females were more likely to be severely impaired in the moods/emotions and self-harm domains than males.
- Among males living in the community, African Americans and Hispanics were more likely to be severely impaired in school and work than non-Hispanic whites."

To access the Bulletin go to: http://www.ojjdp.gov/pubs/239996.pdf ●

Save the Date

2014 OCDLA Juvenile Law Seminar

Preserving the Promise of Juvenile Court: Recognizing and Mitigating Collateral Consequences

Topics include: "Raised on the Registry"

April 25-26, 2014

Hallmark Resort, Newport, OR

https://www.ocdla.org/seminars/shop-seminar-2014-juvenile-law.shtml

The Western Juvenile Defender Center Leadership Summit

June 13-14, 2014

University of Nevada, Las Vegas, NV

Contact Susan Roske at RoskeSD@clark-countynv.gov

2014 OCDLA Annual Conference

Featured Speaker: Richard Kammen, Indianapolis, IN

June 19–21, 2014

Mt. Bachelor Village, Bend, OR

http://www.ocdla.org/seminars/shop-seminar-2014-annualconference.shtml

National Council of Juvenile and Family Court Judges

77th Annual Conference: Surviving to Thriving

July 13-16, 2014

Palmer House Hilton Hotel, Chicago, IL

http://www.ncjfcj.org/77th-annual-conference

37th National Child Welfare, Juvenile & Family Law Conference

August 17-20, 2104

Hyatt Regency Denver at the Colorado Convention Center

http://www.naccchildlaw.org/?page=National_Conference ●

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"If we don't stand up for children, then we don't stand for much."

– *Marian Wright Edelman*

Learn more about who we are and what we do at: www.youthrightsjustice.org

6th Annual

Wine & Chocolate Extravaganza

Benefiting Youth, Rights & Justice

November 8, 2014
Oregon Convention Center

Sneak Peek!
Missionary Chocolates & Fort George Brewery return!

Info: Janeen.O@youthrightsjustice.org