

ACCESS TO JUSTICE FOR CHILDREN – ENCORE CLE

February 18, 2021 3:00 – 4:30 p.m. – Zoom

Moderator

Erin Olson, Board President, Oregon Crime Victims Law Center

Presenters

Alison Kelley, Chief Executive Officer, Liberty House

Rahela Rehman, Attorney-in-Charge, DOJ Child Advocacy Section

Emily Marrer, Sage Legal Center

Megan Johnson, Pickett Dummigan McCall LLP

Rosemary Brewer, Executive Director, Oregon Crime Victims Law Center

Oregon Crime Victims Law Center Access to Justice Encore CLE – February 28, 2021

Case Study

Jimmy Johnson is a 6 year-old boy. He is found along a rural Oregon road by strangers driving by, scared and shaking, wearing only his underwear. He holds his right arm awkwardly away from his body. He cannot tell the strangers where he lives or the names of his parents.

The strangers drive Jimmy to the nearest hospital and leave him in the care of hospital staff. He is diagnosed and treated for a Nursemaid's elbow ("radial head subluxation"). Nurse's notes document bruising on his left cheek, redness around his right wrist, and first-degree burns on his feet, up to his ankles.

The strangers return to where they found Jimmy and contact the occupants of the nearest house, which is Jimmy's house. They tell his parents where they have taken Jimmy.

Jimmy's parents arrive at the rural hospital a short time later, their newborn twins in their arms. Jimmy's mother tells the emergency room nurse that she was preparing a bath for Jimmy and had not yet cooled the hot water with cold water when he stepped into it. She grabbed Jimmy by the wrist and pulled him out of the water. Her babies started screaming, and she turned to tend to them. When she turned back to Jimmy, he was gone.

The physician on call pops Jimmy's elbow back in place and releases Jimmy to his parents, with instructions to give him Tylenol for any pain and to apply cool compresses to his burned feet.

School resumes two months later when a COVID vaccine is successfully administered. Shortly after returning to school, Jimmy tells his teacher that his stomach hurts. He pulls up his shirt, and she sees extensive bruising. She calls police and DHS, who take Jimmy to the hospital and then take him into protective custody.

During a medical examination at the hospital and a later examination at the local child advocacy center, Jimmy is found to have several fractures in various stages of healing, a bruised liver, and a healing subdural hematoma that appears to have caused cognitive impairment to Jimmy. During a forensic interview, Jimmy discloses severe beatings by his mother, whose parental rights to two other children were terminated due to abuse several years earlier.

Jimmy is placed in the legal custody of DHS. His mother is indicted on several serious criminal charges arising from her abuse of Jimmy.

Alison S. Kelley, JD



Alison S. Kelley
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Alison S. Kelley, JD, serves as the Chief Executive Officer of Liberty House, the child advocacy center in Salem, Oregon serving Marion and Polk Counties. Liberty House provides specialized services for children referred for concerns of abuse, neglect, trauma or grief. Core services include forensic interviews, medical check-ups, family support, and trauma-informed follow-up counseling. Liberty House also provides prevention training and education for community organizations, annually reaching out to numerous groups and students. Alison is responsible for oversight of strategic planning & execution, fiscal management, leadership development, and representing Liberty House to the greater community. Liberty House is a member of the statewide Oregon Child Abuse Solutions network of 21 centers serving 36 counties and serving over 7,500 children each year.

Alison had a private mediation and dispute resolution practice from 1999 through 2008 and worked as a department director for Marion County beginning in 2008 before coming to Liberty House in 2013.

Alison holds a B.A. in history with a minor in political science from Willamette University (*cum laude*), and a Juris Doctor and Certificate in Dispute Resolution from Willamette University College of Law.

In 2019 she received the inaugural "Force for Good" award from Oregon Child Abuse Solutions for going above and beyond to strengthen and expand services for vulnerable children. In February 2021, she received the "Spirit of Salem" award from the Salem Area Chamber of Commerce for her contributions to the community.

Rahela K. Rehman



Rahela K. Rehman
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Rahela Rehman is an Attorney in Charge in the Child Advocacy Section of the Civil Enforcement Division of the Oregon Department of Justice (DOJ). She has litigated and supervised the litigation of dependency and termination of parental rights cases across the state for over 21 years.

She served as an attorney for parents and children in juvenile matters for a number of years and then transitioned to prosecuting termination of parental rights cases on behalf of the Department of Human Services, before joining DOJ where she has been for 17 years.

In her current position with DOJ, in addition to supervising the dependency work in a number of counties, Rahela provides extensive advice to the Child Safety Program on policy and procedure, including issues that may have state-wide implications. Rahela received her law degree from the University of Calgary and her undergraduate degree from the University of Manitoba.

Emily Marrer



Emily Marrer Sage Legal Center 335 NE 18th Ave Portland, Oregon 97232 (503) 893-5895 emily@sagepdx.org

Emily Marrer represents both parents and children in juvenile dependency cases for Sage Legal Center with a focus on cases involving the Indian Child Welfare Act. After law school Emily joined the Native American Program Legal Aid Services of Oregon for three years as a juvenile dependency attorney. Emily is an enrolled member of the Citizen Potawatomi Nation in Shawnee, Oklahoma. When she is not working you can find her enjoying the great Northwest outdoors, playing sports and cheering for the Ducks and Timbers.

Megan Johnson



Megan Johnson Pickett Dummigan McCall LLP Centennial Block, 4th Floor 210 SW Morrison Street Portland, OR 97204 (503) 223-7770 megan@pdm.legal

Megan Johnson is an attorney in civil practice at Pickett, Dummigan, McCall, LLP. Her personal injury work focuses on the representation of children, the elderly, and disabled. She served as a Deputy District Attorney at the Washington County District Attorney's Office for 17 years, where she prosecuted child abuse and elder abuse cases and chaired both Multidisciplinary Teams.

Rosemary W. Brewer



Rosemary W. Brewer
Executive Director
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Rosemary Brewer is the Executive Director of the Oregon Crime Victims Law Center, a nonprofit organization that provides free legal representation to Oregon crime victims throughout the criminal justice process. She manages the daily operations of the Center, including supervision of a staff of six (including four other attorneys). Ms. Brewer also assists victims in asserting their rights throughout the criminal justice process, including in pretrial and post-conviction proceedings. OCVLC also assists victims with representation in contested restraining order hearings and provides advocacy to crime victims.

Ms. Brewer regularly provides training and technical assistance to prosecutors, private attorneys, and advocates throughout the state on various victims' rights issues.

Prior to coming to OCVLC, Rosemary was an Assistant State's Attorney in Baltimore, Maryland, where she led an innovative felony drug diversion court and worked in the collateral unit, which handled felony probation violations. Before working in Baltimore, Rosemary was an Assistant District Attorney in Atlanta in the felony trial division. There she handled a large number of cases, including domestic violence, child abuse, rape, and homicide.

She has worked with crime victims her entire legal career, and is now dedicated to seeing crime victims' rights recognized and enforced throughout the state of Oregon.

Access to Justice for Children

Presented by the Oregon Crime Victims Law Center

Speaker: Alison S. Kelley, JD

February 18, 2020

Background - And Overview

- Attorney, mediator
- Public policy collaboration & dispute resolution
- CEO of Liberty House since 2013
- 46 staff members including medical providers, forensic interviewers, family support specialists, and licensed therapists
- A team of trauma specialists serving Marion & Polk Counties
- Past Chair of the statewide Oregon Child Abuse Solutions Board; current board member

Scope of The Problem

- Child Maltreatment A Global problem that manifests locally (Administration for Children and Families, 2020).
- Alarming in both scale and impact.



peakparent.org

Prevalence of the Problem

- In 2018, over 3,500,000 reports of child maltreatment were made, resulting in over 677,000 confirmed cases (National Children's Alliance, 2018; CDC).
- Oregon Department of Human Services received 89,451 reports, investigated 46,587, and found 9,048 (Oregon.gov, 2018).
- True Prevalence is difficult to determine due to the disincentives and barriers to reporting (Darkness to Light, n.d.).



stadiumsofprofootball.com

Economic Cost of the Problem

- Child Maltreatment carries a high price
 - Average aggregated lifetime costs were estimated at \$210,012 (Fang, Brown, Florence, & Mercy, 2012).
 - Oregon accrues around \$2,000,000,000 in new average aggregated lifetime costs annually (oregon.gov, 2017).



ppt.back.com

Why the high price tag?

- Physical, psychological, behavioral, social and intergenerational consequences
- See the Adverse Childhood Experiences Study (1998) CDC, KP Drs. Vincent Felitti and Robert Anda
- Landmark findings that established that trauma can lead to physical illness, disease and symptoms (cancer, heart disease, diabetes, seizure disorders among many others)



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Physical and Cognitive Cost of the Problem

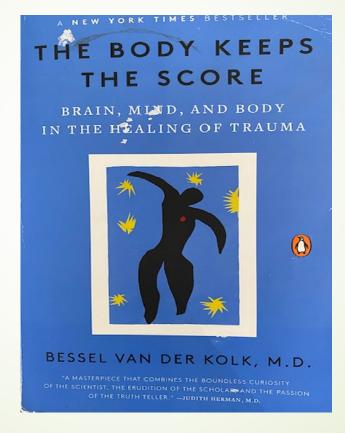
- Relationship between childhood adversity and adverse physical and mental health outcomes (Felitti et al., 1998).
- Relationship between traumatic experiences, physical sequelae, and neurocognitive processing (van der Kolk, 2014).





cdc.gov

Emotional, Behavioral & Cognitive Effects



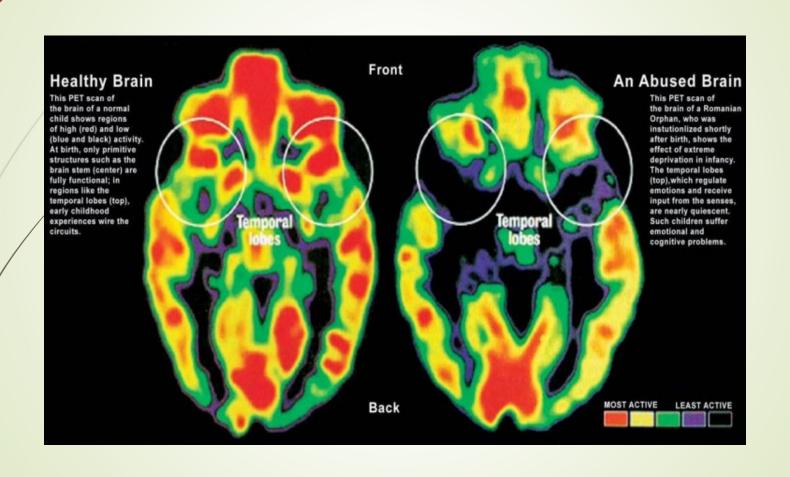
Emotional, Behavioral and Cognitive

- Fear, guilt, shame, hypervigilance, overdeveloped sense of responsibility – (make no mistake, these can be crippling)
- Inhibited development of the executive functioning portions
- Hyperarousal, over development of the amygdala/limbic system the emotional centers
- Everything seems like a saber-toothed tiger
- Emerging science of epigenesis tells us this can affect children at the DNA level

Emotional, Behavioral and Cognitive

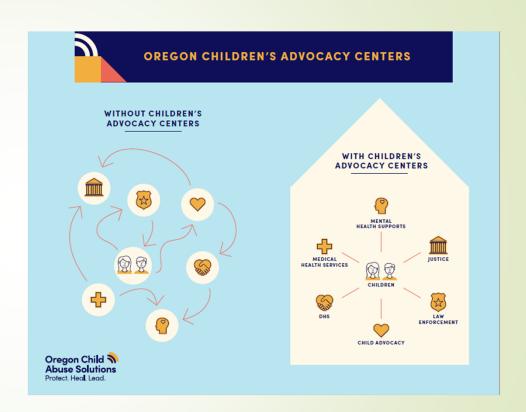
- Trauma affects how memory is encoded in the brain
- Not integrated
- Dissociated
- Sensory
- Recalling traumatic events may not be linear or sequential
- This sets the victim up for failure if required to provide an account of what happened too many times

The Effects of Trauma on Children



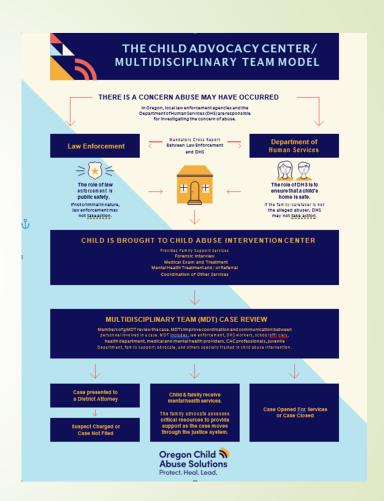
How to Respond to Child Maltreatment

- Response involves multiple agencies
- School
- DHS
- law enforcement
- Medical provider
- District Attorney
- Without coordination, multiple response could carry the risk of further traumatization of the victim or create an opportunity for the victims' experience to be misconstrued (oregoncas.org, n.d.).



How We Respond to Reports of Child Maltreatment

- Response involves multiple agencies
- School
- DHS
- law enforcement
- Medical provider
- District Attorney
- (oregonlaws.org, n.d.).



The Antidote to Lack of Coordination is Coordination

- ORS 418.747 sets forth the model for the DA in each county to convene a multidisciplinary team for the purpose of coordinating child abuse investigations (oregonlaws.org, n.d.).
- Children's Advocacy Centers (CACs) provide a single location where a child can receive coordinated, comprehensive response to suspected abuse (oregonlaws.org, n.d.).
- Records: ORS 418.794, 795



CACs & MDTs

- 21 CACs serving Oregon's 36 counties
 - Linked by the statewide Oregon Child Abuse Solutions Network and follow standards set by National Children's Alliance.
- Services include a comprehensive medical exam, forensic interview, family support or victim advocacy, and in some cases mental health treatment.
- Each CAC differs in terms of records produced.
- CACs offer video recorded forensic interviews that may be observed by DHS and law enforcement professionals working on the case.
- Professional for assessment of "Karly's Law" cases.

OREGON CHILDREN'S ADVOCACY CENTERS We are the Oregon's only statewide 501(o)(3) non-profit agency working to end all forms of child abuse through our 20 11. Josephine County Child Advocacy Center Linn, Benton Counties Amani Center 12. Juliette's House Yamhill, Polk Counties 13. KIDS Center Columbia County Bay Area Hospital Kids' HOPE Center Coos County 4. CARES Northwest Deschutes, Jefferson, Crook Counties 14. Kids FIRST Center Lane County 15. Klamath-Lake CARES Multnomah, Washington Counties 5. Children's Advocacy Center of Jackson County Jackson County 6. Children's Advocacy Center of Lincoln County Klamath, Lake Counties 16. Liberty House Marion, Polk Counties 17. The Lighthouse for Kids Children's Center Clatsop County 18. Mt. Emily Safe Center Clackamas County Columbia Gorge Children's Advocacy Center Serves 5 counties Serves 5 counties 19. STAR Center Douglas CARES Douglas County 10. Guardian Care Center, CAC Malheur County 20. Wally's House Umatilla County Oregon Child **Abuse Solutions**

www.oregoncas.org

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Advantages

- Pediatricians
- Specialized training & experience
- Forensic interviewers
- Family Support
- Goes at the child's pace
- Brings the services to the child

Outcomes of Having Child Advocacy Centers

- More charges filed
- More plea bargains
- Longer sentences for Criminal case outcomes
 - (Goldberg & Joa, 2003)



OREGON CHILD ABUSE SOLUTIONS

OCAS is the only statewide 501(c)(3) nonprofit working to end all forms of child abuse through our network of 20 children's advocacy centers that provide high-quality intervention, therapeutic, and prevention services for children.

WHAT WE DO

We collaborate with 275 specialists across the state to identify, develop, and implement solutions aimed at preventing child abuse and reducing its impacts. Together we uphold a high standard of care for children, fix gaps in the system, advocate for child-friendly policies, and mobilize Oregonians to act to protect kids.

34 children

are confirmed victims of abuse each day in Oregon

78% of children

seen at CACs are 12 years old and younger

CHILD ADVOCACY CENTERS

CACs minimize trauma for children when there are concerns of abuse by providing a trauma-informed, child friendly environment that helps children feel safe. CACs provide comprehensive services so children will not be retraumatized by being interviewed many times about their abuse, or by receiving services from systems that can be scary or inappropriate for their needs. CAC services vary by location, but generally include:

- Interviews of children when abuse is suspected or reported;
- Medical evaluations that may confirm or "rule out" abuse; and
- Victim and family support services.

Other services may include: community trainings, Stewards of Children trainings or other prevention trainings, court preparation and accompaniment, and trauma-focused therapy.

To learn the facts about child abuse and more about our work, visit:

oregoncas.org

8,000 children with intervention services

Comprehensive CAC services for one child costs about \$2,400

HOW TO HELP

LEAD WITH US

Become a corporate partner, connect at oregoncas.org.

DONATE

We rely on contributions to help us reach all children with quality care. Support our work by sending your financial gift to our office or by making a gift online.

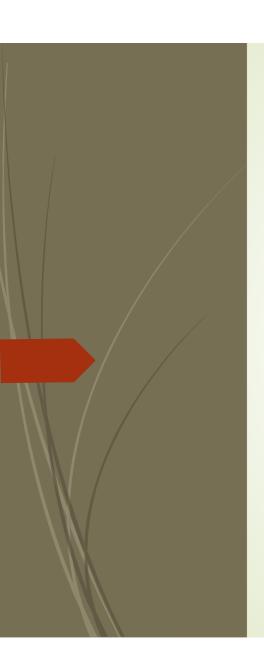
TAKE ACTION

Attend our events, advocate with us, get trained on our website, and/or request a meeting with our staff. We need your help to give children a voice and help them stay safe.

CONNECT

Join our e-newsletter at oregoncas.org to stay updated on news, trends, accomplishments, and needs.

oregoncas.org



What did Covid-19 Do?

- It has been widely reported that reports to the DHS hotline fell beginning in March (nearly 27%)
- CACs have seen 15.3% fewer children
- Anecdotally, injuries are FAR more complex and severe and occurring in younger babies & toddlers, requiring much more professional medical involvement
- Increase in referrals for witness to family violence
- Increase in ED visits for acute sexual assault
- CAC's are generally open & have instituted varying measures to screen out symptomatic patients and reduce the risk of C-19 spread

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Access to Justice for Children

Overview

Alison S. Kelley, JD

Presented by the Oregon Crime Victims Law Center

February 18, 2021 3:30 – 5:00 pm (online)

When we think of a "public health emergency," the most obvious example is the coronavirus pandemic of 2020 that introduced the world to Covid-19. What may be less well understood is the public health crisis that is child maltreatment - a global problem that manifests locally. Child maltreatment is alarming both in scale and scope. Across the United States In 2018, over 3,5000,000 reports of child maltreatment were made, resulting in over 677,000 confirmed cases. During the 2018 Federal Fiscal Year in Oregon, the Oregon Department of Human Services (DHS) received 89,451² reports, investigated 46,587 and "founded" 9,048. The true prevalence of child maltreatment (physical abuse, sexual abuse, neglect) is notoriously difficult to determine due to the disincentives and barriers to reporting. Conservatively it is estimated that 1 in 10 children will experience sexual abuse before their 18th birthday³; other sources put the numbers higher⁴. Child maltreatment carries a high price: average aggregated lifetime costs were estimated at \$210,012 in 2010 dollars⁵. The roughly \$2 billion in average aggregated lifetime costs accruing in Oregon each year begins to paint a sobering picture.

Why the high price tag? The landmark 1998 CDC-Kaiser "Adverse Childhood Experiences" study led by Drs. Vincent Felitti and Robert J. Anda⁶ clarified the relationship between childhood adversity and adverse physical and mental health outcomes. In his remarkable work, "The Body Keeps the Score," psychiatrist Bessel van de Kolk articulated the complex relationship between traumatic experiences, physical sequelae and neurocognitive processing.

¹ See https://www.acf.hhs.gov/media/press/2020/child-abuse-neglect-data-released. See also National Children's Alliance: https://www.nationalchildrensalliance.org/media-room/national-statistics-on-child-abuse/.

² See Oregon Department of Human Services 2019 Child Welfare Data Book (https://www.oregon.gov/dhs/children/child-abuse/pages/data-publications.aspx) During Federal Fiscal Year (FFY) 2019 (October 2018-September 2019), a total of 89,451 screening reports were received; 9,048 were "founded" for abuse or neglect.

³ See Darkness 2 Light: https://www.d2l.org/the-issue/; see also https://www.stopitnow.org/faq/the-scope-of-child-sexual-abuse-definition-and-fact-sheet.

⁴ See Safer, Smarter Families (https://safersmarterfamilies.org/) which estimates 1 in 3 girls and 1 in 5 boys will experience sexual abuse before they turn 18. See also Oregon Child Abuse Solutions (https://oregoncas.org/).

⁵ See https://www.sciencedirect.com/science/article/pii/S0145213411003140; "The estimated average lifetime cost per victim of nonfatal child maltreatment is \$210,012 in 2010 dollars, including \$32,648 in childhood health care costs; \$10,530 in adult medical costs; \$144,360 in productivity losses; \$7,728 in child welfare costs; \$6,747 in criminal justice costs; and \$7,999 in special education costs. The estimated average lifetime cost per death is \$1,272,900, including \$14,100 in medical costs and \$1,258,800 in productivity losses. The total lifetime economic burden resulting from new cases of fatal and nonfatal child maltreatment in the United States in 2008 is approximately \$124 billion. In sensitivity analysis, the total burden is estimated to be as large as \$585 billion."

⁶ See Felitti, Anda et al., "Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACES) Study," Am J Prev Med 1998:14(4); see also https://www.cdc.gov/violenceprevention/aces/index.html

⁷ "The Body Keeps the Score," Bessel van der Kolk. New York: Penguin Random House, 2014.

The response to reported injury in children commonly involves multiple agencies (i.e. DHS, law enforcement, medical provider, school personnel, District Attorney) and without coordination, multiple responses could carry the risk of further traumatizing the victim or creating the opportunity for the victim's recollection of portions of experience to be misconstrued as inconsistent or conflicting accounts.

The antidote to lack of coordination is coordination. ORS 418.747 sets forth the model for the DA in each county to convene a multidisciplinary team for the purpose of coordinating child abuse investigations. ⁸ Children's advocacy centers⁹ (CACs) provide a single location where "a child from the community may be referred to receive a thorough child abuse assessment for the purposes of determining whether the child has been abused or neglected, and that facilitates a coordinated, comprehensive and multidisciplinary response to cases of child abuse."¹⁰

There are 21 CACs serving Oregon's 36 counties. They are linked by the statewide Oregon Child Abuse Solutions network¹¹ and strive to follow standards set forth by the National Children's Alliance¹². Services typically include a comprehensive medical exam, forensic interview, family support or victim advocacy, and in some cases trauma-focused mental health treatment. Each CAC differs in terms of records produced.¹³ Medical personnel are typically pediatric specialists in abuse medicine. In addition to a medical exam, CACs offer facilities where a child may receive a video-recorded forensic interview that may be observed by the DHS and law enforcement professionals working on the case, reducing the number of times a child has to give a statement. Child forensic interviewing is highly specialized.¹⁴ CAC's often serve as the Designated Medical Professional for assessment of physical injury under "Karly's Law."¹⁵

In a 2003 study, it was concluded that cases in which the CAC was used resulted in more charges filed, more plea bargains, and longer sentences for criminal case outcomes. ¹⁶ That research is currently being updated but the process has been slowed by Covid-19.

⁸ See ORS 418.747 et seq.

⁹ See ORS 418.782(3); ORS 418.788

¹⁰ ORS 418.782(3).

¹¹ See https://oregoncas.org/.

¹² See https://www.nationalchildrensalliance.org/.

¹³ See ORS 481.794, 795 re: confidentiality of video recordings and MDT records.

¹⁴ See Oregon Department of Justice, Oregon Interviewing Guidelines (2018)(<u>www.doj.state.or.us > 2018/03 > OIG-2018-final-1</u>). See also "Tell Me What Happened," Michael E. Lamb, Deirdre A. Brown, et al. New Jersey: John Wiley & Sons, Ltd., 2018.

¹⁵ Formerly ORS 419B.022-024.

¹⁶ See Goldberg & Joa, "Legal Outcomes for Children Who Have been Sexually Abused: The Impact of Child Abuse Assessment Center Evaluations," 2003.

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OREGON CHILD ABUSE SOLUTIONS

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DONATE

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TAKE ACTION

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Violence Prevention

Fast Facts



What are adverse childhood experiences?

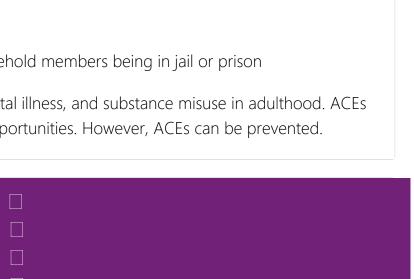
Adverse childhood experiences, or ACEs, are potentially traumatic events that occur in childhood (0-17 years). For example:

- experiencing violence, abuse, or neglect
- witnessing violence in the home or community
- having a family member attempt or die by suicide



- substance misuse
- mental health problems
- instability due to parental separation or household members being in jail or prison

ACEs are linked to chronic health problems, mental illness, and substance misuse in adulthood. ACEs can also negatively impact education and job opportunities. However, ACEs can be prevented.



types of ACEs.

Preventing ACEs could potentially reduce a large number of health conditions. For example, up to 1.9 million cases of heart disease and 21 million cases of depression could have been potentially avoided by preventing ACEs.

Some children are at greater risk than others. Women and several racial/ethnic minority groups were at greater risk for having experienced 4 or more types of ACEs.

ACEs are costly. The economic and social costs to families, communities, and society totals hundreds of billions of dollars each year.

What are the consequences?

ACEs can have lasting, negative effects on health, well-being, and opportunity. These experiences can increase the risks of injury, sexually transmitted infections, maternal and child health problems, teen pregnancy, involvement in sex trafficking, and a wide range of chronic diseases and leading causes of death such as cancer, diabetes, heart disease, and suicide.

ACEs and associated conditions, such as living in under-resourced or racially segregated neighborhoods, frequently moving, and experiencing food insecurity, can cause toxic stress (extended or prolonged stress). Toxic stress from ACEs can change brain development and affect such things as attention, decision-making, learning, and response to stress.

Children growing up with toxic stress may have difficulty forming healthy and stable relationships. They may also have unstable work histories as adults and struggle with finances, jobs, and depression throughout life. These effects can also be passed on to their own children. Some children may face further exposure to toxic stress from historical and ongoing traumas due to systemic racism or the impacts of poverty resulting from limited educational and economic opportunities.

How can we prevent adverse childhood experiences?

ACEs are preventable. Creating and sustaining safe, stable, nurturing relationships and environments for all children and families can prevent ACEs and help all children reach their full potential. CDC has produced a resource, <u>Preventing Adverse Childhood Experiences (ACEs): Leveraging the Best Available Evidence</u> , to help states and communities take advantage of the best available evidence to prevent ACEs. It features six strategies from the <u>CDC Technical Packages to Prevent Violence</u>.

Preventing ACEs

Strategy	Approach
Strengthen economic supports to families	 Strengthening household financial security Family-friendly work policies
Promote social norms that protect against violence and adversity	 Public education campaigns Legislative approaches to reduce corporal punishment Bystander approaches Men and boys as allies in prevention
Ensure a strong start for children	 Early childhood home visitation High-quality child care Preschool enrichment with family engagement
Teach skills	 Social-emotional learning Safe dating and healthy relationship skill programs Parenting skills and family relationship approaches
Connect youth to caring adults and activities	Mentoring programsAfter-school programs
Intervene to lessen immediate and long-term harms	 Enhanced primary care Victim-centered services Treatment to lessen the harms of ACEs Treatment to prevent problem behavior and future involvement in violence

• Family-centered treatment for substance
use disorders

Raising awareness of ACEs can help:

- Change how people think about the causes of ACEs and who could help prevent them.
- Shift the focus from individual responsibility to community solutions.
- Reduce stigma around seeking help with parenting challenges or for substance misuse, depression, or suicidal thoughts.
- Promote safe, stable, nurturing relationships and environments where children live, learn, and play.

Let's help all children reach their full potential and create neighborhoods, communities, and a world in which every child can thrive.

See Adverse Childhood Experiences Resources for articles, publications, data sources, and prevention resources for Adverse Childhood Experiences.

Page last reviewed: April 3, 2020

Violence Prevention

A Public Health Issue

Adverse Childhood Experiences

Fast Facts

CDC-Kaiser ACE Study

BRFSS ACE Data

Prevention Strategies

Help Youth At Risk for ACEs

Funded Research

 $Preventing\ Adverse\ Childhood\ Experiences\ |Violence\ Prevention| Injury\ Center| CDC$

<u>(</u>	Opioid Overdose Prevention
-	Traumatic Brain Injury
<u>]</u>	Motor Vehicle Safety
<u></u>	Press Room
HA	VE QUESTIONS?
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VIS	it CDC-INFO
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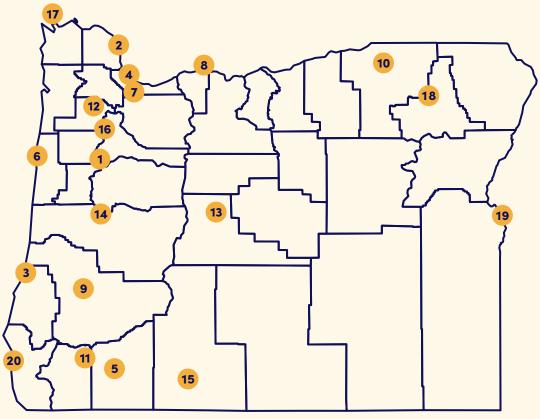
Preventing Adverse Childhood Experiences |Violence Prevention|Injury Center|CDC

U.S. Department of Health & Human Services
USA.gov
CDC Website Exit Disclaimer

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OREGON CHILDREN'S ADVOCACY CENTERS

We are the Oregon's only statewide 501(c)(3) non-profit agency working to end all forms of child abuse through our 20 children's advocacy centers that provide high-quality child abuse intervention, prevention, and therapeutic services for children.



- 1. ABC House
 Linn, Benton Counties
- 2. Amani Center Columbia County
- Bay Area Hospital Kids' HOPE Center Coos County
- 4. CARES Northwest
 Multnomah, Washington Counties
- 5. Children's Advocacy Center of Jackson County Jackson County
- 6. Children's Advocacy Center of Lincoln County Lincoln County
- 7. Children's Center Clackamas County
- 8. Columbia Gorge Children's Advocacy Center Serves 5 counties
- 9. Douglas CARES

 Douglas County
- 10. Guardian Care Center, CAC
 Umatilla County

- 11. Josephine County Child Advocacy Center Josephine County
- **12.** Juliette's House Yamhill, Polk Counties
- 13. KIDS Center
 Deschutes, Jefferson, Crook Counties
- 14. Kids FIRST Center Lane County
- 15. Klamath-Lake CARES
 Klamath, Lake Counties
- **16. Liberty House** *Marion, Polk Counties*
- 17. The Lighthouse for Kids Clatsop County
- 18. Mt. Emily Safe Center Serves 5 counties
- 19. STAR Center

 Malheur County
- 20. Wally's House
 Curry County



THE CHILD ADVOCACY CENTER/ **MULTIDISCIPLINARY TEAM MODEL**

THERE IS A CONCERN ABUSE MAY HAVE OCCURRED



In Oregon, local law enforcement agencies and the Department of Human Services (DHS) are responsible for investigating the concern of abuse.



Law Enforcement



The role of law enforcement is public safety.

If not criminal in nature, law enforcement may not take action.

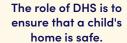
Mandatory Cross Report Between Law Enforcement and DHS





Department of

Human Services



If the family/caretaker is not the alleged abuser, DHS may not take action.

CHILD IS BROUGHT TO CHILD ABUSE INTERVENTION CENTER

Provides Family Support Services Forensic Interview **Medical Exam and Treatment** Mental Health Treatment and/ or Referral Coordination of Other Services



MULTIDISCIPLINARY TEAM (MDT) CASE REVIEW

Members of a MDT review the case. MDTs improve coordination and communication between personnel involved in a case. MDT includes: law enforcement, DHS workers, school officials, health department, medical and mental health providers, CAC professionals, Juvenile Department, family support/advocate, and others specially trained in child abuse intervention.



Case presented to a District Attorney



Suspect Charged or **Case Not Filed**



Child & family receive mental health services.

The family advocate assesses critical resources to provide support as the case moves through the justice system.



Case Opened For Services or Case Closed

Oregon Child 3 **Abuse Solutions** Protect. Heal. Lead.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF _____

Plaintiff	
Vs.) CASE NO
V S.)
	ORDER TO PRODUCE AND PROTECT
Defendant	
)
	is requesting production of records pertaining to a child abuse
examination of	
	on or about Because these records
conducted at [name of erre]	. Because these records
contain protected health informati	on and highly sensitive information pursuant to a child abuse
investigation, they are subject to the	ne confidentiality provisions of ORS 418.794, ORS 418.795,
ORS 419B.035, ORS 419B.112, a	nd ORS 419B.195 concerning reports and evaluations of child
abuse, and the court has taken jud	cial notice of the especially sensitive content of these
requested records,	
It Is Hereby Ordered that	t a true and correct copy of the records be produced by [name
of CAC] directly to	(judge name) for in camera review
only.	
SUBJECT TO THE FOLLOWING REST	RICTIONS:

- 1. All records obtained under this order shall be in the constructive custody of the court. The records shall be returned to [name of CAC] at the conclusion of this proceeding or within 40 days after the judgment order is signed by the court.
- 2. Records obtained under this protective order may not be viewed, released, or otherwise used except by the judge in the above entitled proceeding unless a specific document is released by the Court to Counsel for the parties. Any other use or viewing of these records is ORDER TO PRODUCE AND PROTECT – Page 1 of 2

not authorized and shall be deemed a violation of this protective order.

- 3. All records released to Counsel pursuant to this order shall be in the constructive custody of the Court. The records may be retained in the physical custody of Counsel for the duration of the proceedings. For purposes of this paragraph "duration of the proceedings" includes any applicable period of appeal or post conviction relief or a period during which said post-conviction relief could be requested. Counsel shall not provide a copy to any individual except that Counsel may provide a copy to an expert witness. Counsel may provide copies of paper records to experts retained by Counsel so long as no additional copies are created and any copy created by Counsel for said expert is returned to Counsel at the conclusion of the matter. A copy of the document in question shall be accompanied by a copy of this order. No one is allowed to possess or review a copy of the provided information except as specifically authorized herein. At the completion of the proceedings all copies retained by Counsel shall be returned to Liberty House or destroyed by Counsel.
- 4. Counsel appearing ex parte and presenting this order for the court's signature shall have so notified all other counsel of record in this proceeding and Medical Records Clerk of [name of CAC].
- 5. All reasonable expenses incurred in the production of these records shall be the responsibility of the party seeking production. Payment is required at the time of production.

DATED this	day of	, 20	
		Circuit Court Judge	
Submitted by:			

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF ____

)	
)	CASE NO
	ORDER TO PRODUCE AND PROTECT
Counsel for	is requesting production of records pertaining to
a child abuse examination of	conducted at [name of CAC] on
Because these recor	rds contain protected health information and highly
sensitive information pursuant to a child a	buse investigation, they are subject to the
confidentiality provisions of ORS 418.794	4, ORS 418.795, ORS 419B.035, ORS 419B.112, and
ORS 419B.195 concerning reports and eva	aluations of child abuse, and the court has taken
judicial notice of the especially sensitive c	content of these requested records,

IT IS HEREBY ORDERED that a true and correct copy of the records be produced by [name of CAC] to (set forth prosecuting attorney's name and address and defense attorney's name and address)

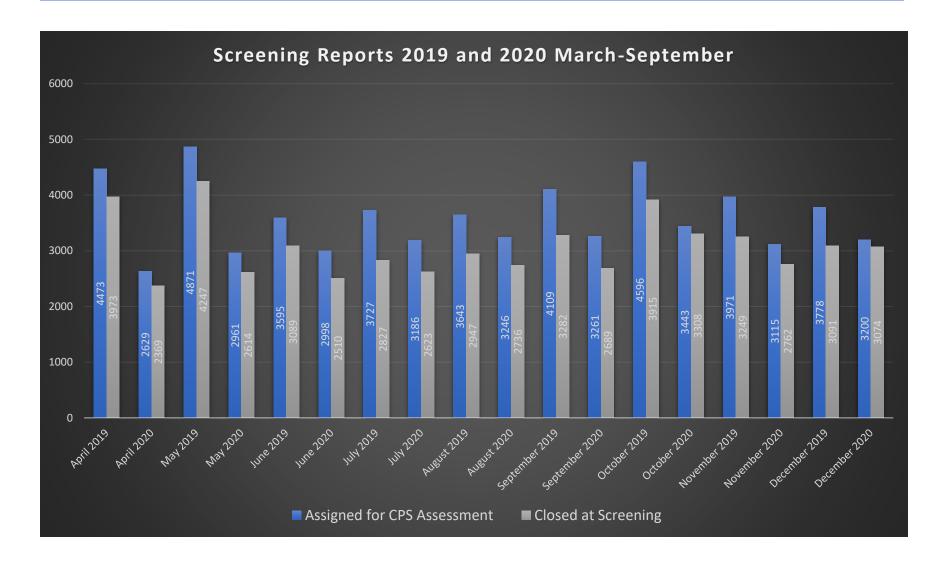
SUBJECT TO THE FOLLOWING RESTRICTIONS:

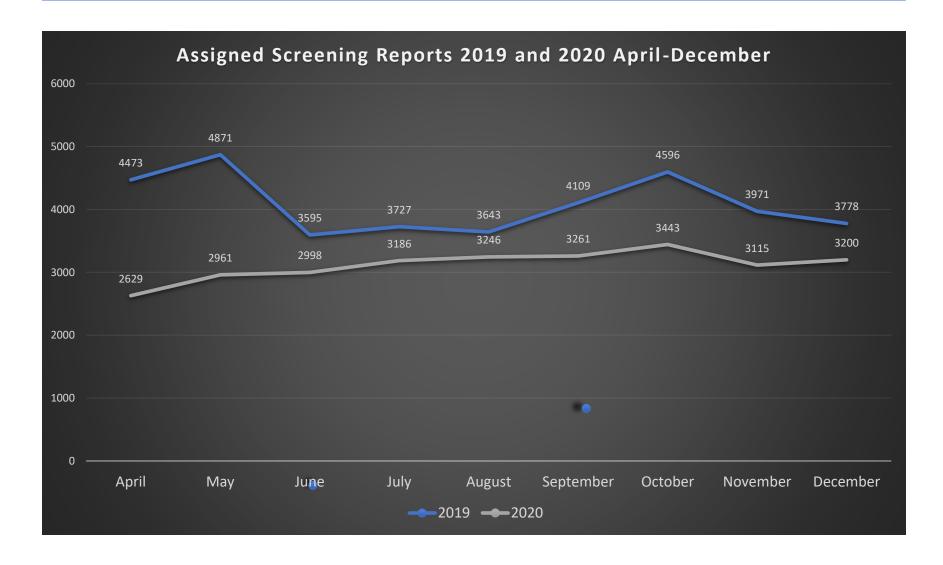
- 1. All records obtained under this order shall be in the constructive custody of the court. The records shall be returned to court or to [name of CAC] at the conclusion of this proceeding or within 40 days after the judgment order is signed by the court.
- 2. Records obtained under this protective order may not be viewed or otherwise used except in connection with representation of a party in the above entitled proceeding. Any other use or viewing of these records is not authorized and shall be deemed a violation of this protective order.

- 3. None of the records produced may be duplicated or copied by parties or counsel. No transcripts or videotapes may be transcribed or prepared. It shall be the responsibility of the counsel obtaining a videotape or photograph covered by this protective order to exercise due diligence to ensure that no unauthorized use or viewing of the videotape or photograph occurs. Counsel shall not permit any person to view or possess any record covered by this protective order without notifying that person of the existence and requirements of this order.
- 4. Reproductions of videotapes and photographs for release to counsel will be made solely by, or under the direction of, the staff at [*name of CAC*] Copies of videotapes and/or photographs will be produced only when an express request from counsel accompanies service of this order.
- 5. Counsel appearing ex parte and presenting this order for the court's signature shall have so notified all other counsel of record in this proceeding and Medical Records Clerk of [name of CAC]. Prior requests, whether by subpoena or otherwise, will be insufficient notice that production of videotapes and/or photographs has been requested by counsel and approved by the court.
- 6. All reasonable expenses incurred in the production of these records shall be the responsibility of the party seeking production. Payment is required at the time of production.

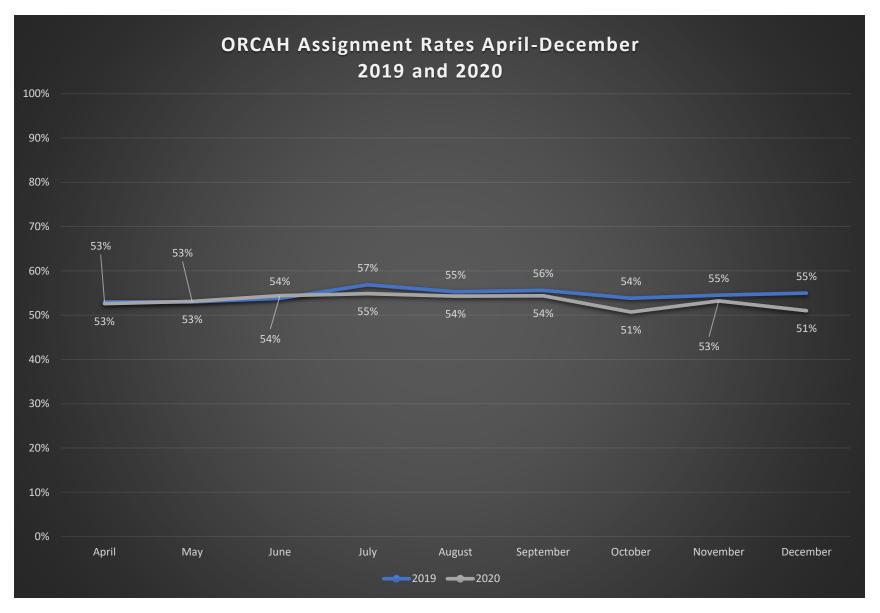
DATED this _	day of	, 20	
		Circuit Court Judge	

Submitted by:



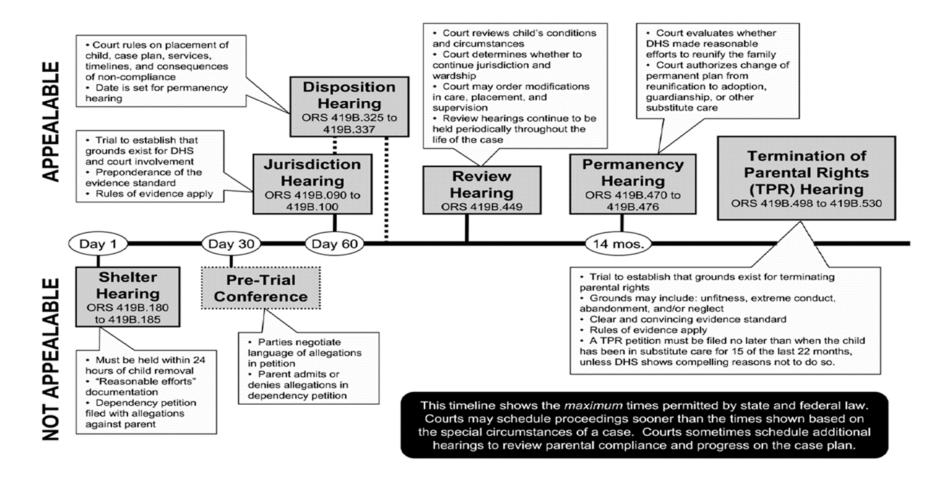


OREGON CHILD ABUSE HOTLINE



Assignment rates=the percent of screening reports that meet criteria for assignment to Child Protective Services for assessment

Oregon Juvenile Dependency Court Proceedings



Compilation of state statutes and administrative rules governing confidentiality in Juvenile dependency and termination cases:

ORS 409.225- Statute governing DHS Child Welfare records:

409.225 Confidentiality of child welfare records, files, papers and communications; when disclosure required. (1) In the interest of family privacy and for the protection of children, families and other recipients of services, the Department of Human Services shall not disclose or use the contents of any child welfare records, files, papers or communications that contain any information about an individual child, family or other recipient of services for purposes other than those directly connected with the administration of child welfare laws or unless required or authorized by ORS 419A.255 or 419B.035. The records, files, papers and communications are confidential and are not available for public inspection. General information, policy statements, statistical reports or similar compilations of data are not confidential unless such information is identified with an individual child, family or other recipient of services or protected by other provision of law.

- (2) Notwithstanding subsection (1) of this section, unless exempt from disclosure under ORS chapter 192, the department shall disclose child welfare records:
- (a) About a recipient of services, to the recipient if the recipient is 18 years of age or older or is legally emancipated, unless prohibited by court order;
- (b) Regarding a specific individual if the individual gives written authorization to release confidential information;
- (c) Concerning a child receiving services on a voluntary basis, to the child's parent or legal guardian.
 - (d) To the juvenile court in proceedings regarding the child; and
- (e) Concerning a child who is or has been in the custody of the department, to the child's parent or legal guardian except:
 - (A) When the child objects; or
- (B) If disclosure would be contrary to the best interests of any child or could be harmful to the person caring for the child.
- (3) Notwithstanding subsection (1) of this section, unless exempt from disclosure under ORS chapter 192, the department shall disclose child welfare records, if in the best interests of the child, to:
- (a) Treatment providers, foster parents, adoptive parents, school officials or other persons providing services to the child or family to the extent that such disclosure is necessary to provide services to the child or family; or
- (b) A person designated as a member of a sensitive review committee convened by the Director of Human Services when the purpose of the committee is to determine whether the department acted appropriately and to make recommendations to the department regarding policy and practice.

- (4) Any record disclosed under subsection (1), (2) or (3) of this section shall be kept confidential by the person or entity to whom the record is disclosed and shall be used only for the purpose for which disclosure was made.
- (5) Unless exempt from disclosure under ORS chapter 192, when an adult who is the subject of information made confidential by subsection (1) of this section publicly reveals or causes to be revealed any significant part of the confidential matter or information, the protections afforded by subsection (1) of this section are presumed voluntarily waived and confidential information about the person making or causing the public disclosure, not already disclosed but related to the information made public, may be disclosed if disclosure is in the best interests of the child or necessary to the administration of the child welfare laws.
- (6) Notwithstanding subsection (1) of this section, unless exempt from disclosure under ORS chapter 192, the department shall disclose information related to the department's activities and responsibilities in a case where child abuse or neglect has resulted in a child fatality or near fatality or where an adult has been charged with a crime related to child abuse or neglect.
- (7) Notwithstanding subsections (2), (3), (5) and (6) of this section, ORS 192.345 (3) shall apply to investigatory information compiled for criminal law purposes that may be in the possession of the department.
- (8) As used in this section, "adult" means a person who is 18 years of age or older. [1997 c.415 §1; 2001 c.900 §69]

ORS 419A.255- Statute governing Juvenile Court records: Only subsections (1), (2), (3) and (4) provided below.

419A.255 Maintenance; **disclosure**; **providing transcript**; **exceptions to confidentiality.** (1)(a) The clerk of the court shall maintain a record of each case and a supplemental confidential file for each case, except as otherwise provided in ORS 7.120.

- (b) The record of the case shall be withheld from public inspection but is open to inspection by the following:
 - (A) The judge of the juvenile court and those acting under the judge's direction;
 - (B) The child;
 - (C) The ward;
 - (D) The youth;
 - (E) The youth offender;
 - (F) The parent or guardian of the child, ward, youth or youth offender;
 - (G) The guardian ad litem for the parent;
- (H) A person allowed to intervene in a proceeding involving the child, ward, youth or youth offender;
- (I) The court appointed special advocate, and a representative of a CASA Volunteer Program as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court appointed special advocates;

- (J) The attorneys or prospective appellate attorneys for any of the persons listed in subparagraphs (B) to (I) of this paragraph;
 - (K) The surrogate;
 - (L) Service providers in the case;
- (M) The district attorney or assistant attorney general representing a party in the case;
 - (N) The juvenile department;
 - (O) The Department of Human Services;
 - (P) The Oregon Youth Authority; and
 - (Q) Any other person or entity allowed by the court pursuant to ORS 419A.258.
 - (c) The following are entitled to copies of the record of the case:
 - (A) The judge of the juvenile court and those acting under the judge's direction;
 - (B) A party to the extent permitted under ORS 419B.875 (2) or 419C.285 (2);
- (C) A guardian ad litem for a parent to the same extent the parent is permitted to copies under ORS 419B.875 (2) or 419C.285 (2);
 - (D) Persons listed in paragraph (b)(J) to (P) of this subsection; and
 - (E) Any other person or entity allowed by the court pursuant to ORS 419A.258.
- (2)(a) Reports and other material relating to the child, ward, youth or youth offender's history and prognosis in the record of the case or the supplemental confidential file are privileged and, except at the request of the child, ward, youth or youth offender, shall be withheld from public inspection except that inspection is permitted as set forth in subsection (1)(b) of this section and paragraph (b) of this subsection. The offer or admission of reports and other material in the record of the case or the supplemental confidential file as exhibits in a hearing or trial does not waive or otherwise change the privileged status of the reports and other material, except for purposes of the hearing or trial in which the reports and other material are offered or admitted. Once offered as an exhibit, reports and other material relating to the child, ward, youth or youth offender's history and prognosis that were maintained in the supplemental confidential file become part of the record of the case but are subject to paragraph (e) of this subsection.
 - (b) A supplemental confidential file is open to inspection by the following:
 - (A) The judge of the juvenile court and those acting under the judge's direction;
 - (B) The parent or guardian of the child or ward in a dependency case;
 - (C) The guardian ad litem for the parent of a child or ward in a dependency case;
- (D) The parent or guardian of the youth or youth offender in a delinquency case if the youth or youth offender consents to, or the court authorizes, inspection;
- (E) The guardian ad litem for the parent of a youth or youth offender in a delinquency case if the youth or youth offender consents to, or the court authorizes, inspection;
- (F) A person allowed to intervene in a proceeding involving the child, ward, youth or youth offender;

- (G) The court appointed special advocate, and a representative of a CASA Volunteer Program as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court appointed special advocates;
 - (H) The surrogate;
 - (I) Service providers in the case;
 - (J) The attorneys or prospective appellate attorneys for:
 - (i) The child;
 - (ii) The ward;
 - (iii) The youth;
 - (iv) The youth offender;
 - (v) The parent or guardian of the child, ward, youth or youth offender;
 - (vi) The guardian ad litem for the parent;
- (vii) A person allowed to intervene in a proceeding involving the child or ward in a dependency case; or
- (viii) The court appointed special advocate and a representative of a CASA Volunteer Program as defined in ORS 184.489;
- (K) The district attorney or assistant attorney general representing a party in the case;
 - (L) The juvenile department;
 - (M) The Department of Human Services;
 - (N) The Oregon Youth Authority; and
 - (O) Any other person or entity allowed by the court pursuant to ORS 419A.258.
- (c) The supplemental confidential file in cases under ORS 419C.005 may be disclosed to the superintendent of the school district in which the youth offender resides or the superintendent's designee.
- (d) The following are entitled to copies of material maintained in the supplemental confidential file:
 - (A) The judge of the juvenile court and those acting under the judge's direction;
 - (B) Service providers in the case;
 - (C) School superintendents and their designees in cases under ORS 419C.005;
 - (D) Attorneys designated under subsection (2)(b)(J) of this section;
- (E) The district attorney or assistant attorney general representing a party in the case;
 - (F) The juvenile department;
 - (G) The Department of Human Services;
 - (H) The Oregon Youth Authority;
- (I) The court appointed special advocate, and a representative of a CASA Volunteer Program as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court appointed special advocates; and
 - (J) Any other person or entity allowed by the court pursuant to ORS 419A.258.
- (e) A person that obtains copies of material in the supplemental confidential file pursuant to paragraph (d) of this subsection is responsible for preserving the confidentiality of the material in the supplemental confidential file. A service provider,

school superintendent or superintendent's designee who obtains copies of such material shall destroy the copies upon the conclusion of involvement in the case.

- (3) Except as otherwise provided in subsection (5) of this section, no information appearing in the record of the case or in the supplemental confidential file may be disclosed to any person not described in subsections (1)(b) and (2)(b) of this section, respectively, without the consent of the court, except for purposes of evaluating the child, ward, youth or youth offender's eligibility for special education as provided in ORS chapter 343, and no such information may be used in evidence in any proceeding to establish criminal or civil liability against the child, ward, youth or youth offender, whether such proceeding occurs after the child, ward, youth or youth offender has reached 18 years of age or otherwise, except for the following purposes:
- (a) In connection with a presentence investigation after guilt has been admitted or established in a criminal court.
- (b) In connection with a proceeding in another juvenile court concerning the child, ward, youth or youth offender or an appeal from the juvenile court.
- (4)(a) When a person described in subsection (1)(b)(M), (N), (O) or (P) of this section inspects or obtains copies of reports, materials or documents under this subsection or under subsection (1) or (2) of this section, the person may not use or disclose the reports, materials or documents, except:
 - (A) As provided in this subsection or under subsection (1) or (2) of this section;
- (B) In the juvenile court proceeding for which the reports, materials or documents were sought or disclosed;
 - (C) With the consent of the court; or
 - (D) As provided in ORS 419A.253.
- (b) Nothing in this section prohibits the district attorney or assistant attorney general representing a party in a juvenile court proceeding, the juvenile department, the Department of Human Services, the Oregon Youth Authority or other parties in the proceeding or their attorneys from disclosing to each other reports, materials or documents described in subsections (1) and (2) of this section if the disclosure is reasonably necessary to perform official duties related to the involvement of the child, ward, youth or youth offender with the juvenile court or the juvenile department. A person to whom reports, materials or documents are disclosed under this subsection is subject to subsection (3) of this section.

ORS 419A.258 - Access to and inspection of Juvenile Court records for non-parties:

419A.258 Motion to inspect or copy records. (1) Any person or entity not included in ORS 419A.255 as a person or entity entitled to inspection or copying of the record of the case or the supplemental confidential file may file a motion with the court to inspect or copy the record of the case or the supplemental confidential file. The person or entity filing the motion shall file a sworn affidavit or declaration under penalty of perjury that states all of the following:

- (a) The reasons why the inspection or copying is sought;
- (b) The relevancy, if any, of the inspection or copying to the juvenile court proceeding; and
- (c) How the inspection or copying will serve to balance the interests listed in subsection (6) of this section.
- (2)(a) No later than 14 days before the court considers the motion, the person or entity filing the motion shall serve all parties and attorneys of record to the juvenile court proceeding with a copy of the motion and affidavit or declaration. Except as provided in paragraph (b) of this subsection and regardless of whether the juvenile court proceeding was commenced under ORS chapter 419B or 419C, service under this subsection must be consistent with the provisions of ORS 419B.851 and 419B.854. The person or entity filing the motion shall also provide all parties and attorneys of record with written notice that the party has until 14 days after the date of service to file a response or objection to the motion or such other time as specified by the court under paragraph (c) of this subsection.
- (b) If the affidavit or declaration of the person or entity filing the motion states that the person or entity does not know the identity or address of a party or attorney of record, the court shall mail notice of the time to respond or object to the party or attorney of record at the party's or attorney of record's last known address and shall note in the register the date the notice was mailed. The notice must be mailed at least 14 days before the court considers the motion or such other time as specified by the court under paragraph (c) of this subsection.
- (c) On its own motion or upon application of the person or entity filing the motion, and for good cause shown, the court may reduce or extend the time for service of the motion and affidavit or declaration.
- (3) The court may summarily deny the motion if the requirements of subsections (1) and (2) of this section have not been met.
- (4) The court may set a hearing to consider the motion and shall send notice of the time and place of the hearing to all parties.
- (5) Upon determination by the court that the person or entity filing the motion has met the requirements of subsections (1) and (2) of this section, the court shall conduct an in camera review, taking into consideration any response or objections made by a party.
- (6) Following the in camera review under subsection (5) of this section, in making the determination of whether to allow inspection or copying of the record of the case or

the supplemental confidential file, in whole or in part, the court shall weigh the following interests:

- (a) The privacy interests and particular vulnerabilities of the child, ward, youth or youth offender, or of family members, that may be affected by the inspection or copying of all or part of the record of the case or the supplemental confidential file;
 - (b) The interests of the other parties to, or victims in, the juvenile court proceeding;
 - (c) The interests of the person or entity filing the motion; and
 - (d) The interests of the public.
 - (7) In granting a motion made under this section, the court:
- (a) Shall allow inspection or copying only as necessary to serve the legitimate need of the person or entity filing the motion, as determined by the court;
- (b) May limit inspection or copying to particular parts of the record of the case or the supplemental confidential file;
 - (c) May specify the timing and procedure for allowing inspection or copying; and
- (d) Shall make protective orders governing use of the materials that are inspected or copied. [2016 c.95 §9]

ORS 419B.035- Statute governing Child Abuse records- Only subsections (1), (2), (3) and (7) provided below:

419B.035 Confidentiality of records; when available to others. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.478 and 192.610 to 192.810 relating to confidentiality and accessibility for public inspection of public records and public documents, reports and records compiled under the provisions of ORS 419B.010 to 419B.050 are confidential and may not be disclosed except as provided in this section. The Department of Human Services shall make the records available to:

- (a) Any law enforcement agency or a child abuse registry in any other state for the purpose of subsequent investigation of child abuse;
- (b) Any physician, physician assistant licensed under ORS 677.505 to 677.525, naturopathic physician licensed under ORS chapter 685 or nurse practitioner licensed under ORS 678.375 to 678.390, at the request of the physician, physician assistant, naturopathic physician or nurse practitioner, regarding any child brought to the physician, physician assistant, naturopathic physician or nurse practitioner or coming before the physician, physician assistant, naturopathic physician or nurse practitioner for examination, care or treatment;
- (c) Attorneys of record for the child or child's parent or guardian in any juvenile court proceeding;
- (d) Citizen review boards established by the Judicial Department for the purpose of periodically reviewing the status of children, youths and youth offenders under the jurisdiction of the juvenile court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to participants in case reviews;

- (e) A court appointed special advocate in any juvenile court proceeding in which it is alleged that a child has been subjected to child abuse or neglect;
- (f) The Office of Child Care for certifying, registering or otherwise regulating child care facilities;
 - (g) The Office of Children's Advocate;
- (h) The Teacher Standards and Practices Commission for investigations conducted under ORS 342.176 involving any child or any student in grade 12 or below;
- (i) Any person, upon request to the Department of Human Services, if the reports or records requested regard an incident in which a child, as the result of abuse, died or suffered serious physical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must be disclosed in accordance with ORS 192.311 to 192.478;
 - (j) The Office of Child Care for purposes of ORS 329A.030 (10)(g), (h) and (i); and
- (k) With respect to a report of abuse occurring at a school or in an educational setting that involves a child with a disability, Disability Rights Oregon.
- (2)(a) When disclosing reports and records pursuant to subsection (1)(i) of this section, the Department of Human Services may exempt from disclosure the names, addresses and other identifying information about other children, witnesses, victims or other persons named in the report or record if the department determines, in written findings, that the safety or well-being of a person named in the report or record may be jeopardized by disclosure of the names, addresses or other identifying information, and if that concern outweighs the public's interest in the disclosure of that information.
- (b) If the Department of Human Services does not have a report or record of abuse regarding a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS 161.015, the department may disclose that information.
- (3) The Department of Human Services may make reports and records compiled under the provisions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer, court, agency, organization or other entity when the department determines that such disclosure is necessary to administer its child welfare services and is in the best interests of the affected child, or that such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect children from abuse and neglect or for research when the Director of Human Services gives prior written approval. The Department of Human Services shall adopt rules setting forth the procedures by which it will make the disclosures authorized under this subsection or subsection (1) or (2) of this section. The name, address and other identifying information about the person who made the report may not be disclosed pursuant to this subsection and subsection (1) of this section.
- (7) An officer or employee of the Department of Human Services or of a law enforcement agency or any person or entity to whom disclosure is made pursuant to subsections (1) to (6) of this section may not release any information not authorized by subsections (1) to (6) of this section.

DHS Rule governing disclosure of reporter information to LEA; Disclosure of open CPS assessment:

OAR 413-010-0035- Prohibited Disclosures- (Amended 03/08/17)

(9) Reporter of Abuse. The identity of the person making a report of suspected child abuse, and any identifying information about the reporting person, must be removed from the records or shielded from view before records are viewed or copied. The name, address or other identifying information may only be disclosed to a law enforcement officer or district attorney in order to complete an investigation report of child abuse.

OAR 413-010-0035(10)(c) A report, record, or findings of an assessment of child abuse may not be disclosed until the assessment is completed, except for the reasons stated in paragraphs (e)(A) and (B) of this section. An assessment will not be considered completed while either a protective service assessment or a related criminal investigation is in process. The Department determines when the protective service assessment is completed. The district attorney determines when a criminal investigation is completed.

- (e) *Records* or information from *records* of abuse and neglect assessments may be disclosed to other interested parties if the Department determines that disclosure to a person or organization is necessary to:
- (A) Administer child welfare services and is in the best interests of the affected *child*. When disclosure is made for the administration of child welfare services, the Department will release only the information necessary to serve its purpose; and (B) Prevent abuse and neglect, assess reports of abuse or neglect, or protect children from further abuse or neglect.

DHS statute and rule governing disclosure of information about a person that maintains a foster home:

418.642 Confidentiality of information about person who maintains foster home; **exceptions; rules.** (1) Notwithstanding ORS 192.311 to 192.478, the name, address and other identifying information about a person who maintains a foster home are confidential and not accessible for public inspection.

- (2) Notwithstanding subsection (1) of this section, the Department of Human Services may adopt rules that allow the department to disclose information about a person who maintains a foster home if the department deems:
 - (a) It necessary or advisable to protect the best interests of a child; or
 - (b) It necessary for the administration of the child welfare laws. [1999 c.465 $\S 2$]

OAR 413-200-0298 Confidentiality of Applicant or Certified Family Information (Amended 6/29/2018)

- (1) This rule describes how the Department will exercise its authority to disclose information it gathers about an applicant or a certified family.
- (2) The name, address, and other identifying information about a certified family are confidential under ORS. 418.642 and not open to public inspection. Except as provided in these rules, the Department may not disclose identifying information.
- (3) Unless prohibited by federal or state law, the Department may disclose the name, address, or other identifying information about a foster parent or relative caregiver when:
 - (a) A foster parent or relative caregiver requests information about the foster parent or relative caregiver;
 - (b) A foster parent or relative caregiver authorizes disclosure about the foster parent or relative caregiver;
 - (c) A court order requires disclosure;
 - (d) The Department determines disclosure is necessary or advisable to protect the best interest of a child or young adult; or
 - (e) The Department determines disclosure is necessary for the administration of child welfare laws, which may include, but is not limited to, the following circumstances:
 - (A) Disclosure to employees of the Secretary of State's Office, the Department of Health and Human Services, and the Department which requires information to complete audits, program reviews or other investigations of child welfare programs administered by the Department;
 - (B) Disclosure to law enforcement officers and district attorney's offices that require information for child abuse assessments, criminal investigations, or other civil or criminal proceedings connected with administering the Department's child welfare programs;
 - (C) Disclosure to the Office of Administrative Hearings or an Administrative Law Judge as part of an administrative action initiated by the Department;

- (D) Disclosure to the juvenile court or a party to a juvenile court case concerning a child or young adult to enable the court or the party to protect the best interests of the child or young adult;
- (E) Disclosure to comply with the requirements of mandatory abuse reporting laws including, but not limited to: ORS 124.060 (elder abuse), 419B.010 (child abuse), 430.765 (adults with mental illness or developmental disabilities), and 441.640 (residents in long-term care facilities);
- (F) Disclosure for the purposes of providing support, training, education or other information about the role of a certified family.



Specific Standards for Representation in Juvenile Dependency Cases

June 23, 2017

* * *

STANDARD 2 – RELATIONSHIP WITH THE CHILD CLIENT

* * *

G. The child-client's lawyer should take appropriate actions on collateral issues.

Action:

The child-client's lawyer should inquire regarding prior delinquency, status offense, or criminal history. The child-client's lawyer should advise the child client to contact the lawyer immediately if the child client is contacted by law enforcement, school authorities, or is otherwise under investigation.

Action:

The child-client's lawyer should identify and preserve relevant evidence related to mental health, cognitive functioning, disability, medical treatment, family history, and other mitigating factors.

Action:

Whenever possible, the child-client's lawyer in the dependency case should also represent the child client in the delinquency case. If the child client has two individual lawyers, they should collaborate regarding case strategy.

Commentary:

The purpose of identifying crossover cases should be to, wherever possible, prevent crossover from dependency into delinquency systems; to assure, whenever possible, that the intervention is based on the child client's conditions and circumstances and the child client is placed in the least restrictive setting possible; and when dual system involvement is necessary, to ensure a coordinated streamlined response to the overlapping issues that bring the child client into multiple legal systems.

Action:

If a child-client's lawyer, in the course of representing a child client under the age of 18, becomes aware that the child client has a possible claim for damages that the child client cannot pursue because of the child's age or disability, the child-client's lawyer should consider asking the court that has jurisdiction over the child client to either appoint a guardian *ad litem* (GAL) for the child client to investigate and take action on the possible claim or issue an order permitting access to juvenile court records by a practitioner who can advise the court whether to seek appointment of a GAL to pursue a possible claim.

Action:

The child-client's lawyer may pursue, personally or through a referral to an appropriate specialist, issues on behalf of the child client, administratively or judicially, even if those issues do not specifically arise from the court appointment. Examples include:

- 1. Delinquency or status offender matters;
- 2. SSI and other public benefits;
- 3. Custody;
- 4. Paternity;
- 5. School and education issues;
- 6. Immigration issues;
- 7. Proceedings related to the securing of needed health and mental health services; and
- 8. Child support.

Commentary:

The child-client's lawyer may request authority from the appropriate authority to pursue issues on behalf of the child client, administratively or judicially, even if those issues do not specifically arise from the court appointment. Such ancillary matters may include special education, school discipline hearings, mental health treatment, delinquency or criminal issues, status offender matters, paternity, probate, immigration matters, medical care coverage, SSI eligibility, youth transitioning out of care issues, postsecondary education opportunity qualification, and tort actions for injury. If the child client might be eligible for Special Immigrant Juvenile Status, the child-client's lawyer should consider consulting with a dependency attorney experienced in these cases and, if appropriate, consulting with an immigration attorney. If the child client appears eligible for Special Immigrant Juvenile Status, the child's trial attorney should advocate for immigration representation by the agency, if relevant. If the child client does not qualify for representation by the agency in the immigration matter, the child-client's lawyer should consider attempting to locate an immigration attorney to represent the child client.

The child-client's lawyer does not have an ethical duty to represent the child client in these collateral matters when the terms of the lawyer's employment limit duties to the dependency case. However, the child-client's lawyer may have a duty to take limited steps to protect the child client's rights, ordinarily by notifying the child-client's legal custodian about the possible claim unless the alleged tortfeasor is the legal custodian. In the latter case, ordinarily the child-client's lawyer adequately protects the child client by notifying the court about the potential claim. Whether this solution will work depends on whether a lawyer

capable of assessing the potential tort claim is available to be appointed by the court. A juvenile court judge might well expect the child-client's lawyer to recommend someone to whom the case could be referred. In this situation, the child-client's lawyer should research the other lawyer's reputation and communicate clearly to the court and to the child client that the child's lawyer is turning the work over to the receiving lawyer and is not vouching for the receiving lawyer's work or monitoring the receiving lawyer's progress in pursuing the claim. For more information, see Oregon Child Advocacy Project, When a Child May Have a Tort Claim: What's a Child's Court-Appointed Attorney to Do? (2010).

WHEN A CHILD MAY HAVE A TORT CLAIM: WHAT'S THE CHILD'S COURT-APPOINTED ATTORNEY TO DO?

The Oregon Child Advocacy Project
Professor Leslie J. Harris and Child Advocacy Fellows Colin Love-Geiger and Alyssa Knudsen
June 2010

Summary

A court-appointed attorney who represents a child in a dependency proceeding does not have an ethical duty to act to protect the child's interests in legal matters collateral to the dependency case, including a potential tort claim against DHS because the terms of the attorney's employment limit his or her duties to the dependency case. However, the child's attorney may have a duty to take limited steps to protect the child's rights, ordinarily by notifying the child's legal custodian about the possible claim unless the alleged tortfeasor is the legal custodian. In the latter case, ordinarily the lawyer adequately protects the child by notifying the court about the potential claim. Even if the lawyer does not have this duty, best practices standards encourage the lawyer to take this step.

Attorneys representing children in dependency cases sometimes learn that their child clients have been injured and therefore may have tort claims for those injuries. In such a case, if the child is in the legal custody of the parents or some third party, the lawyer can simply bring the matter to the custodian's attention, allowing the custodian to decide whether and how to pursue the claim. If the child is in the legal custody of the Department of Human Services and the alleged tortfeasor is a third party, the child's attorney again can simply notify DHS, which will have a duty to handle the matter. What, though, if the child is in the custody of DHS and the potential tort claim is against DHS alone or along with others, such as foster parents? This memo addresses the ethical duties of the child's attorney in this situation, as well as the potential tort liability of the attorney who acts to protect the child's interest.

I. The attorney has no duty to pursue the tort claim on the child's behalf

Oregon Rule of Professional Conduct 1.2(b) governs the scope of a lawyer's representation; in relevant part it provides that an attorney may limit representation to specific matters "if the limitation is reasonable and the client gives informed consent." When the client is a child, however, the client may not have the capacity to consent to limited representation. This does not mean that a child's attorney is obligated to protect the child's legal interests in all realms. The commentary to ABA Model Rule 1.2, upon which the Oregon rule is based, says that an attorney's obligations may also by limited "by the terms under which the lawyer's services are made available to the client." In the great majority of dependency cases in Oregon, a lawyer for a child is appointed by the judge under ORS 419B.195(1)¹ and is paid pursuant to a contract between the lawyer and the state Public Defense Services Commission. The model contract

¹ ORS 419B.195(1) provides, "If the child, ward, parent or guardian requests counsel for the child or ward but is without sufficient financial means to employ suitable counsel possessing skills and experience commensurate with the nature of the petition and the complexity of the case, the court may appoint suitable counsel to represent the child or ward at state expense...".

between the Commission and attorneys appointed in dependency cases says that an attorney appointed under ORS 419B.195(1) will be paid for "all matters related to the appointment, except DMV license suspension hearings, civil forfeiture proceedings, domestic relations proceedings and other civil proceedings." Letter of Ingrid Swenson to Mark Taleff, Feb. 29, 2008, quoting the model contract. A child's attorney who represented a child on matters outside this language would not be paid from state funds. *Id*.

Relying on the commentary to Model Rule 1.2, ORS 419B.195(1) and the model contract, the general counsel of the Oregon State bar has issued an informal opinion indicating that the child's attorney who has been appointed by the court to represent a child in a juvenile dependency case does not have an ethical duty to represent the child in "unrelated civil claims." Letter of Sylvia E. Stevens to Mark Taleff, Mar. 13, 2008. The informal opinion also concludes that an attorney privately retained to represent a child in a juvenile court case could also attempt "to expressly limit the scope of the representation to the `case' arising under ORS Chapter 419B in the letter notifying the court of the attorney's appearance.

The Oregon bar counsel's view is consistent with a formal opinion of the District of Columbia Bar, interpreting the same scope of representation language in its code of professional conduct. D.C. Bar Opinion No. 252, Obligations of Lawyer Appointed Guardian ad Litem in a Child Abuse and Neglect Proceedings with Respect to Potential Tort Claims of the Child (1994).⁵

II. Does the child's attorney have a duty to notify the court about a potential tort claim?

The next question that an attorney for a child who knows the child may have a claim against DHS faces is whether he or she has a duty to do *something* to protect the child's interests, since it is entirely possible that the attorney is the only one who will recognize the child's potential claim. Certainly the attorney may choose to take steps to protect the child (provided that the child of considered judgment agrees; see discussion below). Indeed, Standard 3.3(9) of the Oregon State Bar Performance Standards for Representation in Juvenile Dependency Cases encourages the attorney to take such steps. This Standard, which is aspirational rather than mandatory, provides:

If a lawyer, in the course of representation of a client under the age of 18, becomes aware that the client has a possible claim for damages that the client cannot pursue because of his or her civil disability, the lawyer should consider asking the court that has jurisdiction over the child to either appoint a guardian ad litem for the child to investigate and take action on the possible claim or issue an order permitting access to juvenile court records

² Some court-appointed attorneys are not under contract with the Public Defense Services Commission but are paid on an hourly basis. As with attorneys under contract, PDSC does not compensate these attorneys for any work performed on unrelated civil claims.

³ See Paragraph 7.1.1, PDSC Model Contract, available at: http://www.Oregon.gov/OPDS/docs/CBS/ModelContractTerms/documents/ModkJan2010.pdf.

⁴ Although reliance on an advisory opinion is not a defense to a complaint of attorney misconduct, the Oregon State Bar Disciplinary Board and the Oregon Supreme Court may consider a lawyer's good faith effort to comply with a written advisory ethics opinion of the bar as (1) evidence of the lawyer's good faith effort to comply with the Oregon Rules of Professional Conduct and (2) a basis for mitigation of any sanction that may be imposed if the lawyer is found to be in violation of the Rules. *See* Oregon Rules of Professional Conduct 8.6.

⁵ The opinion is available at http://www.dcbar.org/for_lawyers/ethics/legal_ethics/opinions/opinion252.cfm.

by a practitioner who can advise the court whether to seek appointment of a guardian ad litem to pursue a possible claim.

See also ABA Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases, Standard D-12 (1996);⁶ New York State Bar Assn., Standards for Attorneys Representing Children in New York Child Protective, Foster Care, and Termination of Parental Rights Proceedings, Standard D-12 (June 2007).⁷

The D.C. ethics opinion cited above goes further, concluding that the child's attorney who "identifies significant potential claims of the child against third parties... [must] notify the child or those responsible for the child's care (and in appropriate cases, the court) of the potential claims and, when necessary to preserve them, [to] take reasonable steps to file notices required by statute." D.C. Bar Opinion No. 252, *supra*. Under D.C. law, the attorney for a child in a dependency case represents the child's best interests and is called a guardian ad litem. The D.C. ethics opinion explains its conclusion that the attorney must bring the possible tort claim to the attention of the court in the following way:

...The guardian ad litem is responsible for monitoring many aspects of the child's life under circumstances where others have been alleged to fail in that responsibility; because of the child's youth and isolation from the family, the guardian ad litem is likely to be the only possible source of legal advice available to the child concerning potential claims; and the duration of the appointment puts the guardian ad litem in a good position to make reasonable judgments about potential claims. The lawyer, accordingly, should exercise judgment whether investigation or action may be warranted and, if so, what steps should be taken.

This limited duty finds support as well from Rule 2.1, describing the lawyer's role as adviser, Rule 1.3, requiring diligent representation, and Rule 1.4, mandating communication with clients. Rule 2.1 provides that when representing a client, "a lawyer shall exercise independent professional judgment and render candid advice." As indicated above, this duty is generally limited to the matter in which representation is provided, but where there is no other likely source of advice, a narrow reading of the duty does nothing more than guarantee that rights will be lost....

Expanded Scope of Representation. The child's attorney may request authority from the court to pursue issues on behalf of the child, administratively or judicially, even if those issues do not specifically arise from the court appointment. For example:

- (1) Child support;
- (2) Delinquency or status offender matters;
- (3) SSI and other public benefits;
- (4) Custody;
- (5) Guardianship;
- (6) Paternity;
- (7) Personal injury;
- (8) School/education issues, especially for a child with disabilities;
- (9) Mental health proceedings;
- (10) Termination of parental rights; and
- (11) Adoption.

⁶ The standard is available at http://www.abanet.org/child/repstandwhole.pdf. It reads:

⁷ The standard is available at http://nycourts.gov/ad3/lg/June2007CoverandStandards.pdf.

Comment [8] to Rule 1.3 is also relevant. That Comment addresses the situation where, as here, the lawyer serves a client "over a substantial period in a variety of matters." In such circumstances, the Comment advises, "the client sometimes may assume that the lawyer will continue to serve on a continuing basis unless the lawyer gives notice of withdrawal."

Finally, Comment [3] to Rule 1.4 states: "The guiding principle is that the lawyer should fulfill reasonable client expectations for information consistent with (1) the duty to act in the client's best interests, and (2) the client's overall requirements and objectives as to the character of the representation."

These comments, read together, suggest that the lawyer has an obligation at least to assure that colorable claims for compensation do not simply drift away because no one else is aware of them, especially in a situation where the child is unlikely to turn elsewhere for help. The guardian ad litem is responsible for understanding and reporting on the client's well-being during the pendency of the neglect proceeding and may be the only person who has knowledge of the potential claim or is in a position to take steps to protect the client's interests regarding the claim. The child can reasonably expect the lawyer not to allow strong claims to be abandoned. Accordingly, we believe the Rules impose an obligation to inform the [court] or responsible adult of potential claims for injuries the lawyer is aware of, and, where statutory notice requirements exist, to preserve potential claims the lawyer reasonably believes warrants preservation.

We stress the narrowness of this obligation to advise and to preserve. It is not a duty to investigate potential claims. Nor is it a duty to take steps to preserve all potential claims, but only those that come to the lawyer's attention and which the lawyer reasonably believes may be colorable. Nor, finally, is there any duty to provide representation in these matters. In all cases the lawyer is expected to exercise reasonable judgment whether the potential claims should be the subject of advice and preservation.

While the D.C. opinion clearly relies in part on the lawyer's role to act in the child client's best interests, many of the points that the opinion makes, including the practical reality that the child is unlikely to have other sources of legal assistance, would support the conclusion that a lawyer representing the expressed wishes of a child capable of considered judgment should have the same duty. The informal ethics opinion from Oregon bar counsel does not address the issue of whether the child's attorney must notify anyone about a potential tort claim belonging to a child.

III. If an attorney opts to notify the court, must the attorney consult with the child client first?

Under Oregon law, an attorney who represents a child who is capable of considered judgment must consult with the child about matters within the scope of the attorney's representation of the child.⁸ Since pursing a tort claim is an unrelated civil matter is outside the

⁸ Under ORPC 1.2(a), a lawyer must abide by the client's decisions concerning the objectives of the representation, and under Rule 1.4, must consult with the client about how to pursue those objectives. Although minors are under a legal disability, under Rule 1.14, if a minor actually has the capacity to direct the attorney, the attorney-client relationship should function as it would with an adult client. If the minor's capacity to make these decisions is

scope of the duties of a court-appointed attorney in a dependency case, the informal Oregon bar counsel opinion discussed above says that the wishes of the child about whether to take protective action are "not relevant." Letter of Sylvia E. Stevens, above. While this analysis is technically correct, it is possible that bringing to light a possible tort claim would have a significant impact on the child's dependency case. For example, if the possible tort claim were based on acts of the child's foster parents, merely bringing up the matter might well result in the child being moved from the foster home. In such a situation, it seems that whether to report the claim is intrinsically tied into the dependency case and, therefore, the child's attorney should explain the matter to the child in language that the child can understand, counsel the child about preserving the claim, and abide by the child's decision regarding the claim. The formal D.C. opinion cited above agrees with this analysis.

If the child's decision making capacity is too limited for the attorney to consult with the child, Rule 1.14(b) allows the attorney to "take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to the protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian."

IV. Discharging the duty to preserve the child's claim – and avoiding malpractice liability

If a child's attorney believes the child has a colorable tort claim, the informal Oregon ethics opinion, the Oregon Performance Standards and the D.C. formal ethics opinion all recommend that the child's attorney bring the possible claim to the attention of the court. The Performance Standards contemplate that the attorney will ask the court to appoint a guardian ad litem to pursue the matter or at least appoint an attorney to determine whether it should be pursued.⁹

Whether this solution will work depends on whether an attorney capable of assessing the potential tort claim is available to be appointed by the court. In Multnomah County, at the request of the juvenile court judges, the Oregon Trial Lawyers Association has created a panel that accepts referrals under these circumstances. Letter of Ingrid Swenson, above. In other counties, as a practical matter, a juvenile court judge might well expect the child's attorney to recommend someone to whom the case could be referred. The danger is that the referred attorney will not adequately pursue the claim, leaving the referring attorney with exposure to liability for malpractice, either for negligence in making the referral or jointly with the attorney who mishandled the claim. However, the child's attorney can take steps that can eliminate much of this risk.

Some states recognize the tort of negligent referral, which imposes liability on an attorney who does not take reasonable care in choosing an attorney to whom a client is referred. *See, e.g., Tormo v. Yormark*, 398 F. Supp. 1159 (D. N.J. 1975). Other states have rejected the tort. *E.g., Bourke v. Kazaras*, 746 A.2d 642 (Pa. Super. Ct. 2000). No appellate court has addressed whether this tort would be recognized under Oregon law. To avoid potential liability, the child's attorney should research the attorney's reputation and communicate clearly to the court and to the child that he or she is turning the work over to the receiving attorney and is not

diminished, the lawyer must still "as far as reasonably possible, maintain a normal client-lawyer relationship with the client." ORPC1.2(a).

⁹ Under the Oregon Rules of Civil Procedure, a guardian ad litem must be appointed to represent a child if a tort claim is pursued. *See* ORCP 27(A)

vouching for the receiving attorney's work or monitoring his progress in pursuing the claim. This would ensure no one has a reasonable belief that the lawyer is representing the child with regard to the claim. *See* Tim McNeil, Liability for Referrals to Other Lawyers, 25(4) Oregon Estate Planning and Administration Section Newsletter 1 (2008),

Under Oregon law it is also highly unlikely that a juvenile court attorney who simply referred a case to another attorney, without becoming actively involved or monitoring the case and without a fee-splitting arrangement, would be held jointly liable if the other attorney mishandled the case. *See* Tim McNeil, above, discussing *Scott v. Francis*, 314 Or. 329, 838 P.2d 596 (1992).

V. Discharging the duty to protect the child's claim – time limitations

Tort claims are subject to a two-year statute of limitations, but if the victim is a minor, the statute is tolled until one year after the victim attains the age of majority. ORS 12.160. If the child alleges that he or she is a victim of abuse, a more generous statute of limitations applies. An action based on abuse must be brought within six years after the victim attains the age of majority, or three years from the date the injuries were or reasonably should have been discovered. ORS 12.117.

In addition, tort claims against a state agency are subject to the Oregon Tort Claims Act, which requires that actual or written notice of a potential claim be given to the agency within 180 days of the injury. ORS 30.275(2). However, wards of DHS who are harmed by actions of DHS are not subject to the Tort Claims Act's notice requirements. ORS 30.275(9). When notice is required, children and others who are disabled have an additional 90 days, or a total of 270 days, in which to give notice. ORS 30.275(2). The time period begins to run when the victim knows or a reasonable person would have known of the injury. *Stephens v. Bohlman*, 314 Or 344, 838 P2d 600 (1992). This time period is not tolled for minors. *Cooksey v. Portland Public School Dist. No. 1*, 143 Or App 527, 923 P2d 1328 (1996).

As discussed at the beginning of this memo, if the child's potential tort claim is against anyone except the child's legal custodian, the child's attorney adequately protects the child simply by telling the custodian about it. If the claim is against a state agency other than DHS, the attorney should also consider telling the custodian about the 180-day rule and the statute of limitations. In contrast, if the potential claim is against DHS and the child is in the custody of DHS, under ORS 30.275(9), the attorney does not have to worry about the 180-day rule.

In the Matter of

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF MULTNOMAH

Juvenile Department

Case No:

PROTECTIVE ORDER

in the watter of	C. C
JOHN DOE,	MOTION FOR AUTHORITY TO
	RELEASE RECORDS AND
A Minor Child.	DDOTECTIVE ODDED

Undersigned counsel, appointed pursuant to ORS 419B.205 to represent the interests of John Doe, the above-captioned child, seeks the consent of the court in accordance with ORS 419A.255(3) to permit access to records produced pursuant to ORS 419A.255(2) and ORS 419B.035(1)(c) to a practitioner experienced in the litigation of tort claims arising from child abuse.

ORS 419A.255(3) provides in relevant part that "no information appearing in the record of the case or in the supplemental confidential file may be disclosed to any person not described in subsection (1)(b) and (2)(b) of this section, respectively, without the consent of the court * * *." ORS 419A.255(3) (emphasis added).

Page 1 – MOTION FOR AUTHORITY TO RELEASE RECORDS AND PROTECTIVE ORDER

2
 3

As grounds for this motion, undersigned counsel has become aware that the child has possible claims for damages that he cannot pursue on his own due to his civil disability. Standard 2 of the *Specific Standards for Representation in Juvenile*Dependency Cases (OSB 2017), provides in paragraph G:

"If a child-client's lawyer, in the course of representing a child client under the age of 18, becomes aware that the child client has a possible claim for damages that the child client cannot pursue because of the child's age or disability, the child-client's lawyer should consider asking the court that has jurisdiction over the child client to either appoint a guardian *ad litem* (GAL) for the child client to investigate and take action on the possible claim or issue an order permitting access to juvenile court records by a practitioner who can advise the court whether to seek appointment of a GAL to pursue a possible claim."

Undersigned counsel believes that review of the CARES evaluation report, DHS complaint investigation report, and any police reports by an attorney experienced in litigating tort claims arising from child abuse is reasonable and necessary, and asks this court to order the release of unredacted versions of such reports to, an attorney experienced in litigating such claims, for the purpose of evaluating tort claims on Doe's behalf, and if appropriate, seeking the appointment of a guardian *ad litem* or conservator to pursue such claims.

Counsel for the Department of Human Services and the parents have been contacted, and have advised that they do not oppose this motion or its presentation ex parte to the court, accompanied by the proposed "Order Authorizing Release of Records and Protective Order."

1	Dated this day of
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3	Attornory for Child
4	Attorney for Child
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20	Page 3 – MOTION FOR AUTHORITY TO RELEASE RECORDS AND PROTECTIVE ORDER

1	<u>CERTIFICATE OF SERVICE</u>
2	This is to certify that on DATE, I caused to be served a true and correct copy of
3	the foregoing via U.S. Mail by depositing the same in an envelope, postage pre-paid
4	thereon, addressed to the following:
5	Attorney for Father
6	Attorney for Mother
7	Attorney for Department of Human Services
8	Other parties.
9	
10	NAME
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20	Page 4 – MOTION FOR AUTHORITY TO RELEASE RECORDS AND PROTECTIVE ORDER

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF MULTNOMAH

Juvenile Department

In the Matter of	Case No.:
JOHN DOE, A Minor Child.	ORDER AUTHORIZING RELEASE RELEASE OF RECORDS AND PROTECTIVE ORDER

This matter came before the court on the motion of NAME, attorney for the Child, for an order authorizing the release of records of the Child, produced or obtained and protected by ORS 419A.255(2) and ORS 419B.035(1)(c), to a practitioner experienced in the litigation of tort claims arising from child abuse.

Having considered the motion and record herein,

THEREFORE, IT IS HEREBY ORDERED THAT:

NAME may provide the medical records and abuse investigation
 reports concerning CHILD to ATTORNEY NAME for the purpose of evaluating the
 Child's possible tort claims.

Page 1 – ORDER AUTHORIZING RELEASE OF RECORDS AND PROTECTIVE ORDER

1	2. Any records provided by NAME to NAME shall not be available for
2	public inspection, may not be copied or re-disclosed by NAME, and may be used
3	only for the purpose of evaluating the Child's possible tort claims arising from his
4	reported sexual abuse without further order of the Court.
5	DATED this day of
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7	Circuit Court Judge
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15	Submitted by:
16	
17	NAME Attorney for Child
18	Attorney for Child
19	
20	Page 2 – ORDER AUTHORIZING RELEASE OF RECORDS AND PROTECTIVE ORDER



Phone: 503-846-6204 TTY: 503-846-4863

WASHINGTON COUNTY CIRCUIT COURT

Juvenile Department 222 North First Avenue Hillsboro, Oregon 97124

May 12, 2015
Re: In the Matter of Washington Co Cases
Dear de la company de la compa
I received correspondence from you dated April 20, and May 6, 2015, and reviewed the Motion and Order for Release of Records.
At this time, before signing the Orders, I am going to immediately appoint a Guardian Ad Litem (GAL) for the Children to follow-up on the possible tort claim and release of records. has agreed to the appointment.
Please promptly follow-up with Ms. I in regards to the pending Protective Order.
The hearing scheduled for May 26, 2015 at 4:00pm is hereby cancelled.
Sincerely,
Ricardo J. Menchaca Circuit Court Judge RJM/mgr
cc: DHS - K
AAG

OTLA CASE ASSIGNMENT REQUEST

<u>Instructions</u>: This information will be used to assign counsel for the child/dependent. Please provide the information requested. After completing the form, scan and email to Nadia Dahab at nadia@sugermanlawoffice.com. If you have questions, please contact Nadia at (503) 228-6474.

Referring entity:				
Contact person:		cell pł	ione:	
Date of injury:				
Name of child or young adult:			f birth:	
Is child/young adult in the legal custod	y and guardianship of DHS? _			
Place and date of jurisdiction:				
Reason for jurisdiction:				
Name of guardian or foster parents: _				
Address:				
Phone:	cell phone:	email:		
DHS branch:	DHS worker:	phone:	email:	
Brief summary of incident that resulted	l in injury:			
Brief summary of injuries:				
Maria I and Maria Maria				
Medical providers, if known:				
Special needs, <i>i.e.</i> , hearing impaired, n	on English speeking ata:			
Special needs, i.e., nearing impaned, ii	on-English speaking, etc			
	OTLA RES	SPONSE		
G OTTV A				
Case accepted and referred to OTLA n				
Case rejected because:				



Department of Human Services

Public Records Unit

500 Summer St. NE, E-62

Salem, OR 97301

Voice: 503-945-5617 Fax: 503-581-6198

TTY: 503-945-5896



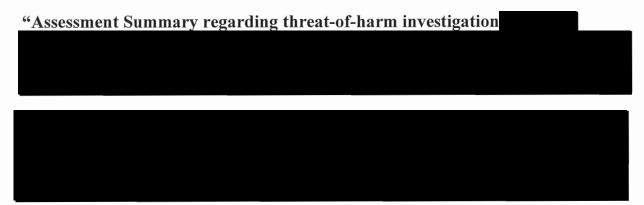
April 9, 2020

Re: Request for Child Welfare Records

Dear Requestor:

DHS received your request on April 9, 2020 (see ORS 192.324). The records you are requesting are public records as defined in ORS 192.311(5).

ORS 192.314(1) provides for the disclosure of public records unless the records sought fall within a statutory exemption. You requested the following records:



DHS is only able to give you records you have a legal right to. We are unsure who your minor client is as DHS has no records indicating you are the attorney of record for any of the parties associated with this case.

ORS 192.355(8) exempts from disclosure public records that are confidential, privileged or otherwise not subject to disclosure under federal law. ORS 192.355(9) exempts from disclosure public records that are confidential, privileged or otherwise not subject to disclosure under state law.

The bottom of this letter lists the records exemptions that may apply to your request. If the box below is checked, to the extent the records contain that type of information, DHS is unable to release that information to you. Therefore, DHS is redacting, or not releasing, the document to you. If you would like more information on an exemption that applies to your request, please follow the links located within each exemption.

If you have any questions, please feel free to contact the DHS Public Records Unit at dhs.recordsrequest@dhsoha.state.or.us. We are happy to assist you with any questions you may have.

If you do not agree with this decision, you may seek review of DHS' response pursuant to ORS 192.401, 192.411, 192.415, 192.418, 192.422, 192.427 and 192.431. The following link is to the Department of Justice's webpage. It provides instruction on filing an appeal. https://www.doj.state.or.us/oregon-department-of-justice/public-records/petition-for-public-records-order.

You may also contact the Oregon Foster Care Ombudsman at <u>fco.info@state.or.us</u> or the assigned DHS Caseworker for your minor client.

Thank you,

DHS Public Records Unit

Please remember, records are private and should not be shared with anyone who does not have a right to them.

DHS is unable to release the following records that pertain to your request as our records do not show you as an attorney on the case you are requesting:

☑ <u>ORS 409.225</u> makes confidential and not available for public inspection child welfare records about an individual, child, family or other recipient of services, subject to certain exceptions.

☑ 42 USC, section 5106a(b)(2)(B)(viii) requires states to preserve the confidentiality of child abuse reports and records and provides limitations on the disclosure of such reports and records. ORS 419B.035 is Oregon's codification of the above federal law. ORS 419B.035 makes confidential and not available for public inspection reports and records compiled as a result of a report of child abuse or neglect, subject to

exceptions that do not apply to this request. To the extent that the records include such information, that information has been redacted.

 \boxtimes The reports and records collected under <u>419B.010 to 419B.050</u> are made confidential under <u>ORS 419B.035</u>. The statute states that records may not be disclosed except as provided in that section.

 \square ORS 419B.035(3) exempts the name, address and other identifying information of the person who made a report of child abuse.

APPLYING FOR A GUARDIAN AD LITEM

A Guardian ad Litem (GAL) is a type of temporary, limited guardian who is appointed by the court to protect a party's best interests in a court case. A GAL can appear for, assist, and act on behalf of a party only in that specific court case.

Important Contact Information

Oregon Judicial Department – <u>www.courts.oregon.gov</u> Oregon State Bar Lawyer Referral Service - <u>www.oregonstatebar.org</u> **Phone:** 503.684.3763 or toll-free in Oregon at 800.452.7636

If you are deployed or about to be deployed, contact the Oregon State Bar Military Assistance Panel (<u>www.osbar.org/_docs/ris/militaryflier.pdf</u>) for information about special rights and rules that may apply to you.



Information about GALs

A GAL is *not* the party's lawyer, even if the person serving as GAL happens to be a lawyer. A GAL's role is to protect the party's best interests, not necessarily to advance the party's wishes.

A GAL has authority only to take actions directly related to the case. In some cases, a GAL can agree to a settlement, sign contracts or other documents in the case, receive and distribute funds related to the case, and receive service of documents on behalf of the person. If you have questions about authority in your case, contact a lawyer. Court staff cannot give legal advice.

The court must appoint a GAL under certain circumstances regardless of whether anyone requests a GAL. A court may appoint a GAL if the court decides that a party is "incapacitated¹ or financially incapable²" or "a person with a disability³" as the law defines those terms.

¹ ORS 125.005(5) - "Incapacitated" means a condition in which a person's ability to receive and evaluate information effectively or to communicate decisions is impaired to such an extent that the person presently lacks the capacity to meet the essential requirements for the person's physical health or safety. "Meeting the essential requirements for physical health and safety" means those actions necessary to provide the health care, food, shelter, clothing, personal hygiene and other care without which serious physical injury or illness is likely to occur.

² ORS 125.005(3) - "Financially incapable" means a condition in which a person is unable to manage financial resources of the person effectively for reasons including, but not limited to, mental illness, mental retardation, physical illness or disability, chronic use of drugs or controlled substances, chronic intoxication, confinement, detention by a foreign power or disappearance. "Manage financial resources" means those actions necessary to obtain, administer and dispose of real and personal property, intangible property, business property, benefits and income.

³ ORS 124.005 (through ORS 410.040 and 410.715) — "person with a disability" means ...a person with a physical or mental impairment that substantially limits one or more major life activities" or "...any person experiencing an injury defined as an injury to the brain caused by extrinsic forces where the injury results in the loss of cognitive, psychological, social, behavioral or physiological function for a sufficient time to affect that person's ability to perform activities of daily living..."

Minors (under 18) must be represented by a GAL in any case in which they are a party and do not already have a legally appointed guardian⁴. Minors who are age 14 or older may apply for appointment of a GAL if the minor is a plaintiff or petitioner. Note that parents under age 18 are not considered 'minors' by the court for purposes of family cases involving their children.

Minors who are defendants or respondents can apply for a GAL if they are 14 or older. If no application is filed by the minor, any party, interested person, relative, or friend can apply.

STEP 1: FILLING OUT AND FILING FORMS



Filling Out The Forms

- Fill out the *Motion to Appoint Guardian ad Litem and Declaration in Support* and the *Order Appointing Guardian ad Litem*
 - The case caption (party names and case number) must be the same as the caption in the main case
 - Use the form that has the same caption style as the case, either:
 - In the Matter of or
 - Petitioner/Plaintiff v. Respondent/Defendant



Reviewing documents

You may have a lawyer review your documents before you file. For information about how to find a lawyer, call the Oregon State Bar at the number on Page 1. If you are low-income, you may get your documents reviewed for a smaller fee through the Oregon State Bar's Modest Means program, or call your local Legal Aid office.

Some courts may have a facilitator who can review your forms. Call your court or go to www.courts.oregon.gov to see if your court has a facilitator available for your case type. Court facilitators are free.



Making copies

Make one copy of <u>all</u> of the completed forms for your records. See Step 2 for additional copies you will need.



File your forms

File your forms with the court where the case was filed. Filing is free.

⁴ Sexual Abuse Prevention Order cases may not require a GAL.

STEP 2: NOTICE

No later than 7 days after you file, you must provide notice to other parties

<u>WAIVER:</u> If you have good cause to waive (cancel) or modify (change) the notice requirements, you can file a *Motion to Waive or Modify Notice re: Guardian Ad Litem* and *Order on Motion to Waive or Modify Notice re: Guardian ad Litem* forms.

Send the *Notice of Motion Seeking Appointment of Guardian ad Litem* and an exact copy of the *Motion and Declaration* by first class mail as below. If the court waived or modified the notice requirements, follow the court order.

If the person needing a GAL is a minor, send notice to all of the following:

- > the minor (if 14 years old or older)
- > the parents of the minor
- all persons having custody of the minor
- > the person who has principal responsibility for the care and custody of the minor during the 60 day period before filing the *Motion to Appoint Guardian ad Litem*
 - This may include the Department of Human Services (DHS) if DHS has legal custody of the minor
- if the minor has no living parents, to the person nominated to act as fiduciary for the minor in a will or other instrument prepared by the minor's parent

If the person needing a GAL is not a minor, send notice to all of the following:

- > the person to be protected
- the person's spouse, parents, and adult children
- > all persons most closely related to the person
- > anyone cohabiting with the person who is interested in the person's affairs or welfare
- any person nominated or appointed as fiduciary for the person by any court; any trustee for a trust established by or for the person; any person appointed as a health care representative under ORS 127.505 to 127.660; and any person acting under a power of attorney
- ➤ if the person is receiving moneys paid or payable by the United States through the Department of Veterans Affairs, to the Veterans Affairs regional office with responsibility for the payments to the person
- ➢ if the person is receiving moneys paid or payable for public assistance provided under ORS chapter 411 by the State of Oregon through the Department of Human Services, to a representative of the department
- ➢ if the person is receiving moneys paid or payable for medical assistance provided under ORS chapter 414 by the State of Oregon through the Oregon Health Authority, to a representative of the authority
- > if the person is in the custody of the Department of Corrections, to the Attorney General and the superintendent or other officer in charge of the facility where the person is confined
- > if the person is a foreign national, to the consulate for the person's country
- > any other person that the court requires

CERTIFICATE OF MAILING

Keep a copy of each *Notice* you send and complete the *Certificate of Mailing* at the bottom after you mail it. File the completed copies with the court.

HEARING

If any objections to the appointment are filed, the court will hold a hearing. You will receive notice of the hearing date, time, and location. Make sure the court always has current contact information for you.

ADA ACCOMMODATION

If you need an ADA accommodation, complete the appropriate form (available at www.courts.oregon.gov/forms) and submit it to the court at least 4 days before your hearing

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF ____

	Case No:
Petitioner/Plaintiff and	MOTION TO APPOINT GUARDIAN AD LITEM and DECLARATION IN SUPPORT
Respondent/Defendant	
<u>Applicant Name</u> (First, Middle, Last):	
Person needing Guardian ad Litem (First, Mid	ldle, Last):
Applicant is the: minor child (age 14 or older) proposed Guardian ad Litem (GAL) other (name and relationship to the person	on to be protected):
The person needing a Guardian ad Litem (GAL) is a: petitioner/plaintiff respondent/defendant other (party type)	
Motion	1
FOR APPLICATIONS RE: A MINOR CHILD:	
☐ I am 14 years old or older. I am asking that an a	dult be appointed as a GAL.
<u>or</u> ☐ I ask the court to appoint a GAL for a minor par	rty in this case
FOR APPLICATIONS RE: ADULT PARTIES:	
☐ I ask the court to appoint a GAL for the person r	named above
FOR ALL APPLICATIONS:	
$ ightarrow$ $\ \square$ I am willing to serve as GAL in this case	
➤ I propose the following person as GAL	
Name (first, middle last):	
Relationship:	

Statement of Points and Authorities

Oregon Rules of Civil Procedure, Rule 27 requires that any minor party or any party who is incapacitated or financially incapable appear by Guardian ad Litem if the party does not already have a court-appointed guardian or conservator.

Appointment is to be made upon request of the minor party if the minor is 14 years old or older, or by request of another interested person if the minor is under 14 or is a defendant/respondent and does not apply within the time allowed. Appointment on behalf of an adult party must be made by a friend, relative, or interested person.

<u>Declaration</u>
FOR APPLICATIONS RE: A MINOR CHILD:
 ☐ I am the minor party. I am years old. ➢ ☐ I do not have a legally appointed guardian or conservator
or ☐ I am not the minor child, nor the guardian or conservator for the minor child ➤ ☐ I am the child's parent ➤ ☐ other (explain your relationship to the minor child):
FOR ARRIVONG DEVARIUE RADITES.
FOR APPLICATIONS RE: ADULT PARTIES:

>
FOR APPLICATIONS RE: ADULT PARTIES:
The person needing a GAL: <i>(check all that apply)</i> does not already have a legally appointed guardian or conservator is incapacitated or financially incapable as defined by ORS 125.005 <i>(explain below)</i> is a person with a disability as defined by ORS 124.005 <i>(explain below)</i>
Explain:
believe the proposed GAL is suitable because:
Certificate of Document Preparation. Check all that apply: I chose this form for myself and completed it without paid help. A legal help organization helped me choose or complete this form, but I did not pay money to anyone

☐ I paid (or will pay) ______ for help choosing, completing, or reviewing this form.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and I am subject to penalty for perjury.			
Date	Signature of Applicant		
	Name (printed)		
Contact Address	City, State, ZIP	Contact Phone	

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF _____ To: Date: Re (case name): Person needing a Guardian ad Litem (name):_____ NOTICE OF MOTION SEEKING APPOINTMENT OF GUARDIAN AD LITEM A motion has been filed to appoint a Guardian ad Litem (GAL) in this case. The motion was filed by (name, address, and phone number of applicant):_____ Applicant's relationship to the person needing a GAL: other: self parent **Objections** to the appointment of a Guardian ad Litem may be filed with the court no later than 14 days from the date of this Notice The person needing a GAL can object to the appointment by notifying the clerk of the court in writing of the objection See the attached Motion to Appoint Guardian ad Litem and Declaration in **Support** for more information **Certificate of Mailing** I certify that on (date): ______ I sent a true and complete copy of this Notice and the Motion to Appoint Guardian ad Litem and Declaration in Support by first class mail to the person named above at the address above.

Signature

Name (printed)

Date

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF _____

	Case No:
Petitioner/Plaintiff and	ORDER RE: GUARDIAN AD LITEM
Respondent/Defendant	
A Motion to Appoint Guardian ad Litem was filed b	y:
□ a minor child 14 years old or older□ the proposed Guardian ad Litem (GAL)□ other:	
The court finds:	
The minor child is:	
☐ 14 years old or older and requested a	ppointment of the proposed GAL
under 14 years of age <i>or</i> is a defendence not request appointment of a GAL	lant or respondent in this case and did
The adult needing a GAL:	
is incapacitated or financially inc	apable as defined in ORS 125.005
has a disability as defined in ORS 124 person in prosecuting or defending this ac	4.005 and the appointment will assist the ction
Suitability The proposed GAL ☐ is ☐ is not suitable	
Notice of the <i>Motion</i> was \square provided as requ	uired $or \square$ waived
Other findings:	
<u> </u>	
The court orders: No GAL is appointed at the	is time
(Name of GAL):	
Litem for (party name)	in this case

Other orders:		
Judge Signature:		
		
☐ Service is not require allowed by statute or rule present. ☐ I have served a copy UTCR 5.100 on all partice ☐ No objection has ☐ I received object to do so. I have file objections remain u ☐ After conferring with the court. Certificate of Service I certify that on (d) this proposed Ord	or judicial signature because (check all and under UTCR 5.100 because this judgre; or this judgment is being submitted it of this order and written notice of the assentitled to service (complete service is been served on me within that time fractions that I could not resolve with the old with the court a copy of the objection in the court and the court actions, the other party agreed about objections, the other party agreed in the United States mail to (name)	nent is submitted ex parte as in open court with all parties. 7-day objection period set out in information below). And: ame. ther party despite reasonable efforts is I received and indicated which indicated which indicated and complete copy of
Submitted by Applicant		
Signature	Prin	t Name
☐ I chose this form for myself☐ A legal help organization he	reparation. Check all that apply: and completed it without paid help elped me choose or complete this form, for help choosing, co	
Date	Signature of Applic	cant
	Name (printed)	
Contact Address	City, State, ZIP	Contact Phone

Page 1 – LIMITED JUDGMENT APPOINTING CONSERVATOR FOR MINOR

1	4. InTRUSTment, Northwest, Inc., is qualified and suitable to act as
2	conservator for Respondent, and is willing to serve;
3	NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED THAT:
4	5. InTRUSTment, Northwest, Inc., is appointed conservator for
5	, and letters of conservatorship shall be issued to
6	InTRUSTment, Northwest, Inc.;
7	The conservator is authorized to issue subpoenas <i>duces tecum</i> for the
8	production of documents and information pertaining to the
9	investigation(s) of the injuries sustained by the respondent in 2017; and
10	7. The requirements of bond and inventory are deferred until such time a
11	assets come into the conservatorship estate.
12	
13	Signed: 5/5/2020 10:50 AM Owelle Hiller
14	
15	Annette C. Hillman, Circuit Court Judge
16	
17	
18	Submitted by:
19	E: K OL OCR OLITIC
20	Erin K. Olson, OSB 934776 Attorney for Petitioner
	Attorney for Petitioner

Page 2 – LIMITED JUDGMENT APPOINTING CONSERVATOR FOR MINOR

1	Petitioner and Proposed Conservator:
2	Gary Beagle InTRUSTment Northwest, Inc.
3	PO Box 61604 Vancouver, WA 98666-1604
4	Telephone: 503-248-9580
4	Attorney for Petitioner/Proposed Conservator
5	Law Office of Erin Olson, P.C. 2014 N.E. Broadway Street
6	Portland, OR 97232-1511
7	Phone: 503-546-3150 Fax: 503-548-4435
	E-mail: eolson@erinolsonlaw.com
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Page 3 – LIMITED JUDGMENT APPOINTING CONSERVATOR FOR MINOR

1	U.T.C.R. 5.100 CERTIFICATE OF READINESS FOR JUDICIAL SIGNATURE
2	
3	Undersigned counsel certifies that the foregoing judgment or order is subject to service as follows:
4	No service is required, as this is an order exempt from the service requirements of UTCR 5.100(1) by UTCR 5.100(3)(d).
5	The foregoing service requirement was met as follows:
6	There is no service obligation.
7	This proposed order or judgment is ready for judicial signature because:
8	Service is not required pursuant to UTCR 5.100(3), or by statute, rule, or
9	otherwise, because this is an uncontested matter in a probate proceeding.
10	Dated this 5th day of May, 2020.
11	Zi HOLO
12	
13	Erin K. Olson, OSB 934776 Attorney for Petitioner
14	
15	
16	
17	
18	
19	

1			
2			
3			
4		IN THE CIRCUIT COURT	OF THE STATE OF OREGON
5		FOR THE COUN	NTY OF COUNTY
6	Probate Department		
7	In the Matter of the Proposed Fiduciary Appointment for		Case No.
8	CLIENT NAME,		LIMITED JUDGMENT APPOINTING FIDUCIARY PURSUANT TO ORS 125.650
10		A Minor.	
11	•		
12	This i	matter came before the court upon the	ne amended petition of PETITIONER NAME for
13	the appointme	ent of PETITIONER NAME as fice	duciary for CLIENT NAME . It appears to the
14	court from the	e records and files herein that:	
15	1.	Venue is properly in this court and	d no other court in this state has acquired
16	jurisdiction in	this matter.	
17	2.	Notice of this protective proceedi	ng has been given to the persons entitled to such
18	notice under	Oregon law.	
19	3. The court finds by clear and convincing evidence that:		
20		a. The protected person is fin	nancially incapable because HE/SHE is a minor.
21	b. PETITIONER NAME is suitable to serve as fiduciary in this matter.		s suitable to serve as fiduciary in this matter.
22		c. PETITIONER NAME n	nay serve without bond.
23	4.	PETITIONER NAME is grante	d only the following powers:
24		a. The fiduciary may contract	ct and retain counsel to investigate tort claims the
25		minor may possess.	
26			

1	b. The fiduciary may sign releases to obtain otherwise privileged information		
2	regarding medical care, psychological care and other information about the		
3	minor as is necessary to evaluate and prosecute claims of the minor.		
4	c. The fiduciary may file actions on the minor's behalf against those alleged to		
5	have committed torts against the minor.		
6	d. The fiduciary may continue those actions through trial and verdict, if		
7	necessary.		
8	5. PETITIONER NAME shall not enter into any settlement on behalf of CLIENT		
9	NAME. If Petitioner negotiates a settlement that appears appropriate,		
10	PETITIONER NAME shall file such further petitions, including petitions for		
11	establishment of conservatorship as are necessary to secure this Court's approval of		
12	such settlement and this Court's direction as to management of the resulting funds,		
13	including but not limited to payment of attorney fees and reimbursement of costs of		
14	litigation.		
15	NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED THAT:		
16	A. PETITIONER NAME is hereby appointed to act as fiduciary pursuant to		
17	ORS 125.650 for CLIENT NAME.		
18	B. Bond is waived.		
19	C. The Fiduciary has only the powers granted by this limited judgment		
20	D. Letters of Authority shall be issued to PETITIONER NAME in the manner		
21	provided by law upon appointment and with a copy of this limited judgment attached thereto.		
22			
23			
24			
25	Submitted by: YOUR NAME, OSB No. YOUR BAR NUMBER		
26			

UTCR 5.100 STATEMENT OF READINESS

ACCESS TO JUSTICE FOR CHILDREN

Ensuring a child victim's rights are protected in a criminal case

Rosemary Brewer, Oregon Crime Victims Law Center

1

WHEN TO INVOLVE A VICTIMS' RIGHTS ATTORNEY

- · Most cases are referred by victim advocate or prosecutor from DA's office
- In cases where child is in DHS custody, may be referred by DHS caseworker
- Cases most often referred to victims' rights attorney when:
 - Defense has subpoenaed child's records (DHS, school, counseling, etc.) or has indicated that subpoenas will be filed;
 - · Victims have questions that DDA or VA don't feel comfortable answering;
 - Victims' rights violation may have occurred;
 - Concern whether victim is receiving notification of events.

2

REPRESENTATION OF FOSTER CHILD

- File notice of appearance of victim's counsel and assertion of victim's rights
 - If there is a specific right implicated be sure to include that in notice
- · Make sure foster parent is aware of child's rights as a victim
- Let DDA know to notify you of events in the case
- Watch for motions for early production or subpoenas filed by defense
- File motions to quash subpoenas where appropriate
- · Represent child's interests in any plea negotiations

3

CLAIM OF VIOLATION OF VICTIMS' RIGHTS



I believe this cond the Oregon Const	luct violated the following itution:	g right(s) granted by Article I, sections 42(1)(a) to (g) and 43, of
hearing and th	e sentencing	quest, to be informed in advance of any critical stage of the ne defendant is present, and to be heard at the pretrial release
☐ To refuse an in		out the conviction, sentence, imprisonment, criminal history, and the criminal defendant or convicted criminal. ther discovery request by the criminal defendant or other person
☐ To receive pro	mot restitution from the c	MIL.
☐ Upon request, ☐ To be informed	to be consulted regarding of the above-listed right	ourt proceeding held in open court, if one is otherwise prepared, g plea negotiations involving any violent felony.
To be reasonably protected from the criminal defendant or the convicted criminal throughout the criminal justice process		
To have decision	ons by the court recording	
principle of rear defendant will a		ng the pretrial release of a criminal defendant based upon the victim and the public, as well as the likelihood that the criminal
defendant will a	ippear for trial. the rights provided in Ar	grape premar release of a criminal defendant based upon the victim and the public, as well as the likelihood that the criminal ticle I, sections 42 and 43, of the Oregon Constitution, I request
defendant will a	ippear for trial. the rights provided in Ar	vicum and the public, as well as the likelihood that the criminal
defendant will a	ippear for trial. the rights provided in Ar	vicum and the public, as well as the likelihood that the criminal
defendant will a	ippear for trial. the rights provided in Ar	vicum and the public, as well as the likelihood that the criminal
defendant will a	ippear for trial. the rights provided in Ar	vicum and the public, as well as the likelihood that the criminal
defendant will a defendant will a lin accordance with the following remed	the rights provided in Ar	vicum and the public, as well as the likelihood that the criminal
In accordance with the following remed	the rights provided in Ar ty: t the rights provided in Ar ty: t the court grant an appr was violated.	victim and the public, as well as the likelihood that the criminal ficile I, sections 42 and 43, of the Oregon Constitution, I request

Did a critical stage hearing occur without notice to the victim?

Did release conditions change without taking victim's safety into consideration?

Did defense access victim's records without a hearing?

Was victim given opportunity to request restitution?

4

WHAT RIGHTS MAY BE IMPLICATED?

- Constitutional rights to be treated with dignity and respect, to have a meaningful role in the process, and to be protected from the offender
- Right to refuse defense discovery/interview request
- Right to consult regarding plea negotiations in violent felonies
- Right to notice of and to be present at critical stage hearings
- Right to be heard at sentencing
- Right to prompt restitution
- Right to notice of post-conviction events

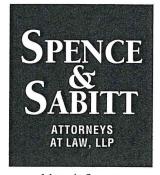
5

1	4. To be consulted regarding plea negotiations (Art. I, § 42(1)(f)):
2	5. To reasonably express his views concerning the crime, the person
3	responsible, the impact of the crime on him, and the need for restitution
4	and compensatory fine (Art. I, § 42 (1)(a); ORS 137.013);
5	6. To receive prompt restitution from the defendant (Art. I, § 42 (1)(d));
6	7. To receive full restitution from the defendant (ORS 137.106(1)(a));
7	8. To refuse an interview or other information to the defendant or the
8	attorney (Art. I, § 42 (1)(c); ORS 135.970(3));
9	9. To have the trial be conducted with all practicable speed (ORS 147.430); &
10	10. To be taken into consideration when resetting the trial date or setting and
11	hearing requiring his presence (ORS 136.145).
12	Court notices should be addressed to:
13	Erin K. Olson, OSB 934776 Law Office of Erin Olson, P.C.
14	2014 N.E. Broadway Street
15	Portland, OR 97232-1511 Phone: (503) 546-3150
16	Fax: (503) 548-4435 E-mail: eolson@erinolsonlaw.com
17	Dated: December 6, 2018.
	Zi 1060
18	Erin K. Olson, OSB 934776
19	Attorney for Victim I.M.

E-mail: eolson@erinolsonlaw.com

1	<u>CERTIFICATE OF SERVICE</u>		
2	I hereby certify that on December 6, 2018, I served a true copy of the foregoing		
3	document on counsel for the state and the defendant, as follows, by Odyssey e-		
4	service, email attachment, and/or by prepaid first-class mail:		
5	Kristen B. Farnworth, Sr. DDA Benton County District Attorney		
6	120 N.W. 4th Street		
7	Corvallis, OR 97330 Attorney for State of Oregon		
8	Paul M. Ferder		
9	Ferder Casebeer French Thompson & Stern LLP 515 High Street SE P.O. Box 843		
10	Salem, OR 97308-0843		
11	Attorney for Defendant		
12	Marc A. Spence Spence & Sabitt 747 Willamette Street		
13	Eugene, OR 97401		
14	Dependency Attorney for Victim		
15	Erin K. Olson, OSB 934776		
16			
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20	Page 3 of 3 - NOTICE OF APPEARANCE OF COUNSEL; ASSERTION OF		

VICTIM'S RIGHTS



Marc A. Spence Mark Sabitt

747 Willamette Street Eugene, Oregon 97401 541-343-9909 Fax 541-343-0014 E-Mail: mm2attys@aol.com

Erin K. Olson Law Office of Erin Olson, P.C. 2014 N.E. Broadway Street Portland, OR 97232

Re:

I.M./Benton County

Dear Ms. Olson:

As you know, I have been appointed to represent a child in a Lane County Dependency Case No.	
, initials I.T.M. You and I are familiar with him and also his biological mother,	. My
client, "I.M.," is also the victim in Benton County Case No.	
injuring him	

December 6, 2018

I.M. would benefit by having his interests independently represented in the criminal case in Benton County. He is in stranger foster care in the legal custody of D.H.S. His family of origin is unable to adequately advocate for his interests in the criminal case.

Because of our shared history with this family, the limitations on the scope of my Lane County appointment for I.M., and your experience representing crime victims, I respectfully request you appear in the Benton County criminal case to advocate for his rights and interests. Please keep me appraised of developments that are relevant to our case is the dependency case. Thank you.

Sincerely,

Marc A. Spence

Page 1 of 4 - MOTION TO APPOINT GUARDIAN AD LITEM

Boyd Hayden, who is alleged in this criminal case to have sexually abused her. A.P. is now residing in a different foster home with foster parents who do not speak English.

Following A.P.'s removal from the home of Leslie Boyd Hayden as a result of the allegations in this criminal case and other abuse allegations, A.P.'s courtappointed counsel with the Juvenile Rights Project referred A.P. and her brother to the Juvenile Justice Project of the Oregon Trial Lawyers Association for case assignment. The Juvenile Justice Project was created to provide legal resources for children who are injured while in state custody. The Juvenile Justice Project assigned A.P. and her brother to undersigned counsel to evaluate their legal needs arising from their abuse and neglect while in the Hayden home.

Under the circumstances, it is appropriate for the appointment of a guardian ad litem to represent A.P.'s interests in this criminal case in order to assert her rights as a crime victim. The proposed guardian ad litem, Scott F. Kocher, is an attorney practicing in Portland who is a partner in the law firm of Vangelisti Kocher, LLP, 811 SW Naito Parkway, Suite 420, Portland, OR 97204. Mr. Kocher has not been the subject of disciplinary action by the Oregon State Bar, nor has he been convicted of a crime. Moreover, Mr. Kocher is experienced in representing the interests of abused

1	children, particularly those who have been abused in foster care. Mr. Kocher is		
2	willing and able to serve as A.P.'s guardian ad litem, and is competent to do so.		
3	For these reasons, undersigned counsel moves for the appointment of Scott F		
4	Kocher to serve as A.P.'s guardian ad litem in this case in order to assert A.P.'s rights		
5	as a crime victim under Oregon constitutional and statutory law. If appointed, he		
6	will be represented in his capacity as guardian ad litem for A.P. by undersigned		
7	counsel.		
8	Dated this 3rd day of July, 2010.		
9	Erin K. Olson, OSB 934776		
10	EINTR. Clastry Cob 70 1770		
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1	<u>CERTIFICATE OF SERVICE</u>
2	I hereby certify that on July 3, 2010, I served a true copy of the foregoing
3	document and the proposed order allowing the same on counsel for the state and the
4	defendant by e-mail attachment and by prepaid first-class mail:
5	Nathan Vasquez Multnomah County District Attorney's Office
6	1021 S.W. Fourth Avenue Portland, OR 97204
7	E-mail: nathan.vasquez@mcda.us
8	Martha T Spinhirne Metro Public Defender Inc
9	630 SW 5th Ave Ste 500 Portland OR 97204
10	E-mail: mspinhir@mpdlaw.com
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12	EtOs
13	Erin K. Olson
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5	IN THE CIRCUIT COURT OF	THE CTATE OF ODECON	
6	IN THE CIRCUIT COURT OF	THE STATE OF OREGON	
	FOR THE COUNTY	OF MULTNOMAH	
7	STATE OF OREGON,	Case No. 1005-32075	
8	Plaintiff,	DA No. 2190945-1T	
9	v.	ORDER APPOINTING	
10	LESLIE BOYD HAYDEN,	GUARDIAN <i>AD LITEM</i>	
	Defendant.		
11			
12	It appearing to the court that A.P., th	e victim in this criminal case, is unable to	
13	assert her own statutory and constitutional	rights as a crime victim due to her age;	
14	and it further appearing that no parent or g	uardian is available or suitable represent	
15	A.P.'s interests in this criminal case; and it further appearing that Scott F. Kocher is		
16	available, suitable, and otherwise an appro	priate person to be appointed guardian ad	
17	litem for A.P., now, therefore,		
18	///		
19	///		
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Page 1 of 2 - ORDER APPOINTING GUARDIAN AD LITEM

1	IT IS ORDERED that Scott F. Kocher is appointed guardian ad litem for A.P. in
2	the above-entitled case.
3	DATED this day of July, 2010.
4	
5	Presiding Judge
6	
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13	
14	Submitted by:
15	Eilohon
16	Erin K. Olson, OSB 93477 Attorney for Proposed Guardian Ad Litem
17	LAW OFFICE OF ERIN OLSON, P.C. 2014 N.E. Broadway Street
	Portland, OR 97232-1511
18	Phone: (503) 546-3150 Fax: (503) 548-4435
19	E-mail: eolson@erinolsonlaw.com
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Page 2 of 2 - ORDER APPOINTING GUARDIAN AD LITEM

BILLY J. WILLIAMS, OSB # 901366

United States Attorney

SCOTT M. KERIN, OSB # 965128

Assistant United States Attorney

Scott.Kerin@usdoj.gov

GARY Y. SUSSMAN, OSB # 873568

Assistant United States Attorney

Gary.Sussman@usdoj.gov

1000 SW Third Avenue, Suite 600

Portland, Oregon 97204

Telephone: (503) 727-1000

Attorneys for the United States of America

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA 3:08-CR-00095-MO

> **GOVERNMENT'S MOTION FOR** v.

APPOINTMENT OF GUARDIAN AD

ANDREW FRANKLIN KOWALCZYK, LITEM

Defendant.

The United States of America, by Billy J. Williams, United States Attorney for the District of Oregon, and Scott M. Kerin and Gary Y. Sussman, Assistant United States Attorneys, requests an Order, pursuant to Title 18, United States Code, Section 3509(h), to appointment Erin K. Olson, as guardian ad litem for the minor child victims, A.B. and S.B. in the above entitled case in an effort to assist in providing information to the United States Probation Office in the preparation of the Presentence Report and in the collection and presentation of restitution recommendations for the victims. Defense counsel has informed the government that they do

not believe they have standing to take a position on the motion, although they wanted to note that they are reserving their ability to object to such issues as a restitution request on behalf of the victims.

Title 18, United States Code § 3509(h) provides:

- (1) In general.—The court may appoint, and provide reasonable compensation and payment of expenses for, a guardian ad litem for a child who was a victim of, or a witness to, a crime involving abuse or exploitation to protect the best interests of the child. In making the appointment, the court shall consider a prospective guardian's background in, and familiarity with, the judicial process, social service programs, and child abuse issues. The guardian ad litem shall not be a person who is or may be a witness in a proceeding involving the child for whom the guardian is appointed.
- (2) Duties of guardian ad litem.—A guardian ad litem may attend all the depositions, hearings, and trial proceedings in which a child participates, and make recommendations to the court concerning the welfare of the child. The guardian ad litem may have access to all reports, evaluations and records, except attorney's work product, necessary to effectively advocate for the child. (The extent of access to grand jury materials is limited to the access routinely provided to victims and their representatives.) A guardian ad litem shall marshal and coordinate the delivery of resources and special services to the child. A guardian ad litem shall not be compelled to testify in any court action or proceeding concerning any information or opinion received from the child in the course of serving as a guardian ad litem.
- (3) Immunities.--A guardian ad litem shall be presumed to be acting in good faith and shall be immune from civil and criminal liability for complying with the guardian's lawful duties described in paragraph (2).

On December 6, 2018, the defendant was found guilty of nine counts of sexual exploitation of a child. The United States Probation Office has begun the preparation of a Presentence Report and sentencing is pending. A.B. and S.B. are two of the three victims in this case. Both A.B. and S.B. are minor children in the legal custody of the Oregon Department of Human Services (DHS). The third victim, D.L., is now an adult. D.L. has the assistance of an attorney, Carol Hepburn. Erin Olson, an attorney, has volunteered to serve as guardian *ad litem*

for A.B. and S.B. and DHS has no objection. Ms. Olson has an extensive "background in, and

familiarity with, the judicial process, social service programs, and child abuse issues," and she

not a person who is or may be called as a witness. 18 U.S.C. § 3509(h)(1). Ms. Olson's

Declaration setting forth her qualifications is attached.

Given the nature of the case, the government will present evidence to the U.S. Probation

Office and the Court of how the defendant's sexual abuse of the victims has and will continue to

affect them. The government will also ask the Court to award restitution to the victims as part of

sentencing. To assist the Court and the victims going forward, we ask the Court to appoint Erin

K. Olson, as guardian ad litem for the minor child victims, A.B. and S.B. so that she may

advocate for the minor victims and assist in providing information to the United States Probation

Office in the preparation of the Presentence Report and to the Court in the presentation of

restitution recommendations.

DATED: March 15, 2019.

Respectfully submitted,

BILLY J. WILLIAMS

United States Attorney

/s/ Scott M. Kerin

SCOTT M. KERIN, OSB # 965128

Assistant United States Attorney

<u>/s/ Gary Y. Sussman</u>

GARY Y. SUSSMAN, OSB # 873568

Assistant United States Attorney

Erin Olson

From: info@ord.uscourts.gov

Sent: Tuesday, March 19, 2019 2:24 PM nobody@ord.uscourts.gov

Subject: Activity in Case 3:08-cr-00095-MO USA v. Kowalczyk Order on Motion to Appoint Counsel

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered on 3/19/2019 at 2:23 PM PDT and filed on 3/19/2019

Case Name: USA v. Kowalczyk
Case Number: 3:08-cr-00095-MO

Filer:

Document Number: 992(No document attached)

Docket Text:

ORDER: The Court GRANTS the government's Motion for Appointment of Guardian ad Litem [982] for victims A.B. and S.B. Pursuant to 18 U.S.C. § 3509(h)(1), the Court finds Erin K. Olson to be qualified to serve as guardian ad litem in these proceedings. The Court, therefore, appoints Ms. Olson to serve as guardian ad litem for A.B. and S.B. as set out in 18 U.S.C. § 3509(h). Ordered by Judge Michael W. Mosman. (dls)

3:08-cr-00095-MO-1 Notice has been electronically mailed to:

C. Renee Manes renee_manes@fd.org, jill_dozark@fd.org

Erin K. Olson eolson@erinolsonlaw.com

Gary Y. Sussman gary.sussman@usdoj.gov, Andrea.Rocksund@usdoj.gov, CaseView.ECF@usdoj.gov, kelly.borroz@usdoj.gov

Ryan Costello ryan_costello@fd.org, jill_dozark@fd.org

Scott M. Kerin scott.kerin@usdoj.gov, bonnie.fritzler@usdoj.gov, CaseView.ECF@usdoj.gov, esantellano@usa.doj.gov

Stephen R. Sady steve sady@fd.org, jill dozark@fd.org, OR ECF@fd.org

3:08-cr-00095-MO-1 Notice will <u>not</u> be electronically mailed to:

Jason Ruyf Pierce County Prosecuting Attorney

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR MULTNOMAH COUNTY

THE STATE OF OREGON.

No. 15CR00999

Plaintiff,

ν.

Motion for Appointment of Counsel for Minor Victim

Tae Yoon

Court# 15-CR-00999 DA# 2311802-1

Defendants.

Comes now, Ryan Lufkin, DDA, and moves the Court for an order appointing Erin K. Olson, OSB 934776, as counsel for Marlan J. McCowan, Jr. ("Marlan Jr."), who is the 8 year-old son of the homicide victim in this case. Marlan Jr. is a "victim" within the meaning of ORS 147.500(13), ORS 137.103(4)(b), and Or. Const., Art. I, Section 42(6)(c), and he requires legal representation in this case for the reasons herein.

The parties have reached a plea agreement that includes payment by the defendant of restitution to Marlan Jr. in the amount of \$20,000, to be held in trust or otherwise protected for Marlan Jr.'s benefit. The parties agree that a suitable manner of protecting the funds is for the establishment of an account in the minor's sole name by an attorney representing the minor pursuant to ORS 126.730(2)(a); that Attorney Olson is suitable and qualified to accomplish this and has agreed to do this; and that there will be no cost of protecting the funds in this manner since Attorney Olson will serve *pro bono*.

Counsel for the defendant, Ryan Scott, joins in this motion.

This motion is being mailed to the father and legal custodian of Marlan Jr., who is Marlan J. McCowan, with instructions to notify the undersigned in the event of an objection by the date shown above.

NOTICE OF TIME FOR OBJECTION: If no objection is received to this motion by 5/31/17, an order allowing same will be presented to the judge.

Dated:

Ryan Lufkin

Deputy District Attorney

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR MULTNOMAH COUNTY

THE STATE OF OREGON,

No. 15CR00999

Plaintiff,

Order Allowing Appointment of Counsel for Minor Victim

Tae Yoon

Court# 15-CR-00999 DA# 2311802-1

Defendants.

The Court, having considered the State's motion for appointment of counsel for Marlan J McCowan Jr, an 8 year old child and son of the victim of homicide in the above entitled case, finds that legal representation is required for the reasons stated within the State's motion and hereby orders the appointment of Erin K Olson OSB 934776 to serve as Marlan J McCowan Jr's counsel for the purpose of establishing a suitable manner of protecting the funds to be disbursed as part of a plea bargain between the State and Defendant to the benefit of Marlan J McCowan Jr.

Dated:

6(8/17

Eric Bergstrom
Circuit Court Judge

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR _____ COUNTY

ST	ATE,) Case No
	V.) CLAIM OF VIOLATION OF CRIME) VICTIM'S RIGHT(S) UNDER ARTICLE I,) SECTION 42(1)(a) TO (g) OR 43, OF THE) OREGON CONSTITUTION
	Defendant.) (For use in a criminal case)
1.	Ι,	, am
	listed criminal case. ☐ A private attorney representing a victim, _ criminal case.	of a victim,, in the above, in the above-listed een, recognized as a victim, in the above-listed criminal case.
2.	contact information be sealed and not mad	ntact information on a separate form. I request that my de part of the public record in this case. We included service information with this claim form.
3.	The violation occurred on the day o attach a separate sheet if you need more sp	of, 20, when (describe events pace):

4. I believe this conduct violated the following right(s) granted by Article I, sections 42(1)(a) to (g) a the Oregon Constitution:		following right(s) granted by Article I, sections 42(1)(a) to (g) and 43, of
	proceedings held in open co hearing and the sentencing. Upon request, to obtain infor future release from physical To refuse an interview, depo acting on behalf of the crimin To receive prompt restitution To have a copy of a transcrip Upon request, to be consulted To be informed of the above To be reasonably protected of criminal justice process. To have decisions by the consulted of the consulted criminal process.	ecific request, to be informed in advance of any critical stage of the t when the defendant is present, and to be heard at the pretrial release ation about the conviction, sentence, imprisonment, criminal history, and ustody of the criminal defendant or convicted criminal. tion, or other discovery request by the criminal defendant or other person defendant. The convicted criminal who caused the victim's loss or injury. Of any court proceeding held in open court, if one is otherwise prepared. The regarding plea negotiations involving any violent felony. Sted rights as soon as practicable. The criminal defendant or the convicted criminal throughout the tregarding the pretrial release of a criminal defendant based upon the ion of the victim and the public, as well as the likelihood that the criminal
5.	In accordance with the rights pro the following remedy:	ided in Article I, sections 42 and 43, of the Oregon Constitution, I request
6.	I hereby request that the court g the victim's right(s) was violated	nt an appropriate remedy or schedule a hearing to determine whether
	Submitted this day of	, 20
		Victim, Prosecuting Attorney or Private Attorney OSB No

<u>Supplemental Form – Victim Contact Information</u> Case Name: ______ Case No. _____ Please list your residential address or an alternate contact address at which you would like to receive information from the court regarding court hearings and court decisions. Until your claim is resolved, you must provide updated contact information to the court if your contact information changes. If you fail to keep the court informed, the court may dismiss your claim. Name Street Address or PO Box (Contact address may be used) City State Zip Code Telephone Number Note: You must provide this page to the court and the prosecuting attorney; you do not need to provide this page to the defendant.

THIS INFORMATION MUST BE KEPT UNDER SEAL BY THE COURT.

Note: You must file this claim with the court clerk's office.