

Past, Present and Future: A Juvenile Law Perspective, Part I

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A Brief History

When I was a young lawyer here in Lane County 40 years ago, I remember noticing how little attention and few resources were expended to support juvenile dependency practice. The term “Kiddie Court” captures the mindset of the era very well. For many people in the system, including some judges, this wasn’t thought of as true legal work. It was social work that really didn’t require the attributes of a highly skilled advocate and was somehow less important than more serious work of the court. Few lawyers did juvenile work, either for the government or for parents or children, and there were no CASAs, Citizen Review Boards, or other support organizations for that work. The pay for those few lawyers who practiced juvenile law was ridiculously low and they labored largely anonymously.

This wasn’t just an Oregon phenomenon; it was a national problem that persisted for the next two decades, when longstanding concerns about the implications of this state of neglect surfaced in the form of federal legislation: the Adoption and Safe Families Act. The Oregon legislature soon followed suit with conforming legislation of its own.

Here’s what Chief Justice Wally Carson said about those changes when he invited Oregon judges to attend the first annual Juvenile Court Improvement Program conference in 1998:

“New Oregon and federal laws have changed the way business is done in juvenile court. The judge is in the leadership role. With the new court structure, more Oregon judges will have the opportunity to work in the juvenile arena.”

At that first conference, judicial advocates from across the country addressed Oregon judges on the paradigm shift of viewing cases “through the eyes of a child,” and they elaborated the principles on which a judge can rely in making reasonable efforts determinations.

And things have developed from there – in a very mixed bag – of progress, setbacks, and growing pains. There have been many changes to state and federal laws since the mid 1990’s, and there has been some good news. Most importantly, more judges and lawyers have passionately adopted this work, which has grown into the greatest

interdisciplinary model court effort in our justice system. And there have been some good results. In the last decade, the number of children in foster care has decreased, as has the number of children entering foster care, and the length of time that children are spending in foster care has decreased, as well. There has also been a decrease in the number of children waiting to be adopted.

But statistical results like foster care and adoption measures are just proxies for qualitative outcomes; in and of themselves, they don't tell us whether children are actually safe and thriving. We need to remember that we're after more than proxy statistical improvements here.

Despite the commitment of good people throughout the system, many challenges face the children, families, and communities that we serve. Among other problems, the number of children living in poverty and who are at risk for abuse and neglect remains too high, and the number of children aging out in foster care needs to decline. And, in the last decade, we have experienced a roller coaster budget ride; it has been especially difficult to implement system improvement measures for our courts, lawyers, and public sector stakeholders who serve children and families due to stifling budget reductions and the unpredictability, for planning purposes, of public revenue streams.

These mixed results and the funding challenges that accompany them require a thoughtfully conceived strategy from those of us who believe that promoting the best outcomes for at risk children and their families is among the most important responsibilities of our justice system. In the end, it's up to all stakeholders in the system to take the lead, acting as champions for children and families, to ensure that their rights to safety, permanency, well-being and fair process are met. My message today is that, to make sure we're consistently producing outcomes that ensure children are safe and thriving and that families are properly supported, we need to adopt a more coordinated approach to collective action and joint responsibility for the problems affecting our children and families.

Recent Developments - Reimagining Dependency Courts

Let's focus on a few recent initiatives in critical areas of reform where that principle is being applied and needs to be more consistently applied:

First, in 2016, the National Center for State Courts, in partnership with Casey Family Programs, selected four states to pilot the Reimagining Dependency Courts, a program that focuses on implementing court policies and practices that will reduce the number of children in foster care and improve permanency outcomes, with a particular focus on children in care more than two years ("long stayers"). As one of the four states selected, Oregon participated in the initial planning, visit, and assessment by the NCSC Team.

Part of this effort included a file review of 200 cases in three different Oregon counties, with the goal of identifying strategies to reduce the number of children who remain in the foster care system for more than two years.

Timothy Travis [ABA Juvenile Court Consultant] and Senior Judge Eveleen Henry from Lane County conducted the file review, and they noted several overall issues in the case files that they reviewed. Even after reviewing the entire court case file, it was often difficult to ascertain a coherent history of the case due to the passage of time and a number of missing, out of date, or confusing documents.

The most glaring of these missing or out of date documents was the DHS case plan. In addition to the incomplete case files, the file reviewers were concerned about the completeness of court hearings for “long stayers.” When looking at the court reviews for these children, the file reviewers noted that very often the hearings were brief and sparsely attended. It was common to find that the only participants at these hearings were the DHS caseworker and the child’s attorney. The file reviewers found that often the court does not receive any information about the child’s treatment goals and progress before the court hearing, and due to the limited participation of people involved in the case, the court does not receive meaningful information about the child’s circumstances at the hearing.

We could spend a full hour talking about the reviewers’ analysis, because their findings have significant implications for the role of lawyers in the process, but in the interest of time, let’s just consider their conclusions.

Meaningful Planning for Permanency

Although the majority of children who enter foster care will be reunified with a parent or will achieve permanency within two years, there is a population of children who will spend the majority of their childhoods in foster care. These “long stayers,” children who have been in care for at least two years, often have high needs and unique challenges. While it is impossible to ensure that no child will age out in foster care, there are certain strategies that can reduce the number of long stayers in foster care, and can reduce some of the negative effects of being raised in the system. Chief among these strategies is the need for a continuous diligent relative search on the part of DHS, as well as thoughtful and substantive concurrent planning. A concurrent plan, including the identification and necessary certification of any prospective permanent placement resources, needs to be developed and ready by the time of the first permanency hearing.

If the court is to fulfill its function of oversight and monitoring of the child welfare system, then court reviews need to be full and complete. If a child has a permanency plan of adoption or guardianship, the case plan should include information about the

reasonable efforts to finalize the plan and services being provided to ensure that the placement does not disrupt. Only collective action, including vigilance from judges, lawyers for parents, children, and the government, as well as CASAs, CRBs, and other stakeholders, can ensure that these fundamental planning and process requirements are satisfied. Children growing up in foster care – as well as their families – deserve no less.

Parenting Time and Reunification

The frequently underemphasized issue of parenting time is also fertile ground for collective action among system stakeholders. As we all know, research shows that there is a strong connection between family time and safe reunification. We know that quality family time is a key indicator of earlier, and safer, reunifications. Oregon judges have recently received training on this topic, and it should be central to lawyers and other stakeholders as well. This issue is layered with trauma-informed principles including the recognition that concurrent planning matters and that the logistics of parent child interactions can't be overlooked. We need to give more careful consideration to how much and what kind of supervision is really necessary. We need to understand and apply the principle that family time should resemble family life. And we must creatively and persistently confront the barriers to consistent high quality family time, including transportation issues, the need to devise less expensive supervision options, including the use of college and graduate students receiving course credits, developing creative ways to establish family time centers, and probably the most difficult, the will to change “the way we do things.”

The Court as Agent of Change

While all of these are real concerns, many jurisdictions have joined together to figure out creative solutions to overcoming these issues. In some places, like a county in North Carolina, all it took was a judge who kept ordering family time for babies to happen three times a week. At first this move stressed the system, but then the stakeholders came together and figured out how to make it happen. Understanding the importance of family time to a child's wellbeing, as the judge did, provided strong motivation for facilitating family time in that jurisdiction.

Judges, lawyers, and other stakeholders all need to demand improved outcomes in this critical area. As a critical component of coordinated collective action, the application of new scientific understanding of how abuse and neglect affect child development, and what children need to build resilience, offers a powerful opportunity to change the life trajectories of children in the system.

The Science of Child Development

We are learning that the child's developmental process is fueled by reciprocal, "serve-and-return" interaction between children and the adults who care for them. Infants and young children naturally reach out for interaction through facial expressions, gestures, and words while nurturing adults respond with similar vocalizing, gesturing, and emotional engagement. This serve-and-return behavior continues like a game of tennis or passing a ball back and forth. If the adult's responses are unreliable, inappropriate, or simply absent, the game falls apart. Without the responsive interaction that builds neural connections, the architecture of the child's developing brain may be weakened, and later learning, behavior, and health may be impaired. Young children and their caregivers both can initiate and respond in this ongoing process.

In the context of this emerging knowledge, science points to the prevalence of individuals in the child welfare system who are experiencing toxic stress, and the science of toxic stress gives us a way of understanding developmental and behavioral challenges common in child welfare.

By itself, translating the science and making it available to those involved in child welfare is insufficient to drive change. But making the science usable is an important step in creating a context within which positive and innovative change becomes more feasible. An understanding of the science of child development by system leaders, judges, lawyers, caseworkers, kinship and foster parents, and also by birth parents and older youth involved with the system, has the potential to open up new ways of examining and explaining what they encounter in their life and work. And that increased understanding can promote openness to change and create new possibilities for action.

Three factors – reducing external sources of stress, developing responsive relationships, and strengthening core life skills – are mutually reinforcing. A well regulated environment reduces stress on developing children, and this supports both a responsive relationship with caregivers (who are themselves less stressed by the child's behavior) and the child's developing self-regulation. Similarly, a parent's improved executive function supports her ability both to engage in serve-and-return interactions with children and to create a safer, more predictable caregiving environment. Promoting positive change in all three of these areas is our best chance to help adults provide safe and responsive parenting, and children to get on track for healthy development.

Scientists use the term "plasticity" to refer to the capacity of the brain to learn from experience, which is greatest early in life and decreases with age. By applying the science of child development in the child welfare system, we can promote frequent

contact between birth parents and young children who have been placed in foster care. For children who have a significant likelihood of ultimately being reunified with their parent(s), the schedule of visits typical in foster care systems, in which contact is weekly at best and sometimes considerably less frequent, is insufficient to build the bonds that will be a stable base for promoting healthy development when and if reunification occurs.

Many parents of young children involved with the child welfare system can benefit from coaching about the importance of serve-and-return relationships, especially when accompanied by opportunities to practice and get feedback. For children who enter foster care, there are additional challenges. For example, foster parents are sometimes cautioned not to get “too attached” to children, especially babies, because of the possibility that the children will ultimately be removed from their care. Quite the opposite, they should be encouraged and supported to have frequent serve-and-return interactions with children, and to model these interactions for birth parents.

Each of us needs to take responsibility for incorporating evidence based and trauma informed practices – based on scientific principles in the field of early childhood development – in all aspects of juvenile dependency practice. By applying scientific principles, child welfare systems can do much more to promote strong, secure, responsive connections between foster parents and children. But, it will take insistent united action by all system stakeholders to achieve critical change in this area.

Legal Representation for Parties in Dependency Cases

Another area where collective effort has helped but still must be exerted is in the critical area of attorney representation. Progress certainly is reflected in the Oregon State Bar’s recently adopted revised Standards for Representation in Juvenile Dependency Cases for attorneys representing parents and children. The key premise is that lawyers must have limited caseloads to do the critical work assigned to them in a way that ensures justice in a functioning system.

The new standards get at the core of interbranch initiatives; that is, they recognize that the dependency system cannot function optimally unless it is understood and administered as a comprehensive whole, not as a set of disconnected components. But these standards are not self-effectuating. They must be enforced through adequate funding for legal services as part of an even larger collective effort to implement the recommendations of the 2016 Statewide Dependency Representation Task Force that I will turn to now.

For me, one of the most telling barometers of the condition of our dependency system can be found in the work of that group, which I had the privilege to observe closely as

chair. The process that we followed didn't just ask how one part of the system could improve but rather examined the dependency system and dependency representation system as a whole trying to find improvements across the system and among the branches.

The work of the Task Force was based on two premises: first, that there must be shared ownership of child welfare outcomes across the branches and throughout the system; and second, there must be shared accountability for the protection of the rights of Oregon children and families.

As our process unfolded, it soon became apparent that there were real obstacles to quality representation in Oregon. Specifically, the Task Force found that:

- Although all children and parents receive attorneys, the attorneys' high caseloads and their inability to access social service experts sometimes stand in the way of high quality representation;
- The Parent Child Representation Project, a workload model with case caps and increased accountability, has already shown promising results in promoting better court practice and better outcomes for children and families in the three Oregon counties where it has been piloted;
- In many cases, judges don't believe that they are receiving the information they need to make good decisions because of various obstacles to quality representation;
- Billing models across the system are not cost-effective or cost efficient;
- There continues to be a significant risk of unlawful practice of law by DHS caseworkers;
- Caseworkers are often unable to access legal advice and counsel when making important case decisions outside of court;
- Transferring cases between two legal entities and two attorney agencies (from DAs to DOJ and state to agency) comes at a cost to Oregon families and the dependency system; and
- There is a great deal of inconsistent judicial and legal practice in local courts that is a drag on access to quality justice.

Consistent with these findings, nationally, experts recommend that the child welfare agency have full representation and case caps, and that parents and children have representation funded by a workload model with case caps and access to social service experts.

Based on its findings, the Task Force made the following core recommendations for system reform to the Governor and the legislature that:

1. OPDS be fully funded to expand the PCRCP workload model across the state;
2. DHS funding be used to provide full representation for the agency;

3. DOJ move to a block grant or flat fee workload model for DHS Child Welfare billing; and
4. District attorneys should continue to represent the state as they see fit (but that DHS funding must be spent on Attorneys who represent DHS).

The Task Force also recommended that the CASA network have funding for additional statewide attorneys available to provide legal advice and counsel to CASA volunteers and agencies as necessary to promote the best interest of children in court and in the child welfare process.

In addition, there were important recommendations with regard to Crossover Cases, Continuous Quality Improvement Efforts, and Performance Standards, and the Task Force began a conversation about ICWA, Disproportionality and Judicial Resources that we hope will receive attention and result in important system improvements. The final report of the Task Force can be found [here](#).

In particular, I want to emphasize what the American Bar Association has said about our recommendation to expand the Parent and Child Representation Program model:

“Your recommendation to expand the PCRCP is an excellent one. Based on evidence from several jurisdictions, most notably New York and Washington, the ABA recommends that a legal team approach like the PCRCP’s is a best practice which leads to strong outcomes for children and families and best protects due process rights. Housing your program at the Office of Public Defense Services will lead to ongoing accountability and support for the lawyers and other professional staff that will result in high quality representation for their clients. With the expansion of the model, Oregon can emerge as a true leader in our field. The ABA strongly supports your effort to improve outcomes for children and their families, through your examination of representation.”

As a whole, the Work Group’s report provided a comprehensive three-branch analysis and set of recommendations for a coordinated collective response to the problems associated with legal representation in the dependency system. Sadly, in the end, budget shortfalls kept most of these recommendations from being funded in the 2017 legislature. It is especially disappointing to me that the PCRCP rollout was not funded across the state. With perseverance, we must continue to elevate that issue to the highest priority and never give up on it.

A Call to Action

In that regard, I want to tell you about a meeting that the Chief Justice and I had in June with Senator Steiner Hayward when it finally became clear that we weren’t going to obtain across-the-board funding for our suite of recommended systemic improvements.

She said, let's lay the foundation for keeping all this alive. Let's devise a budget note to elevate these system wide recommendations as we prepare for the next session. That budget note is:

"The [Ways and Means] cochairs expect the Department of Human Services, Department of Justice, Public Defense Services Commission, and Oregon Judicial Department to work collaboratively, at both the state and local levels, to solicit input on, develop, and implement strategies to improve the effectiveness and efficiency of Oregon's juvenile dependency systems. Potential strategies should include the implementation of standardized forms and streamlined and consistent practices wherever practicable, and include adoption of administrative or court rules. Local level efforts should be reviewed and analyzed at the state level to identify best practices that can be implemented statewide. The Department of Human Services, Department of Justice, Public Defense Services Commission, and Oregon Judicial Department will also provide an update on their specific roles, activities, and strategies to improve the effectiveness and efficiency of Oregon's juvenile dependency system as part of their budget presentations during the 2019 legislative session."

If you think about it, that note is a call to action for a coordinated system wide response to these entrenched problems and an invitation to collaborate on data driven inter-branch recommendations for the next legislative session. Despite the unfortunate budget climate, we must fight discouragement. We need to accept this invitation from the Co-Chairs as a sign of our own commitment to adequate representation and related system reforms, and we must work together to see larger system improvements that will produce better outcomes for our children and families.

Coordinated collective action on the entrenched issues that I've just highlighted could greatly improve those outcomes. Those issues must be understood and addressed in the broader context of conditions that demand our collective action.

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Views from the Bench

To provide a broader context for this discussion, in preparing for our time together today, I asked several highly respected Oregon juvenile court judges to give me their perspectives on the most pressing needs for system improvement. Here is a summary of their no-holds barred comments. Although each judge has his or her own priorities, the themes are consistent.

I would describe the first issue as the tension between the complexity of presenting family problems and the timelines required for solutions. Here is what my colleagues had to say about that.

Complex Needs versus Tight Timelines

The presenting problems in dependency court are becoming more and more serious. For example, almost every case has some aspect of addiction. While we have resources to treat such addictions, the treatment and recovery process is long. It is not something that typically can successfully be accomplished within the federal time frames of a dependency case. As a result, in the best of circumstances, we find ourselves continuing cases further and further out so the parent(s) can successfully complete their services. This delays permanency for the children but it also is our goal to have the children return to parents whenever it is safe to do so. As a result, we are left with problems that cannot be successfully resolved within the required timelines and this sometimes serves as a disincentive to parents to even try to be successful in recovery efforts. Many times, it's easier to just give up. And, they do. We are left with children languishing in the foster care system as a result of this.

Culture Clashes

A second major theme involves perceived cultural and structural deficiencies within the child welfare system. Our child welfare system in Oregon has real deficits and it is not always responsive to the needs of children and families. Sometimes the bureaucracy appears to be more concerned with paperwork and procedures than it is in providing effective services to children and families. The parents (and their attorneys) sense this in the courtroom and this affects the courts' ability to have successful resolutions of dependency matters. Parents many times fall into the trap of fighting the agency instead of trying to successfully complete their required services. The agency frequently exacerbates the problem when it is then unresponsive to the court's orders. Again, I think this probably is a result of a leadership issue at the agency and statewide level. Hopefully, this will improve.

Revolving Doors: Inexperience and Inconsistency

Another judge put it this way: The high turnover rate for DHS case workers continues to be a problem. Ideally a family should have the same caseworker from beginning to end but in most cases if they are in the system for more than a few months they will have multiple workers. Also, because the turnover is so high, many workers are very inexperienced, and this is an area that cries out for people with a personal commitment to the work and the experience and training to do it well.

Lack of Appropriate Placements and Services

Of course, many of the problems in the system are resource-related. As one judge said, "There are so many children who need foster care placement, but there is a lack of foster parents who can provide the needed homes and families for these children." While we have great foster parents, there simply are not enough of them to fill the needs. In particular, we don't have enough foster homes, therapeutic foster homes, or treatment facilities for the harder-to-place children. It is more problematic to find appropriate placements for children with mental health issues, substance abuse issues, or behavioral and emotional issues. One Judge said: "I had a permanency hearing this week for a young man who is in his 21st placement. He has attended 15 schools. I should not allow this to happen to children on my docket, but I don't have a solution."

Another judge focused on the same problem in terms of trauma to children. She said: "It seems like children are suffering more severe damage, injury, and trauma than ever before, but we do not have the resources to treat them. The court is pretty good at achieving permanency for kids, but I worry about child wellbeing. I have two boys who were tortured for almost two months. They've been adopted, but they will never recover from the trauma."

Which leads to the third overall dominant theme: a shortage of well-allocated resources throughout the system.

Not Enough Time, Not Enough Resources

As one judge put it: "While we are provided aspirational guidelines on procedural time frames (i.e. the proper amount of time we should be spending on permanency hearings, shelter care hearings, etc.), there is no way that many courts can devote that amount of time to these cases. As a result, we are forced to race through procedures without the ability to devote sufficient time. This probably affects results in ways that we really don't even understand."

Additionally, the attorneys who are appointed to represent parents and children likewise have overflowing caseloads, and it is difficult for them to be able to devote the necessary attention to their cases. Many times, attorneys do not attend CRB proceedings because they cannot docket the time; however, the attorney's absence prevents his or her open discussion about the case during the CRB procedure. Our court highly values the CRB procedure and recommendations and it is important that everyone fully participates in this process.

As another judge said: "We don't have enough well-trained DHS protective service workers or permanency workers. I have great respect for those we have, but there aren't enough of them. We have a great CASA program, but we don't have a CASA for each child in the system. We have good lawyers, but we need more juvenile-court-trained lawyers to represent parents and children."

Another judge described the same problem this way: "Time, time, time. We consistently do not provide adequate time to address issues presented by the families that come before the court. We need time for DHS to really work the case and assist the families in ways that will make a difference, i.e., appropriate forms of treatment whether mental health, trauma or addiction." (I can't think of a dependency family that does not present with a trauma history).

We need time for attorneys to truly work with their respective clients to understand their particular needs and listen – really listen – to what the client is saying. (Nine tenths of what any of us want is to be listened to.) We need time for the court to really determine how to help steer the direction of the case for there to be a successful outcome for the children who appear before the court. Almost without exception, the court is under docket constraints that dictate what will be addressed within the time allotted.

The same theme, with a more expansive twist, came from yet a third judge: "Judges need more docket time to do this work. We need well-trained juvenile judges who are committed to doing the work well and doing it for at least three to five years. As you well know, this area of the law has become very complex, and judges need training and experience to be effective. This will take money, of course, and a commitment from OJD."

And, well-trained and adequately compensated attorneys for parents and children are absolutely essential. We have seen some good results with the OPDS pilot project. We are blessed with having great attorneys in this area to begin with, but this could improve statewide.

Finally, each of the judges also expressed strong support for collaboration, with an emphasis on positive action. Here's what they said about those issues.

Teamwork and Collaboration

Everyone involved in the "system" cares about the work and the children and families that appear in court. The challenge is to determine how each of us can channel that energy in a direction that is the most productive for the children, whether it is a raging parent, attorney, DHS worker, CASA, family member, or judge. (This makes me think of how good coaches will take every type of talent and draw the best out of them to provide a productive result for the team.) Each of us needs to be a coach for the "system" to draw the best possible result for the child. A mindset of criticism serves no purpose and when a participant starts down that path, one of the team members needs to be able to step forward and determine how to channel that frustration into a positive outcome for the child. Collaboration is the key to a successful outcome. The system allows for each party to be protected from unfair interference by the state. We must recognize how any and all events can be spun in a positive tone. That is the challenge and responsibility of every participant whether a judge, attorney, DHS worker, CASA, administrator, or court staff – anyone who is involved with the family. Even a contested jurisdiction hearing can be a positive event for the family and system.

One judge summed it up aptly: "In the end, children will grow up, the question is how will each of us (judge, parent, attorney, DHS worker, CASA, extended family) influence that growth."

A Time for Change and Collective Action

I could go on a lot longer, but I'm sure you get the drift. Each of the challenges that these thoughtful judges talked about – case complexity in the face of rigid timelines for action, the need for intelligent system-wide allocation of scarce resources, making the case for greater resources, and overcoming cultural and structural deficiencies in the child welfare system, including the judicial system that oversees it – demands a commitment to systemic change based on the most powerful tool at our disposal: collective and coordinated action in which all parts of the system are supported in balance and where all stakeholders advocate for the system as a whole, not just their own slice of the pie.

That kind of a response demands that all participants have a shared vision for change, a vision that includes a common understanding of the presenting problems and a joint approach to solving them through agreed-upon action. Take a close look at any alliance of organizations, including, for example, funders and nonprofits that believe they are working on the same social issue, and you quickly find that it may not be the same issue

at all. Each stakeholder can have a slightly different definition of the problem and the ultimate goal.

These differences are easily ignored when stakeholders work independently on isolated initiatives, yet they can splinter the efforts and undermine the impact of the field as a whole. Effective collective impact requires that these differences be discussed and resolved. Each stakeholder need not agree with the others on all dimensions of the systemic problems that confront them. In fact, disagreements will continue to divide participants in all examples of effective collective impact. All stakeholders must agree, however, on the primary goals for the child welfare and juvenile justice system as a whole.

Developing a shared outcome measurement system is essential to collective action. Agreement on a common agenda is illusory without agreement on the ways that success will be measured and reported. Recent advances in web-based technologies have facilitated the development of integrated systems for reporting performance and measuring outcomes. These systems increase efficiency and reduce cost. They can also improve the quality and credibility of the data collected, increase effectiveness by enabling grantees to learn from each other's performance, and document the progress of the field as a whole. We need to emphasize the sharing of data and information systems throughout the juvenile system that accurately describe our reality on the ground and that provide a dynamic array of data sorts to facilitate better system-wide planning.

Developing trust is also a real challenge. Stakeholders need regular meetings to build up enough experience with each other to recognize and appreciate the common motivation behind their different efforts. They need time to see that their own interests will be treated fairly, and that decisions will be made on the basis of objective evidence and the best possible solution to the problem, not to favor the priorities of one organization over another.

All of these concerns indicate that creating and managing collective impact in our juvenile system requires a separate organization and staff with a very specific set of skills to serve as the backbone for the effort. Coordination takes time, and none of the participating organizations has any to spare. The expectation that collaboration can occur without a supporting infrastructure is one of the most frequent reasons why these efforts fail.

A standing multidisciplinary interbranch organization that is given statutory funding and authority is a necessary piece of the puzzle. This type of organization must embody the principles of adaptive leadership: the ability to focus people's attention and create a sense of urgency, the skill to apply pressure to stakeholders without overwhelming

them, the competence to frame issues in a way that presents opportunities as well as difficulties, and the strength to mediate conflict among stakeholders.

I'm not talking about just another commission; I'm talking about an approach that is based on sound enterprise management practices that have been proven to work in the most successful partnerships, both public and private. Nothing short of that will produce the kinds of improvements that we all know are necessary.

Making the Commitment

With that, let's step back for a moment. We've talked about the history of Oregon's dependency system, its emerging strengths, and its structural weaknesses and challenges. We've also talked about existing opportunities for system improvement and a way of thinking about developing a functional model for collective impact that can help effectuate those improvements.

So I return to where I began. Dependency work is critical and, common misconceptions notwithstanding, it can be some of the most complicated and legally challenging work performed by attorneys in our legal system. Dependency cases involve families who are in crisis in the context of a maze of overlapping statutes and multiple sources of law, and in an environment of extreme time pressure. These cases involve high stakes and high stress, include toxic stress for children and families. And the stakes couldn't be higher: decisions made in dependency courtrooms across our state have many short-term and long-term consequences for Oregon's most vulnerable children and families.

More than 20 years ago, as the federal laws that govern child welfare policy grew more complicated and child welfare practices grew more sophisticated, the notion that dependency court was somehow of lesser stature could no longer stand. The importance of high quality legal representation in dependency cases became increasingly clear. As a starting point, we need to rally around the tasks set out in the 2017 Legislative Budget Note and make common cause to implement all of the recommendations of the 2016 Task Force, to produce the changes to Oregon's models of dependency representation necessary to allow dependency practitioners and the child welfare system to properly perform their expected roles in the modern era of child welfare.

Ultimately, the success of the efforts that we are talking about depends on the commitment of child welfare champions from all three branches of the government, the bar, and the public, who must come together, unified by two common goals: protecting the legal rights of families and improving outcomes for Oregon's most vulnerable children.

Moving forward, we must reinforce the value of multidisciplinary three branch work in the child welfare arena. To truly improve that system in Oregon, all stakeholders must continue to convene to identify, prioritize, develop, and implement changes that support shared goals and better outcomes. The well-being of Oregon's children and families must always be in the vanguard of these efforts. We must make and heed a collective statewide call to action for legislators, judicial officers, department directors, and legal leadership to work toward the implementation of recommendations relevant to their roles in the child welfare system and to continue the collaborative work that we have set in motion.

Overcoming obstacles to change will be paramount in producing the improved outcomes that the public expects from a functional system of dependency representation. However, the benefits to be gained are simply too great to warrant anything other than our fierce and unrelenting effort to make necessary change.

Thank you for the critical role that you play in this system, for all you do to promote just and fair outcomes for your clients, and for your commitment to collaborative solutions to systemic challenges that none of us can solve alone.
