

Summary of presentation
COUNTY VARIATION IN THE EARLY STAGES OF OREGON
DEPENDENCY CASES: CAUSES AND CONSEQUENCES

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- I. Goals of presentation
 - a. Show variations in county caseloads and practices in the early stages of dependency proceedings (removal, charging, and preadjudication developments) and some consequences for how families are treated by the system and for the workloads and effectiveness of courts
 - b. Then, will talk about what sources of this variation may be
 - c. Information presented has been collected as part of research project being conducted by Prof. Erik Girvan at UO Law School and me
- II. Based on our data, on a day-to-day basis, most of the time juvenile court judges at shelter hearings are deferring to DHS recommendations. This doesn't necessarily mean that judges are not exerting influence, since it's likely that over time the DHS workers in a court learn what the judge expects and conform their recommendations to this. Moreover, at least sometimes lawyers for children, parents and the state are having an impact over time through their advocacy in and out of court. The repeat players at these hearings in a county together shape the norms of when children will be removed and where they will be placed in early stages of cases. We are more confident that this collective process is occurring if the hearings are longer than if they are quite short.

The OJD data show that the mean length of shelter hearings varies significantly, ranging from lows of 10 minutes in Josephine and Coos Counties, 11 minutes in Lane County and 12 minutes in Klamath County to highs (in counties with substantial numbers of cases) of 32 minutes in Multnomah County, 21 minutes in Clackamas, and 19 in Jackson. (See table 1)
- III. So, it is important to look at the decisions that are being made before the shelter hearing that affect placement rates, particularly the rates at which DHS removes children from home and the rates at which dependency petitions are filed. Also important to look at the rates at which petitions are dismissed very early in the case (at or by the time of the adjudicatory

hearing) because it casts light on how the first two decisions are being made.

A. Data on removal and petition rates, i.e., the number of children removed per 1,000 children in the county and number of dependency petitions filed per 1,000 children (see table 2)

1. First, as expected, there is a very strong correlation between a county's removal rate and its dependency petition filing rate

a. Of the counties with the 11 lowest petition rates, 10 are in the group with the lowest removal rates.

b. Similarly, on the high side, Klamath, Malheur, Wasco, Columbia, Coos, and Lake Counties all have high removal and petition rates.

c. The correlation is not perfect. In some counties the petition rates are high compared to the rates of removal (Marion, Harney, Curry, Lane, Grant, Jackson, Lincoln and Baker). Several of these counties have such small removal and petition numbers that this difference may not be meaningful, though, as one or two cases case significantly affect the rate (Harney, Curry, Grant, and Baker). And in Jefferson County, the petition rate is low compared to the removal rate in contrast.

d. Possible reasons for high petitioning rates: higher number of cases petitioned although the child is left in the parent's home or more multiple petitions for one family. The data don't tell us what's going on, and further examination is warranted. We don't know if these differences result from differences in DHS or state's attorney practices.

2. Early dismissal rates by county are shown in table 3. This rate varies substantially among the counties.

a. Early dismissal rates range from none in Cook County to a third of the cases in Yamhill. In four counties a quarter of the cases are dismissed early, and in another four a fifth of the cases are dismissed early.

b. Early dismissals could occur because there is insufficient evidence to support the allegations or because an easy nonjudicial resolution is available. Either would suggest the need for better screening before petitions are filed. Alternatively, early dismissals could show very effective early case management.

B. Factors affecting removal rates and petition rates (child abuse reporting rates, race and poverty_

1. Relationship between child abuse report rates and removal rates (tables 4 and 5)

- a. Table 4 -- There is a correlation, especially at high and low ends of the removal rate scale, between rates of reports and rates of removals, but even there there are exceptions. Jefferson, Grant and Douglas have higher removal rates than the child abuse report rates would predict, while Marion, Polk, Multnomah, and especially Linn have lower rates of removal, compared to report rates.
- b. Table 5 -- There is a fairly strong correlation between founded report rates and removal rates. The outliers on the high side of removal are, again, Jefferson and Douglas Counties, joined by Curry. On the low side are once again Multnomah and Linn. The founded report rates and removal rates in Marion and Polk are more consistent because they have a lower percentage of founded reports than many counties. And even though Harney and Lincoln have pretty high founded rates, their removal rates are not very high.

2. Race and poverty are the demographic factors most likely to affect both removal and petitioning rates

a. Poverty is positively related to increases in removal rates. (table 6) The correlation was moderate, meaning meaningful but not really high. Outliers: Marion, Umatilla and Morrow have high poverty rates but low removal rates. On the high side, Gilliam, Columbia, Wasco, and Coos all have high removal rates but lower poverty rates. Curry also has a lower poverty rate but moderately high removal rates.

b. Race and removal rates (table 7) Overall, counties with the highest percentages of white people have the highest removal rates. Increased removal rates are not associated with increases in the percentage of the population that is Black, Native American or Hispanic. (Note that all counties with largest percentage of Blacks are among the largest in population, which have lower rates except for Lane.) However, the combination of a higher poverty rate and a higher rate of Black people or Hispanics produced increases in removal rates. There is some suggestion that counties with relatively higher populations of Native Americans tend to have higher removal rates, but because the percentage of population that is Native American is so small, hard to be sure.

3. So, likely that poverty and higher rates of minorities in population have some impact on removal and petitions, especially poverty, as expected. But the correlations are not very high, meaning that we need to look beyond these demographic factors to explain differences in county removal and petitioning rates.

C. Preliminary findings from the data we collected by looking at files in courts in four counties.

1. Correlations between removal and petitioning rates and the allegations in the petitions: Three of the major types of allegations are domestic violence, drug involvement of some kind, and mental health. Even in these four counties, there is substantial variation in how often these allegations are made in petitions.

a. There is no obvious correlation between allegations and removal rates, but there is with petitioning rates. The county with the highest petitioning rate has a significantly higher percentage of allegations of mental health problems and medium high levels of the other two kinds of allegations. The county with the lowest petitioning rate has the lowest rate of drug allegations but the highest of DV allegations. The two in-between counties, like the highest county, have high rates of drug allegations but are quite different from each other on both DV and mental health allegations.

b. So, it appears that higher rates of drug allegations are associated with higher rates of petitioning but not removal, and it seems mental health allegations have an impact on petitioning rates, but the specifics are not clear.

2. Correlations between removal and filing rates and socioeconomic factors: In County Y a high filing rate is associated with a high poverty rate and lower median household income. Similarly, County Z, with its low rates, also has a relatively lower poverty rate and, significantly, a higher median household income. Overall, it appears that there may be some relationship between lower removal and filing rates and median household income, but no relationship with unemployment rates.

IV. Implications for policies regarding attorneys