

Judge OKs class-action lawsuit alleging Oregon foster care dysfunction

By **DIRK VANDERHART**
Oregon Public Broadcasting

SALEM — Plaintiffs say Oregon's child welfare system is in disarray and must better protect youth under state care.

Plaintiffs alleging widespread dysfunction within Oregon's foster care system can now sue on behalf of all children within that system, a judge ruled last week.

With that decision by U.S. District Court Judge Ann Aiken, a three-year-old lawsuit against the state can potentially achieve a greater impact on a system that plaintiffs say struggles to place children in adequate facilities, doesn't set kids up to live alone once they age out of the system and frequently traumatizes thousands of youth in state custody.

Aiken's ruling, over the objection of state attorneys, means that the suit can proceed as a class action. Rather than merely seeking remedies for 10 current or former foster children named in the initial filing, the suit now represents a general class including every child who is or eventually will be, in state care.

Aiken also certified three "subclasses" of that group: youth who are aging out of the system, who are disabled, or who are LGBTQ. Children in those categories have been subjected to unique harms, the plaintiffs argue, and should be treated separately.

For each of those classes to be certified, the plaintiffs' attorneys had to show that the claims made by the 10 named defendants were

likely to apply to a wide range of children in foster care and that actions to remedy those harms would also help the greater group.

"The Court concludes that Plaintiff has shown that the injuries claimed by the named Plaintiffs are certain to recur on other similarly situated individuals," Aiken wrote in her ruling.

The lawsuit was filed in 2019 by Disability Rights Oregon, the nonprofit A Better Childhood and attorneys at the firm Davis Wright Tremaine. Named as defendants are Gov. Kate Brown, Director of the Oregon Department of Human Services Fariborz Pakseresht, Director of Child Welfare Marilyn Jones and the Oregon Department of Human Services.

The suit alleges that Oregon has failed children in its care for years, employing too few caseworkers, identifying too few facilities or homes where children may stay, providing inadequate training for care providers, and not properly evaluating the needs of foster kids, among other problems.

The suit includes detailed narratives of the 10 named defendants, offering a picture of a system in which kids are separated from siblings, denied necessary medications, frequently moved between homes and facilities, and generally unable to access care specific to their needs.

"What we're seeking to do is make the system better and make it better for kids," said Marcia Lowry, an attorney and executive director of A Better Childhood.



Kaylee Domzalski/Oregon Public Broadcasting
Fariborz Pakseresht, head of the Oregon Department of Human Services, is among defendants named in a three-year-old lawsuit over the state's foster care system.

Dog owner loses appeal over euthanasia order

By **ALEXIS WEISEND**
The Astorian

ASTORIA — A Circuit Court judge has upheld the city's euthanasia order of a pit bull who killed a cat in June.

James Mayer, the dog's owner, still hopes the city will somehow spare Layla and allow him to take his pet back to Multnomah County, where Mayer lives.

"This was not a malicious act akin to murder that deserves punishment," he said in a statement to The Astorian. "Capital punishment for something like this is too extreme and not based in logic."

Judge Beau Peterson sided in favor of the city on Wednesday, Aug. 17, after Mayer appealed a Municipal Court ruling that upheld the city's euthanasia order.

In June, Layla, who was staying in Astoria with Mayer's girlfriend while she was working at Columbia Memorial Hospital, got loose and killed a cat named Jack. Layla was chasing another cat before being caught and taken to Clatsop County Animal Shelter.

Eric Halverson, the interim police chief at the time, designated Layla a level five dangerous animal, the highest level, which applies to animals at large that kill other animals.

At a hearing in Circuit Court on Aug. 17, City Attorney Blair Hennings-

gaard called Jack's owner and others who described the aftermath of the attack.

John Taylor, who lives with Theresa Brown, Jack's owner, said he saw the dog pouncing on the cat. He then went to help corral the dog.

When Taylor went to go check on Jack, the cat was making some noise but clearly dying. "There was no trying to save him," he said.

Brown said Jack often slept outside in the sunshine. When she heard yelling outside, she came out to see Layla chasing the neighbor's cat and her cat covered in blood. She said she sat there for a while afterward, holding Jack's body.

Geordie Duckler, an attorney in Tigard who specializes in animal-related legal issues, represented Mayer. He said that since none of the witnesses actually saw Layla kill the cat, the dog should not be classified as a level five dangerous animal.

"They didn't see dog kill the cat," he said. "They inferred that, of course, dog killed cat, but they didn't see that behavior, and if we're at that level in which we're applying city code conscientiously and properly, then we don't have a level five classification, or we shouldn't, if we're applying it correctly."

Mayer said he and his girlfriend feel terrible about the loss of Jack, but they do not think Layla should die.

Oregon schools prepare for the 2022-23 school year

By **ROLONDO HERNANDEZ**
Oregon Public Broadcasting

SALEM — The start of the school year is just around the corner, making it three years since educators across the nation first began to adjust to COVID-19 and guidelines given by the Centers for Disease Control and Prevention.

Last week, the CDC announced new guidelines loosening previous decisions and leaving safety measures up to schools and their county and state public health officials.

"We are very appreciative as local school districts to be provided with a little more authority," said Ryan Carpenter, superintendent of Estacada School District.

Carpenter said the goal for his district is to support

individual choices. While masking will be up to the individual, schools can take action where they see fit.

Steve Cook, the superintendent for the Bend La-Pine School District, said that in the past the district has made masking required for certain classrooms and grade levels to manage increasing cases of COVID-19 and that this mindset will continue.

"There will be times when we have issues in classrooms where we'll have to intervene," he said.

Beyond COVID-19, across the nation schools are dealing with staff shortages for teachers, substitutes and general faculty.

Ukiah School District Superintendent Laura Orr says there are no local substitutes in her rural area, with the nearest being 50 miles away.

This often means she has to step away from her other roles as a teacher, principal and superintendent to fill the gaps when someone is out. And that includes working in the cafeteria.

"There's only so many people to do the job," she said. "It's the reality of rural school districts. You cover each other's backs."

Bend La-Pine schools are also in a similar position. Cook says he has had trouble recruiting people for positions in custodial and nutritional services.

"I don't think it's limited to rural districts anymore. I think it's a public education issue," he said.

In addition to a shortage of teachers, substitutes and

cafeteria workers, schools are also seeing a shortage of psychological services to address the mental health needs of their students.

Carpenter said while he has been able to hire some staff to fit the social and emotional needs of students, it's been difficult to find qualified staff and keep them.

"We're constantly seeing turnover," he said.

Orr said that because of the size of her district she cannot hire a counselor and shares one regionally that she gets from the state. She says her community and students need the services but just can't access them.

"You cannot have the kids working on those educational gaps and making their needed academic progress if their mindset is not in the right place," she said.



Orr

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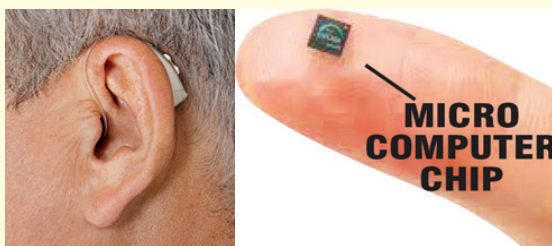
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