

**OREGON VOLUNTEERS
COMMISSION FOR
VOLUNTARY ACTION
AND SERVICE (OV)**

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CASA Advocate Representative

Barbara Johnson, Commissioner
CASA Program Representative

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DEPARTMENT**

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Circuit Court Judge
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Director
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IN ADVISORY CAPACITY

Erin Moore
State Coordinator
Oregon CASA Network

CASA STUDY COMMITTEE REPORT

As required by: HB 4082 - Oregon Laws 2012, chapter 97, section 10

HISTORY OF CASA ADMINISTRATION IN OREGON

In 1977, a Seattle juvenile court judge concerned about making drastic decisions with insufficient information conceived the idea of citizen volunteers speaking up for the best interests of abused and neglected children in the courtroom. From that first program has grown a network of more than 933 Court Appointed Special Advocate (CASA) and guardian ad litem (GAL) programs that are recruiting, training and supporting volunteers in 49 states and the District of Columbia.

In 1982, the National CASA Association (NCASAA) was established. The NCASAA supports programs across the country by providing information, technical assistance, research, training, and hosting an annual conference. In 1990, NCASAA introduced national standards for CASA/GAL programs.

The 1985 Oregon Legislative Assembly directed the Oregon Children's Services Division (now the Department of Human Services Child Welfare Program) to create two CASA pilot programs. As a result of the success of these programs, the 1987 Legislative Assembly defined into law the functions, roles and responsibilities of CASA volunteers in Oregon.

In 1989, CASA programs in Oregon were placed under the administration of the commission that became the Oregon Commission on Children and Families (OCCF). General fund support of \$400,000 per biennium was first appropriated by the 1991 Legislative Assembly. Over the next 15 years another \$2 million per biennium was added. Since 1992, every county in Oregon has been served by a CASA program.

In 2011, the Oregon Legislative Assembly began planning for the dissolution of the OCCF and the subsequent reassignment of programs administered by them. When a new administrative “home” for CASA in state government couldn’t be identified, the Legislative Assembly passed House Bill 3102 (Or Laws 2011, ch 725) which established the Joint Interim Task Force on CASA (CASA Task Force) and directed the CASA Task Force to “study and make recommendations on the appropriate structure and operation for funding and administration of the CASA Volunteer Programs in this state.” At that time the newly formed Oregon CASA Network (OCN), a private, not-for-profit organization, expressed a desire to administer state funding to local CASA programs. The CASA Task Force recommended that the Oregon Legislature enact legislation transferring OCCF statutory authority and responsibilities with respect to CASA Volunteer Programs to the Oregon Volunteers Commission for Voluntary Action and Service (OV). The CASA Task Force also recommended that the Oregon Judicial Department (OJD) and OV should make a determination whether or not Oregon’s statutory authority and responsibilities with respect to CASA Volunteer Programs should be transferred to the Judicial Branch.

PROCESS FOR CURRENT PLANNING EFFORTS/HB 4082

HB 4082 moved the administration of Oregon CASA Volunteer Programs to the OV effective July 1, 2012 with the mandate that a CASA planning Committee be convened to study the structure and operation for funding and administration of CASA programs and make recommendations related to the provision of CASA services in Oregon no later than September 30, 2014. A CASA Study Committee (Committee) began meeting in the fall of 2012 and includes representatives of OJD, the Housing and Community Services Department and the OV.

The Committee invited the State Coordinator of the OCN to participate in meetings in an advisory capacity and was aware of the OCN’s previously-stated desire to directly administer the state funds. The Committee surveyed all CASA Program Directors, established values and criteria necessary in an administrative agency, and assessed all state agencies for possible matches. Representatives of potential agencies were invited to present to the Committee in December, 2013.

The Department of Justice (DOJ) appeared to offer the only programs that met the identified criteria. The Committee invited representatives from the Crime Victims Services Division (CVSD), a DOJ program which provides similar grant administration to programs state-wide, to report on their activities to the group. During the question-answer portion of the meeting, DOJ representatives made it very clear that they could not take on the administration of Oregon CASA programs due to the inherent conflict of interest between CASA and the DOJ.

Since the Committee's review process had already eliminated all other state agencies, reflecting the same earlier conclusions of the CASA Task Force, the Committee reached consensus on a recommendation that OV gradually transfer responsibility to the OCN over multiple biennia until they reached full administrative capacity. OV was the sole agency identified as both willing and able to continue its role as administrator of state general fund grants to Oregon CASA programs during the transition period.

In January of 2014 the Committee met with representatives of the OCN. Megan Schultz, OCN President, and Erin Moore, OCN State Coordinator, presented an alternate proposal in which the OCN would become the pass-through entity for state funds beginning with the 2015-2017 biennium. At that meeting, the Committee requested that the OCN provide copies of organizational planning, policy, and business documents to support their proposal. The Committee renewed the request in March 2014 and received some of the requested documents in June 2014.

After discussion the Committee continued to agree in principle with the OCN plan to move toward the goal of OCN state fund administration even though there is no historical precedent in Oregon for a private entity to directly receive state general funds and manage the distribution of those funds to local programs. However, the Committee felt strongly that the 2015-2017 biennium was premature due to the relatively short history of the organization in its current structure. Michael Fieldman, Co-Chair of OV, met with the Committee in March, 2014. He spoke in support of the preliminary recommendation of the Committee for on-going administration by OV and also support for a transition to OCN as a pass-through entity at some future time. Mr. Fieldman also suggested the possibility of an incremental transfer from OV to OCN through a succession of contracts of ever increasing size and responsibility over several years until ultimately transitioning to the single contract between OV and OCN that would allow OCN to administer local CASA program allocations. The Committee concurred.

In May 2014, the OCN reported to the Committee their opposition to continuing the relationship with OV and any delay in transfer of responsibility for administration of state funding. They expressed a desire to move to the Department of Administrative Services (DAS) which was previously eliminated by both the Committee and the CASA Task Force. The Committee agreed to invite the State Chief Operating Officer, Michael Jordan, to a special meeting in June 2014, and to extend the Committee report timeline to accommodate the OCN request. Mr. Jordan advised the Committee that his organization would implement any request coming from the Legislative Assembly. Following his presentation the Committee continued to support their original recommendation that administration of state funding continue to be the responsibility of OV with a gradual transition to the OCN over several biennia.

MOVING TOWARD A PASS-THROUGH ENTITY FOR ADMINISTERING STATE FUNDS FOR CASA PROGRAMS

Absent administrative rules for budget transfers of this size, the Committee agreed on several basic constructs that should be met by OCN before they assume full administration of state funds:

- Three consecutive financial audits without major findings;
- Evidence of sufficient infrastructure to carry out the terms of the contract (number of staff and levels of expertise of staff; adequate financial policies and procedures; fully functional Board of Directors adhering to organization Articles of Incorporation and By-laws; no fewer than two IRS Form 990 reports on file; financial sustainability, including multiple sources of operating funding, and organizational ability to function at an acceptable level without state funding);
- Evidence of successful prior contract management experience; and
- Successful completion of no less than three state grants for services in order to show evidence of ability to work successfully within the state procurement rules and statutes.

Recognizing that State of Oregon Procurement Rules identify a large single-source contract as one that exceeds \$150,000, and knowing of the Oregon CASA Network's interest in managing a contract in excess of \$2 million, it is very important to the Committee that the OCN be given the opportunity to administer increasingly large contracts with Oregon Volunteers in order to successfully demonstrate their ability to manage state funding. Therefore, the Committee recommends that one or two contracts be created for FY 2014-15, using existing funds, to be used for two purposes:

- 1) \$30,000 for procurement and implementation, including training and technical assistance, of a data collection system that can be used by all local CASA Programs in the state, and
- 2) \$10,000 for development of a 5-year strategic plan for the OCN that focuses on the strategies the OCN will implement to help local CASA Programs become more sustainable.

If the OCN successfully manages these contracts in 2014-2015, the Committee recommends that increasing responsibility, and concurrent increased funding, be contracted in the 2015-17 biennium to continue building the capacity and a record of success for the OCN. Based on successful completion of these contracts, OV and Oregon Housing and Community Services, or whoever is administering funds received by OV, will be better positioned to transition to a pass-through entity in a future biennium.

The Committee and OCN are aware of several concerns that local CASA Programs may have related to OCN directly contracting with programs and controlling the allocation of state funds:

1. OCN is a membership organization and as such also serving as a compliance organization could present challenges if a local program is not in compliance with state or national laws or standards.
2. State entities are required to follow procurement policies when spending state funds. If a private entity has control over distribution of state funds some level of transparency could be lost.
3. If a local program does not agree with a policy of the OCN, there needs to be a clear process for local programs to express disagreements with an OCN policy or practice without fear of retaliation (losing funding).

The Committee anticipates that the OCN will be working diligently to alleviate these and any other concerns that may rise from local programs.

RECOMMENDATIONS

The Committee developed a careful process to study the appropriate structure and operation for funding and administration of CASA Programs. After deliberate, diligent and extended consideration, the Committee makes the following recommendations to standing and interim committees of the Oregon Legislative Assembly:

Regardless of any changes in Oregon Volunteers placement in state government in the 2015 legislative session, the Committee recommends CASA remain a part of OV. In that continuing relationship, OV and the OCN should work collaboratively to further develop and pursue a plan for shifting administration and responsibilities related to CASA funding and oversight to the OCN and progressing towards creating a pass-through entity within two to three legislative cycles. The plan is to include the creation and implementation of an MOA, by December 31, 2014, assuring the following:

- Collaborating, developing and pursuing a planned program for shifting CASA-related administration and responsibilities to the OCN, applying defined evaluation conditions, measures and timelines for doing so.
- Collaborating, developing and maintaining appropriate performance measures in concert with measures developed/required by the best practices and standards of the National CASA Association.
- Collaborating, developing and maintaining appropriate allocation measures for distribution of funds to local CASA programs.
- Collaborating, developing and maintaining appropriate contract oversight, reporting requirements, compliance, transparency and systems.
- Maintaining and updating the Memorandum of Agreement.

IN CONCLUSION

This report reflects the consensus of the statutorily designated Committee members. The OCN was invited to attend and participate early in the process. The Committee continues to believe that OV is the best home within state government for CASA, given the relatively short history of the organization in its current structure.

As previously stated, the Committee recommends that administration of state funding continue to be the responsibility of OV with a gradual transition to the OCN over several biennia. A transition of this magnitude necessarily requires a thoughtful and incremental transfer of responsibility. To ensure this proper transfer, the Committee has outlined several basic constructs that should be met by OCN before they assume full administration of state funds. OV will provide the OCN with the opportunity to administer increasingly large contracts in order to successfully demonstrate its ability to manage state funding. A Memorandum of Agreement between OV and the OCN, to be completed by December 31, 2014, will outline increasing responsibility, and concurrent increased funding, to build the capacity and a record of success for the OCN. Additionally, the Committee looks toward diligent progress as the OCN works to alleviate the concerns outlined in this report and any other concerns that may arise from local programs throughout the transition time.