

HOUSE COMMITTEE ON JUDICIARY

April 28, 2003 Hearing Room 357
1:00 p.m. Tapes 163 - 164

MEMBERS PRESENT: Rep. Max Williams, Chair
 Rep. Gordon Anderson, Vice-Chair
 Rep. Robert Ackerman, Vice-Chair
 Rep. Jeff Barker
 Rep. Bob Jenson
 Rep. Jerry Krummel
 Rep. Greg Macpherson
 Rep. Floyd Prozanski
 Rep. Lane Shetterly

STAFF PRESENT: Bill Taylor, Counsel
 Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: SB 167 Public Hearing and Work Session
 SB 18A Public Hearing
 SB 70A Public Hearing and Work Session
 SB 71 Public Hearing and Work Session
 SB 72A Public Hearing and Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 163, A		
004	Chair Williams	Calls the meeting to order at 1:08 p.m. Opens a public hearing on SB 167.
<u>SB 167 PUBLIC HEARING</u>		
012	Karen Brazeau	Director, Oregon Youth Authority. Submits testimony and testifies in support of SB 167 which provides that Oregon Youth Authority (OYA) is liable for damages to third parties resulting from intentional torts of youth offender who is residing in youth offender foster home certified by authority (EXHIBIT A).
030	Rep. Macpherson	Asks what the obligation of the OYA is in providing coverage to foster parents.
060	Brazeau	Answers that they have made some payments, but have not had to make extensive payments.
072	Chair Williams	Notes that there are standards that the foster family has to prove before they get reimbursed. Closes the public hearing on SB 167 and opens a work session on SB 167.
<u>SB 167 WORK SESSION</u>		
093	Rep. Prozanski	MOTION: Moves SB 167 to the floor with a DO PASS recommendation. VOTE: 7-0-2
096	Chair Williams	EXCUSED: 2 - Jenson, Shetterly Hearing no objection, declares the motion CARRIED.

REP. ACKERMAN will lead discussion on the floor.

110 Chair Williams Closes the work session on SB 167 and opens a public hearing on SB 18A.

SB 18A PUBLIC HEARING

115 Bob Joondeph Oregon Advocacy Center. Submits testimony and testifies in support of SB 18A which directs Department of Human Services to ensure that designee conducting investigation of alleged abuse of mentally ill or developmentally disabled adult receives training and consultation necessary to conduct thorough and unbiased investigation (**EXHIBIT B**).

160 Rep. Krummel Comments on the language of the bill.

186 Joondeph Gives his opinion.

213 Bill Taylor Committee Counsel. Asks about the definition of neglect and if that includes those that are without care.

218 Joondeph Responds that this law only pertains to people that are receiving services.

243 Taylor Asks what happens if someone is in the program and their services are reduced.

252 Joondeph Answers that it could only be possible abuse if a person is receiving a particular service inadequately.

277 Chair Williams Comments on reductions to budgets and how that will affect county programs.

308 Joondeph Believes that the chance of this creating litigation does not exist.

327 Eva Kutas Department of Human Services, Health Services. Investigates abuse of mental patients. Testifies in support of SB 18A.

361 Jim Russell Director, Mid-Valley Behavioral Care Network. Testifies on SB 18A and believes that SB 18A may need to be referred to the Ways and Means Committee.

376 Scott Parker Special Counsel, Association of Oregon Counties. Testifies on SB 18A. Expresses his concerns that the bill could cause Oregon and the service providers a lot of trouble.

430 Rep. Krummel Asks if Mr. Parker is concerned that they could be sued because of the broad statement on page 2 of the bill.

450 Parker Answers, yes, they are very concerned about the language. Says that the county would be the first named defendant if there was a lawsuit and the state the second.

468 Rep. Jenson Asks if the liability will come back to the state.

TAPE 164, A

025 Parker Says that they would hope so, but it's not clear.

033 Rep. Jenson Wonders if the bill could be amended to make the language more specific.

041 Parker Says that would be very helpful.

050 Rep. Jenson Asks if the issue of neglect should be addressed in the statute somewhere.

055 Russell Answers that seems fair.

061 Chair Williams Closes the public hearing on SB 18A and opens a public hearing on SB 70A.

SB 70A PUBLIC HEARING

075 Wendy Johnson Oregon Law Commission. Submits testimony and testifies in support of SB 70 which creates procedure for establishment of guardianship in juvenile court (**EXHIBIT C**).

090 Lisa Kay Juvenile Rights Project. Testifies in support of SB 70A.

172	Kay	Discusses Section 5 of the bill.
234	Vice Chair Ackerman	Asks how the court has the ability to substitute guardians.
242	Kay	Answers that it is in the section regarding modification.
256	Rep. Jenson	Inquires about Section 2 and what the difference is between subsection 2 and subsection 3.
266	Kay	Answers that the Indian Child Welfare Act in subsection 2 requires a higher burden of proof to establish guardianship.
289	Chair Williams	Asks for an example of a child that would require a guardianship.
298	Kay	Gives an example.
323	Chair Williams	Closes the public hearing on SB 70A and opens a work session on SB 70A.

SB 70A WORK SESSION

349	Rep. Shetterly	MOTION: Moves SB 70A to the floor with a DO PASS recommendation.
		VOTE: 9-0
356	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. JENSON will lead discussion on the floor.
367	Chair Williams	Closes the work session on SB 70A and opens a public hearing on SB 71.

SB 71 PUBLIC HEARING

371	Wendy Johnson	Oregon Law Commission. Submits testimony and testifies in support of SB 71 which authorizes service of summons by mail in juvenile dependency proceedings (EXHIBIT D).
405	Rep. Prozanski	Asks what the history is as to why the service by mail was an alternative process.
441	Johnson	Says that it was written into the bill last session as an alternative process.

TAPE 163, B

039	Chair Williams	Closes the public hearing on SB 71 and opens a work session on SB 71.
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SB 71 WORK SESSION

042	Rep. Barker	MOTION: Moves SB 71 to the floor with a DO PASS recommendation.
		VOTE: 9-0
045	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. PROZANSKI will lead discussion on the floor.
051	Chair Williams	Closes the work session on SB 71 and opens a public hearing on SB 72A.

SB 72A PUBLIC HEARING

053	Bill Taylor	Committee Counsel. Introduces SB 72A which modifies provisions dealing with intervention and rights of limited participation in juvenile dependency proceedings.
054	Wendy Johnson	Oregon Law Commission. Submits testimony and testifies in support of SB 72A (EXHIBIT E).
056	Linda Guss	Assistant Attorney General, Department of Justice. Testifies in support of SB 72A.
137	Chair Williams	Asks about the effective dates.
138	Guss	Explains the dates.
187	Chair Williams	Closes the public hearing on SB 72A and opens a work session.

SB 72A WORK SESSION

197	Rep. Macpherson	MOTION: Moves SB 72A to the floor with a DO PASS recommendation.
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206	Chair Williams	VOTE: 9-0 Hearing no objection, declares the motion CARRIED. REP. BARKER will lead discussion on the floor.
209	Chair Williams	Closes the work session on SB 72. Adjourns the meeting at 2:15 p.m.

EXHIBIT SUMMARY

A – SB 167, written testimony, submitted by Karen Brazeau, 1 pg.

B – SB 18A, written testimony, submitted by Bob Joondeph, 1 pg.

C – SB 70A, Report, Juvenile Code Revision: Guardianship, submitted by Wendy Johnson, 6 pgs.

D – SB 71, Report, Juvenile Code Revision: Service by Mail, submitted by Wendy Johnson, 4 pgs.

E – SB 72A, Report, Juvenile Code Revision: Intervenor/Rights of Limited Participation, submitted by Wendy Johnson, 4 pgs.