

SENATE COMMITTEE ON JUDICIARY

March 01, 2001 Hearing Room 343
12:30 p.m. Tapes 49 - 50

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Peter Courtney, Vice-Chair
 Sen. Roger Beyer
 Sen. Ginny Burdick
 Sen. Verne Duncan
 Sen. Steve Harper
 Sen. Rick Metsger

STAFF PRESENT: **Marilyn Odell, Counsel**
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **SB 199 Public Hearing**

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.

TAPE/#	Speaker	Comments
TAPE 49, A		
004	Chair Minnis	Calls the meeting to order at 1:10 p.m. and opens a public hearing on SB 199.
<u>SB 199 PUBLIC HEARING</u>		
009	Sen. Courtney	Senate District 17 Submits testimony and testifies in support of SB 199, relating to the safe surrender of newborn children; appropriating money; declaring an emergency (EXHIBIT A). Explains that this bill is designed to provide a means to those mothers or fathers who do not want their baby, who have hidden or denied the pregnancy, OR who cannot bear the shame or struggle a baby would impose.
076	Chair Minnis	Reminds the committee that they have a hand-engrossed version of the bill that includes the -4 amendments discussed by Sen. Courtney (EXHIBIT B).
083	Debbie Ferris	Garden of Angels, Safe Arms for Newborns Testifies about her experience with abandoned babies who have died. States she has buried 44 children. Explains that California's SB 1368 protects birth mothers and saves babies. Describes their process of receiving babies.
198	Vice Chair Courtney	Asks Debbie to describe some of the mothers who have gone to jail for killing their newborn babies.
204	Ferris	Describes a 14 year-old in juvenile hall, and a 21 year-old that is in prison for 5 years.
273	Vice Chair Courtney	Explains that there are issues that will be raised in opposition, but states that if the baby is dead, all else is irrelevant. States that this bill includes fire stations and police stations as well as hospitals as authorized facilities for receiving newborns.

306	Chair Minnis	Explains that the child fatality review board teams no longer exist in Oregon because of costs. Mentions the number of missing persons that are never found.
346	Sen. Burdick	Asks if any children have been found dead since California's bill was enacted.
351	Ferris	Replies, unfortunately yes. Acknowledges how very important it is now to educate the general public through public service announcements, posters--whatever it takes to get the word out.
374	Sen. Burdick	Asks who supports and pays for the education.
377	Ferris	Replies that it is through the kind-heartedness of individuals.
391	Bob Castagna	Director, Oregon Catholic Conference Submits testimony and testifies in support of SB 199 (EXHIBIT C). Talks about Minnesota's law that is referred to as "safe place for newborns". States that the Catholic Conference adopts its public policy positions based on a consistent ethic of life. Suggests that the conference would like to see some effort made in seeking identification of at least a health history.
TAPE 50, A		
043	Dr. Grant Higginson	Acting Administrator, Health Division, Department of Human Services Submits testimony and testifies in support of SB 199 (EXHIBIT D). States that based on his experience, he would encourage the passage of SB 199 providing a safe haven for unwanted babies, and a public education campaign to inform people that this option is available.
087	Sen. Burdick	Asks if public service announcements on TV would be possible.
091	Higginson	Replies yes, but explains that the big expense for public service announcements is the production costs.
098	Sen. Harper	Asks for ideas on expanding the list of authorized facilities.
100	Higginson	Replies that he would like to get back to him on that, after he has a chance to talk to the pediatric society and others about it.
114	Kathy Ledesma	Program Manager, Permanence In Adoptions Services, Department of Human Services Submits testimony and testifies in support of SB 199 (EXHIBIT E). Comments that there are 14 states that have adopted legislation similar to SB 199 and 10 more considering legislation. Quotes statistics from a random search nationwide that in 1998, 105 babies were abandoned, and 33 of those were found dead.
175	Sen. Burdick	Referring to line 11, page 1, asks about the change from "person" to "parent".
182	Ledesma	Replies that there was concern about the vagueness of "person". Says a person may take an infant from a parent against their wishes.
193	Sen. Burdick	Asks about someone other than the parent delivering a baby to an authorized facility.
203	Chair Minnis	Replies that this question needs to have some coordination between the child protective agency, law enforcement and medical community.
225	Sen. Beyer	Asks for clarification of the wording in the bill regarding who the "parent" is.
237	Maura Roche	Planned Parenthood

		Submits testimony and testifies as neutral on SB 199 (EXHIBIT F).
		Indicates that Planned Parenthood supports the bill’s humane treatment of women, but says this bill points to a much bigger issue. Says Planned Parenthood is concerned about the health of young women who are likely to have given birth without proper medical care.
294	Rep. Kelley Wirth	House District 35 Testifies in support of SB 199. Describes a personal glimpse of a tragedy regarding discovery of an infant found in a footlocker on an army base. Says this bill would help protect desperate women from being labeled criminal.
355	Josh Marquis	President, Oregon District Attorney’s Association. Testifies in support of SB 199. Explains that the bill creates an affirmative defense to the limited crime of child abandonment. Says that the bill is intentionally narrow to create an exception to the criminal law.
430	Matt Mattox	Assistant District Attorney, Clackamas County Tells of his experience prosecuting an 18 year-old girl for drowning her newborn. She was convicted of manslaughter in the 2 nd degree and is serving a 6-year sentence.
467	Chair Minnis	Asks if a law such as SB 199 would have prevented the child’s death.
470	Mattox	Replies it is hard to determine. Explains that he believes this bill needs to be very narrow in scope—that it involves newborn abandonment alone.
TAPE 49, B		
027	Jennifer Bissett	Emanuel Hospital, Family Birth Center Testifies in support of SB 199 and displays a picture of a baby (known as Baby Star) who was dropped off safely and survived.
052	Sen. Harper	Asks about the concept of hospital stay.
055	Counsel Odell	Responds that France not only has the safe harbor for babies, but also provides that the mother can come to the hospital and anonymously give birth.
063	Sen. Burdick	Asks if Baby Star has been adopted and if there is any chance the birth mother might want this child back.
068	Bissett	Replies that the birth mother was found, but she didn’t want to be exposed. Says that most mothers who abandon their children do not want to be found.
080	Diane Adams	Registered Nurse, Emanuel Hospital Testifies in support of SB 199.
104	Dr. James Lace	Oregon Pediatrics Society Submits testimony and testifies in support of SB 199 (EXHIBIT G). Suggests areas where education and notification can be made. Suggests that missing child information centers be notified.
130	Sen. Burdick	Asks about the expansion of locations where a baby can be dropped off.
135	Dr. Lace	Supports the “warm body” concept suggested by Sen. Harper.
151	Chair Minnis	Referring to line 8, page 1 of the bill, asks how the age of 30 days or younger can be determined.

155	Dr. Lace	Suggests that the age may be a little difficult to determine and hopes that there would be some leniency in that area.
181	Ed Patterson	Oregon Association of Hospitals and Health Systems Testifies in support of SB 199. States that all hospitals are obligated to care for anyone who comes in. Comments that the “parent” issue is a concern, as well as the 30day-old age limit. Referring to page 3, section 8, “authorized facilities”, says that ambulatory surgery centers would not be appropriate.
243	Chair Minnis	Asks about the section of the bill that would leave a hospital liable.
246	Patterson	Replies that it is Section 1 of the bill regarding the age of the infant and physical abuse clause.
257	Chair Minnis	States that the bill is not intended to deny the treatment of the child.
265	Counsel Odell	Points out that the bill does include immunity provision in paragraph 4 of Section 1 on page 1.
287	Gayle Atteberry	Executive Director, Oregon Right to Life Testifies in support of SB 199. Says that this is a very positive bill, and that the Board of Directors of National Right to Life passed a unanimous resolution supporting these “safe haven” bills throughout the United States.
311	Nancy Miller	Director, Juvenile Court Programs Division Testifies in support of SB 199. States that the juvenile court process “kicks” in on the day after abandonment.
331	Timothy Travis	Oregon Judicial Department Testifies in support of SB 199. Says that his concerns were satisfied when the –3 amendments addressed the “day after” question.
380	Chair Minnis	Asks about anonymity and what happens to the medical records.
388	Miller	Replies that Services for Children & Families (SCF) will have an obligation to look for the parents in order to summon them for a termination trial. Says if there are signs of abuse, a regular police investigation would take place.
410	Travis	Says that abandonment is grounds for immediate termination of parental rights.
457	Sen. Burdick	Asks under current law, how a person other than the parent is prosecuted.
462	Travis	Replies they could not be prosecuted for abandonment, but possibly for abduction or kidnapping.
469	Counsel Odell	Referring to Florida’s law provision for presumption of termination of parental rights asks if such wording in our bill would alleviate the need for investigation by SCF.
481	Travis	Replies that he is not sure because it would depend on the strength of the presumption, and that it may be unconstitutional.
TAPE 50, B 045	Jim Austin	Aide to Representative Kathy Lowe Presents testimony on behalf of Rep. Lowe (EXHIBIT H).
071	Diana Hoonhout	Private Citizen Submits testimony and testifies in support of SB 199 (EXHIBIT I). Says that she has some concerns about the way Section 2 of the

124	Chair Minnis	bill has been written and has submitted some suggested changes.
131	Travis	Asks about the “other” parent. Says that when one parent abandons a child, SCF has an obligation to locate the other parent. If it cannot be determined, there is a procedure of serving by publication.
147	Sen. Burdick	Asks about the legal status of the father if this bill passes.
154	Travis	Replies that it would go on a case-by-case basis.
166	Sen. Burdick	Suggests that this raises some questions.
180	Bruce Bishop	Kaiser Foundation Health Plan Testifies in support of SB 199, and suggests the definition of “hospital” needs to be reviewed and possibly expanded. States that large medical facilities such as Kaiser should be included. Suggests broadening the immunity issue.
250	Chair Minnis	Closes the public hearing on SB 199 and adjourns the meeting at 2:15 p.m.

Submitted By,

Reviewed By,

Jane Bodenweiser,
Committee Assistant

Marilyn Odell,
Counsel

EXHIBIT SUMMARY

- A – SB 199, written testimony submitted by Sen. Peter Courtney, dated 3/1/01, 1 p**
- B – SB 199, hand engrossed amendments (includes –1,-2,-3 &-4), submitted by staff, 3 pp**
- C – SB 199, written testimony submitted by Bob Castagna, 1 p**
- D – SB 199, written testimony submitted by Dr. Grant Higginson, dated 3/1/01, 1 p**
- E – SB 199, written testimony submitted by Kathy Ledesma, dated 3/1/01, 1 p**
- F – SB 199, written testimony submitted by Maura Roche, dated 3/1/01, 1 p**
- G – SB 199, written testimony submitted by Dr. James Lace, dated 3/1/01, 1 p**
- H – SB 199, written testimony submitted by Jim Austin for Rep. Kathy Lowe, dated 3/1/01, 2 pp**
- I – SB 199, written testimony submitted by Diana Hoonhout, 2 pp**