

HOUSE COMMITTEE ON HUMAN RESOURCES

February 23, 1999 Hearing Room E

1:00 PM Tapes 28 ñ 30

MEMBERS PRESENT: Rep. Jeff Kruse, Chair

Rep. Kitty Piercy, Vice-Chair

Rep. Betsy Close

Rep. Tim Knopp

Rep. Jerry Krummel

Rep. Mike Lehman

Rep. Bill Morrisette

Rep. Jackie Taylor

Rep. Jackie Winters

STAFF PRESENT: Janet L. Carlson, Administrator

Diane M. Lewis, Administrative Support

MEASURE/ISSUES HEARD: HB 2268 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 28, A

003	Chair Kruse	Calls the meeting to order at 1:10 P.M. and opens a public hearing on HB 2268.
<u>PUBLIC HEARING HB 2268</u>		
009	Janet Carlson	Committee Administrator, summarizes the staff measure summary and provides background information to HB 2268. States that HB 2268 is based on HB 2004 that was passed in the 1993 legislative session. Explains that HB 2004 (1993) created local commissions on children and families. Explains that HB 3180, which was written and considered in the 1995 legislative session, intended to further define HB 2004 (1993) and resulted in Governor Kitzhaber's creation of the Community Partnership Team in the Department of Human Resource director's office. Discusses SB 943 from the 1997 legislative session. States that SB 943 (1997) would have redirected more than half of state pass-through funds to local commissions to focus on high risk juvenile population and would have created a Juvenile Crime Prevention Advisory Committee within the governor's office. Explains that the issue of juvenile crime prevention after the 1997 legislative session, including the Executive Order directing counties to create local high risk plans, transferred the federal Juvenile Justice Advisory Committee (JJAC) from the State Commission to the Criminal Justice Commission, and created the Juvenile Crime Prevention Advisory Committee to make recommendations to the governor regarding high risk plans and budget allocations.
105	Carlson	Continues by discussing what the bill does as stated in the staff measure summary.
142	Carlson	Discusses HB 2268's amendments dated 2/8/99 (EXHIBIT A), -2 amendments dated 2/10/99 (EXHIBIT B), -3 amendments dated 2/15/99 (EXHIBIT C). Explains that the committee will receive HB 2276 temporarily from Ways and Means on Thursday, February 25, 1999, and points out that the members have been provided with 2276's amendments dated 2/16/99 (EXHIBIT D). Explains that HB 2276 is the appropriation bill and 2276-1 amendments require that HB 2276 does not take effect unless HB 2268 becomes law.
170	Rep. Lehman	Asks for an explanation of specific problems that HB 2268 addresses.
178	Chair Kruse	States that HB 2268 is more focused on the evolution of the system instead of trying to target specific problems.
190	Howard Davis	Pastor, submits and presents written testimony in support of HB 2268 (EXHIBIT E). Refers to HB 2268, page 1, lines 21-23, and emphasizes his support of this section. Discusses the bill in terms of family stability. Talks about a safe and healthy environment for the family. States that HB 2268 supports the relationship between parents and children.
270	Davis	Discusses the Multnomah County 1996 report "A Comprehensive Assessment

		of Youth." Explains that the report stated that 40% of youth in Multnomah County had been involved with violence. The report noted the need for parental support and involvement as a deterrent to criminal behavior in youth.
330	Davis	Refers to HB 2268, page 15, section 24, and states that there is a need for work in the content of programs referenced by the bill. Believes that the focus of youth development must be expanded to include ages birth to 20 years.
TAPE 29, A		
010	Davis	States that children are involved with media approximately 35 hours per week and compares this to 3 hours per week spent with parents. Discusses the need to deliver to parents a comprehensive and cohesive message from Oregon's leaders regarding good parenting practices and the expectation that parents, and not television, are the best teachers. States that content of parenting information and programs must be thoroughly examined.
058	Morrisette	Comments that there is proposed legislation to bring back corporal punishment in schools. States that he is aware of a program that teaches parents to deal with their kids in terms of natural and logical consequences of behavior rather than spanking. Believes that it would be very difficult to create a program that parents could agree upon. Asks Davis if it is realistic to make it the policy of the state to implement programs directed at such a diverse population.
075	Davis	Responds that there is a need for vital information, consistently provided across the board, regarding what is good parenting. Remarks that if his children need a spanking at school, he has not done his job as a parent. States that there is agreement that gratuitous media-related violence is wrong and that spending time supporting youth toward healthy development is right. States that we can provide "across the board leadership" in content and have the public listen.
123	Morrisette	Questions whether agreement on what constitutes "good parenting" can be achieved.
134	Chair Kruse	Explains the reason for the initial inclusion of section 24 in HB 2268 as the roll-up of Head Start. HB 2268's amendments remove section 24.
140	Rep. Taylor	Comments on the inconsistency of Davis's message that media is damaging when he states that he is a television producer and is on a radio show twice a day.
148	Davis	Explains that we are in a media age. States that overdoing television is where damage to youth occurs. Believes that 5 hours of television per day is too much. Research shows that youth obesity is linked to watching multiple hours of television. Emphasizes the need for "excellent" content in media programming.
185	Krummel	Asks committee administrator if sections 24 and 25 of HB 2268 are eliminated as a result of the amendments, will ORS 329.160 and ORS 329.165 stay as they are in statute.

193	Carlson	Responds affirmatively.
194	Krummel	Asks Davis if we are trying to legislate something that the state has no business legislating and must be left up to parents.
205	Davis	Responds negatively. States that Oregon is a family. States that the parents of today don't know what parents used to know about what makes good support for healthy, thriving children. HB 2268 is an important continuum of institutional development.
235	Cathe Frederic	Mother of six children and Grand Ronde citizen, submits and presents written testimony in opposition to HB 2268 (EXHIBIT F). Thanks Rep. Krummel for his question of whether it is the business of government to dictate to parents what good parenting looks like. States that government has no business telling anyone what constitutes good parenting. Discusses her experience of raising a hyperactive daughter afflicted with attention deficit disorder. Explains that she did not make use of any state programs while her daughter was having problems in school because it wasn't the government's business. Believes that if components of HB 2268 regarding risk assessment had been active when her daughter was young, her daughter would have been removed from the home and institutionalized. Emphasizes that government needs to stay out of family affairs.
290	Frederic	States that HB 2268 has the potential to cause wrongful death suits because mothers might choose to give birth at home, risking the life of themselves and their newborn, before allowing the government to interfere in private matters. States that if she knew the government was going to track her after the birth of her child, and follow her into her home, the last place she would choose to go is a hospital.
339	Rep. Piercy	Asks what programs Frederic is referring to.
340	Frederic	Replies that HB 2268 opens up the door to the types of programs she is referring to. Refers to HB 2268-1 amendments, page 7, lines 27-31. States that the government has not shown that it can correctly identify which families will benefit most from programs.
380	Chair Kruse	Points out to the committee that HB 2268-1, page 7, lines 27-31 is current law.
384	Frederic	Replies that she'll do what she can to change existing law. Discusses the language in the bill regarding "checking up on the environment the family is living in" as being an inappropriate use of government responsibility. Describes the living conditions of her family in California as well as conditions that they lived in after relocating in Oregon. Explains that if state agencies had been able to come in and make determinations of what was beneficial for her children, they might have taken her children from the home. States that her children were loved and cared for, that they had enough food and warm clothing, and no one was using substances or acting violent. Believes that because they were poor and lived in a home that was less than 500 square feet without adequate plumbing, the state would have determined that the kids needed to be in a

		different environment; i.e. foster care. States that this is what HB 2268 seeks to do. Explains that many members of her community in Grand Rhonde encouraged her to come to Salem and oppose HB 2268.
TAPE 28, B		
015	Rep. Close	Asks if Frederic would support limiting the scope of HB 2268 to people in risk categories such as welfare recipients.
020	Frederic	Responds with frustration. States that her family lives at the poverty level and is eligible for welfare but does not want to receive it. States that her family has everything it needs. Explains that she is in favor of limiting the scope of existing legislation.
035	Pamela Gaston	A Voice for Children, submits testimony in opposition to HB 2268. Explains her organization's concern of any legislation that allows unlawful state intervention into people's homes. States that probable cause is not necessary for the state to remove children from their homes and there is no burden of proof required of the state to prove that a crime is being committed. States that once children are removed, no due process is in place for families. Explains that existing laws are vague. Believes that the state has an agenda to intervene with every child born in Oregon. States that definitions of abuse, neglect, and failure to provide are widely misinterpreted.
096	Wilber Gaston	A Voice for Children (AVC), submits written newspaper (EXHIBIT G) and voices his opposition to HB 2268. Explains that AVC is dedicated to protect children and families from abuse from the state. Explains that AVC is also dedicated to protect the constitution and due process. Refers to EXHIBIT G , page 3, and discusses the Family Protection Amendment. States that children are removed from homes based on allegations and very seldom is anyone charged with a crime.
123	Rep. Piercy	Comments that the issues brought forward by Frederic and the Gastons have to do with Adult and Family Services (AFS) and Services to Children and Families (SCF), however HB 2268 does not speak to AFS or SCF.
128	Mrs. Gaston	Responds that HB 2268 reinforces an underlying problem with programs that allow assessment, intervention and labeling of families.
134	Mr. Gaston	States his opposition to the testimony of Mr. Davis and says that families don't need instructions from the government to raise their children.
140	Rep. Piercy	Reiterates her belief that the witnesses are dealing with issues that belong to SCF and not HB 2268.
146	Mrs. Gaston	Responds that her husband is speaking of parental control and states that the members should extend her husband the same courtesy they extended to Mr. Davis.

150	Mr. Gaston	Continues by stating that there is never any jury in a juvenile court. Explains that the University of Maine report states that 2/3 of all children should not have been removed from their homes in the first place and the congressional study done for the Child Neglect and Accountability Act came to the same conclusion. Emphasizes that AVC does not defend child abuse. It only defends due process and accountability.
191	Rep. Morrisette	Comments that he recently sat in the hearings of Jesse Compton, who perpetrated the torture death of Tesslyn O'iCull, and believes that there was a breakdown in the system that could have prevented her senseless death. Asks Gaston how the state should execute its compelling interest in the welfare of its children.
211	Mrs. Gaston	Concurs with Rep. Morrisette's comments regarding O'iCull and believes her death was another tragic mistake of the system. States that people who reach out to the state for help are not provided with information on procedures or processes. Many times their children are taken from them or they think that grandparents will be given custodial rights of the children only to find out their children have gone to strangers. Explains that parents are never given the chance to prove their innocence of allegations brought against them.
225	Mr. Gaston	Believes that it is better that ten murders go free than to allow the hanging of one innocent person. States that everyone should be allowed a jury trial. Explains that state agencies create administrative rules and treat them as law though they are not laws.
240	Mrs. Gaston	Comments that agency mistakes are a result of inept and untrained staff who act zealously. Believes that the state will make itself right no matter the consequences.
258	Frederic	Asks why Rep. Taylor left the room.
260	Chair Kruse	States that members are involved in many situations that require their attention. Explains that when a member leaves it is never a matter of disrespect but a matter of House business.
274	Doug Carlson	<p>Director, Commission on Children and Families, Yamhill County, submits testimony in support of HB 2268 and written fact sheet on local commissions (EXHIBIT H). Quotes Jim Wallace by pointing out three items that must be recognized if communities are to find solutions to problems and become healthy:</p> <ul style="list-style-type: none"> • The state nor the market can solve the problems we now face. The role of a civil society through the institutions of family, school, neighborhood, voluntary associations, and churches will be critical. • While government cannot solve all the problems, and is probably ill-suited to do so, the public sector must play a crucial role. The wall between public and private solutions must be broken down in favor of new partnerships. People and resources in local communities must work together. • What a catalytic public leadership might be, and how such a new

		<p>partnership in local communities can be convened, should be the central focus of political conversation.</p> <p>States that the catalytic public conversation spoken of above occurred in 1993 with the passage of HB 2004. Explains that walls were broken down and the potential of new partnerships occurred. Reads HB 2004, section 1(a). States that HB 2004 moved forward the issues of accountability, trust, control, responsibility, and allowed communities the vehicle for sharing information with each other.</p>
340	Carlson	<p>States that Yamhill is the tenth largest county in the state with ten very diverse cities. Explains that the local commission reflects the diversity of the county. States that each city has a community progress team to identify what the community needs and how it will use local resources. Explains that the development of the juvenile crime plan included asking each community what problems they were facing, what concerns they were addressing, and what were their potential solutions. Explains that the commission process was the vehicle for allowing local communities to be a part of the development of the juvenile crime plan. Discusses items that the commission considers as it prepares for a new initiative or new direction:</p> <ul style="list-style-type: none"> • How will the various components fit together, coordinate with each other, capture the imagination, and/or stimulate one another. • How will components be funded. • How will all affected parties have a voice in the process. • How will public and private agencies collaborate effectively. • How will conflicts of values and perceptions be handled.
389	Carlson	<p>States that the Yamhill Commission has been powerfully affected by the book " Ghosts from the Nursery-Tracing the Roots of Violence." Explains that this book speaks to new information on brain research. Discusses how Yamhill County has decided to deliver this information to local communities by developing curriculums in the community progress teams and making them available to all community members. Talks about the new campaign in Yamhill County "Every Child in Every Family" and how local citizens create what they need in their communities.</p>
TAPE 29, B		
005	Rep. Morrisette	Asks if Carlson is addressing changes to HB 2268.
009	Carlson	Responds that he applauds the continued work of the evolution of HB 2004. Explains that Yamhill County Commission supports the process of HB 2004 and remains neutral on HB 2268.
015	Rep. Morrisette	Asks for the Commission to provide a position on HB 2268.
018	Carlson	Replies that he came to provide the committee with information regarding the importance of the Commission process and what it has meant to Yamhill County. The Commission will make its recommendation after their March 1, 1999 meeting.

023	Rep. Morrisette	Comments that the committee has not heard from the Commission regarding a position on HB 2268 and states that March 1, 1999 may be too late for recommendations. Asks for comments on how HB 2268 will help or harm local commissions.
035	Carlson	States that the elements in HB 2268 are very important to the local levels. The ability to provide resources to young families, including Healthy Start, is desirable to Yamhill County. The county is concerned about how those services are delivered. Yamhill County supports the element of working more collaboratively at the local level.
047	Rep. Winters	Asks if the local commissions are capable of implementing HB 2268.
053	Beth Meyers	Executive Director, Wasco County Commission, states that HB 2268 supports the development of the commission system. Explains that the commissions have been working toward components in HB 2268 through early childhood collaborations, education collaborations, and crime prevention collaborations. States that the Wasco County Commission supports Healthy Start and the roll-out for early childhood voluntary home visitations and the juvenile crime prevention plan. Explains that for many counties, including Wasco, the commission is the "only shop in town." The commissions are the locations for receiving and participating in services. Discusses that the state audit of systems referenced HB 2268 is supported by the Wasco Commission. Explains that the state audit will be helpful at the local level to convene people with real information and not hidden agendas. States that HB 2268 will assist commissions with identifying their roles in local communities and it supports the commissions to continue the work they are currently involved with.
115	Rep. Winters	Asks Wasco County if they are capable of running existing programs without HB 2268.
117	Meyers	Responds that the commission is capable in getting partners to "the table." Comments that a state level audit, referenced in HB 2268, will assist the commissions to do the work that is discussed at "the table."
128	Krummel	States that Meyers mentioned school programs and asks if the state is paying for programs twice, in the education budget and in the state commission budget.
145	Meyers	Replies that the local commission is aware of, and coordinates with, available resources. This awareness ensures that duplication does not occur. Explains that having information from state departments and agencies (such as a state audit) will further ensure access to resources and delete service duplications.
168	Gretchen Bennett	Manager, Polk County Commission, submits information regarding the Polk County Commission (EXHIBIT I) and explains that Polk County has had a long history of service integration including school-based integration. States that the collaboration effort between the commission and community-based resources is what keeps duplication from occurring.

182	Rep. Krummel	Asks if teachers know about local commissions.
189	Meyers	States that all educators are on the Wasco County Commission's mailing list. Responds that the Commission also provides mini-grants for educators. Assures the committee that educators are aware of the local commission's existence.
198	Rep. Lehman	Comments that things sound just fine with local commissions and the need for 16 pages of legislation is not necessary. Asks if there are any critical components of HB 2268 that the commissions require to do what they are already doing.
211	Bennett	Responds that although she is before the committee with a neutral position on HB 2268, the bill deals with statewide integration that is critical to commissions at the local level.
228	Rep. Lehman	Asks if all local commissions would agree on service or program areas that need the most attention, and if so, asks what is the entity that speaks for all local commissions.
232	Mr. Carlson	Replies that the State Commission has all the local comprehensive plans. The coalition that represents 35 of 36 counties does not meet until next week, however they are the entity that could speak as one voice for the commissions.
238	Chair Kruse	States that Rep. Lehman's question is like asking if all the representatives from a portion of Douglas County would agree on a piece of legislation.
242	Rep. Close	States that her concerns are with the databases kept by programs overseen by the commissions. Asks why services must be conducted in private homes and why information is kept on the public.
250	Bennett	Responds that the Healthy Start programs are strictly voluntary in half the counties. States that information collected is a sharing of information and not a directive.
267	Rep. Close	Asks if families are told that they will be assigned a state identification (I. D.) number and that data will be kept on their program participation. Asks why services are done in private homes.
274	Bennett	Explains that going into the home is strictly voluntary and is an aspect of the program that keeps it flexible. States that having volunteers go to a home works well for people that have limited transportation.
289	Pat Rogers	Director, Lane County Commission, states that not all commissions agree on what works across the board because counties are so diverse. Explains that one of the benefits of HB 2268 is that it provides a vehicle for getting people to come to the table that may not initially want to be there. States that there is not a uniform position from the coalition of local commissions. Believes that counties

		are taking a position of "watch." Explains that there is not enough information to make a decision to oppose or support the bill.
394	Rep. Morrisette	Asks if there are aspects of the bill that commissions don't agree with.
400	Rogers	Responds that she will not support a concept that pulls money away from the Department of Education for Early Intervention Services.
426	Rep. Morrisette	Asks what the plans are for HB 2268.
429	Chair Kruse	States that it is his hope that the committee will do some work on HB 2268 very soon.
TAPE 30, A		
017	Fritz Jenkins	Coordinator, Healthy Start, explains that when families have decided to be involved in programs they are given a personal I.D number. This number is used in the process of collecting statistical information on client progress and participation in services without using actual names. States that the I.D number protects individual identity and privacy rights. Explains that families are told that their records are confidential and family privacy is protected. States that Healthy Start collaborates with the Oregon Health Division regarding the database system that the state operates.
048	Rep. Close	Asks if there is documentation that parents sign stating they understand that files are being kept and they have been provided with information on the database system.
050	Jenkins	Responds that there is a place on the forms where parents sign to acknowledge their agreement to participate in services and understand their right to confidentiality. Explains that this exchange of information and signatures usually takes place in the home as this is a place where parents have control and are more comfortable. States that there is no time where the home is used outside of the family's permission.
080	Rogers	Explains that sometimes verbal authorization is provided by the parents as permission for a home visit, and then signatures are acquired at the home during the first visit.
090	Rep. Winters	Asks if there are different authorization forms among the commissions or if one generic form is used by all.
093	Jenkins	Replies that there is a template available to each local commission.
104	Rep. Piercy	Comments that based on the conversations she has heard during this committee meeting, she understands that there is broad interest in Healthy Start and

		juvenile crime prevention plans, a state audit would be helpful to some local commissions, and everyone is interested in continuing collaboration efforts with state and local resources. There are a lot of other items in the bill that need to be addressed and the committee needs to hear more specifics regarding the bill and its statewide impact on local commissions.
122	Chair Kruse	Closes the meeting at 3:15 P.M.

Submitted By, Reviewed By,

Diane M. Lewis, Janet L. Carlson,
Administrative Support Administrator

EXHIBIT SUMMARY

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- A ñ HB 2268 -1 amendments dated 2/8/99, staff, 9 pp.**
- B ñ HB 2268 -2 amendments dated 2/10/99, staff, 1 p.**
- C ñ HB 2268 -3 amendments dated 2/15/99, staff, 1 p.**
- D ñ HB 2268, HB 2276-1 amendments dated 2/16/99, staff, 1 p.**
- E ñ HB 2268, free-hand graphic, Howard Davis, 2 pp.**
- F ñ HB 2268, written testimony in opposition, Cathe Frederic, 3 pp.**
- G ñ HB 2268, Newsletter, Wilber Gaston, 4 pp.**
- H ñ HB 2268, Commission Fact Sheet, Doug Carlson, 2 pp.**
- I ñ HB 2268, information regarding Polk County Commission, Gretchen Bennett, 5 pp.**