

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

February 10, 1999 Hearing Room B

8:00 AM Tapes 25 - 26

MEMBERS PRESENT:

Sen. Bill Fisher, Chair

Sen. Susan Castillo

Sen. Verne Duncan

Sen. Marilyn Shannon

MEMBER EXCUSED:

Sen. Frank Shields, Vice-Chair

STAFF PRESENT:

Sandy Thiele-Cirka, Administrator

Andrew Morris, Administrative Support

MEASURES HEARD:

Introduction of LC 2240

SB 265 Work Session

SB 393 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 25, A		

002	Chair Fisher	Calls meeting to order at 8:21 AM and opens work session to introduce committee measures.
<u>INTRODUCTION OF COMMITTEE BILL</u>		
005	Sandy Thiele-Cirka	Administrator, summarizes LC 2240 to the committee.
	Chair Fisher	MOTION: Moves LC 2240 BE INTRODUCED as a committee bill.
015		VOTE: 4-0 AYE: 4 - Castillo, Duncan, Shannon, Fisher EXCUSED: 1 ñ Shields
	Chair Fisher	Hearing no objection declares the motion carried.
		LC 2240 introduced as SB 611.
020	Chair Fisher	Closes work session to introduce committee measures and opens work session on SB 265.
<u>SB 265 WORK SESSION</u>		
024	Sen. Duncan	MOTION: Moves SB 265 to the floor with a DO PASS recommendation.
		VOTE: 4-0 AYE: 4 - Castillo, Duncan, Shannon, Fisher EXCUSED: 1 ñ Shields
	Chair Fisher	The motion CARRIES. SEN. CASTILLO will lead discussion on the floor.
040	Chair Fisher	Closes work session on SB 265 and opens public hearing on SB 393.

SB 393 PUBLIC HEARING

047	Cirka	Summarizes SB 393 to the committee.
050	Kristen Grainger	<p>Executive Assistant to Attorney General Hardy Myers, Department of Justice. Testifies and provides background for SB 393 (EXHIBIT A). States SB 393 is the an outcome of the Governoris interim task force. States that the stakeholders are drafting amendments. Reviews objectives of SB 393:</p> <ul style="list-style-type: none">• Promote identification of fathers of children being born to unwed mothers.• Assist the district attorneys in identifying which cases need criminal prosecution.
112	Chair Fisher	Asks Grainger to discuss the proposed amendments.
114	Grainger	Refers to page 3 (EXHIBIT A) and explains proposed amendments.
140	Chair Fisher	Asks why paternity information is optional.
142	Grainger	Responds that it is out of sensitivity to the young mother. States there would be opposition in requiring the paternal name.
161	Chair Fisher	Suggests changing the environment in which the father is identified.
180	Sen. Castillo	Understands the need to hold people accountable, however, is worried that the law would prevent young mothers from seeking medical care if they were required to disclose paternity.
213	Sen. Shannon	Relates personal story.
232	Grainger	Reiterates that the bill does not require the mother to identify paternity.
236	Sen. Shannon	States concerns that some hospitals might imply that the mother must state paternity.
246	Chair Fisher	Questions the possibility of amending the bill to require the father to pay support, but not have contact with the mother or child.
259	Grainger	Responds the task force discussed the inability to enforce support.
272	Chair Fisher	Asks if the father can be denied access to a child.
308	Sen. Shannon	Responds that the father should not pay support if he is denied access to the

		child.
315	Grainger	Responds that the Department of Justice (DOJ) is addressing the issue of child support, not parental rights. States that Services to Children and Families (SCF) is responsible for parental rights. DOJ's interest is financial.
336	Chair Fisher	States that the father can show up later in the child's life. Asks if the state could restrict the father from coming back into the child's life.
375	Grainger	Responds that the task force did not look at that issue. States that the goal of SB 393 is to obtain information from the mother and provide it to the multi-disciplinary teams.
418	Sen. Shannon	Relates a personal story.
TAPE 26, A		
000	Sen. Shannon	Continues with story.
005	Rep. Barbara Ross	House District 35. Testifies in support of SB 393. States that the state should be pursuing the predators. Explains that the task force has collaborated with multiple agencies to support law enforcement and draft SB 393. Acknowledges that SB 393 addresses a sensitive issue.
032	Sen. Shannon	Asks how predators are identified if the mother does not provide the information.
034	Rep. Ross	Responds and provides clarification relating to SCF's role.
041	Sen. Shannon	States that if the state prosecutes a predator, it connects the predator, mother, and child permanently. Notes concerns.
043	Rep. Ross	Responds that that is a balance in the law.
047	Sen. Shannon	States objections and notes that the children should not be harassed.
057	Chair Fisher	Discusses state funded abortions without parental notification. Asks if paternity can be determined to attempt to recover costs.
063	Grainger	Responds that the task force did not look at that issue.
067	Chair Fisher	States that a predator is as much involved in abortions as in live births.

074	Grainger	Responds in agreement with Chair Fisher and suggests the committees work together.
083	Sen. Shannon	Questions the procedure if the mother refuses to provide paternity.
088	Grainger	Explains statistics and the high rates of unidentified paternity from SCF. States that the task force wants to respect sensitivity.
107	Sen. Shannon	Questions the birth certificate process.
109	Grainger	Responds that birth certificate process is different. States that the bill is for financial and criminal purposes.
122	Chair Fisher	States that individuals should take responsibility for their actions. Comments that the fathers should be identified, pay support, and not be allowed to have contact with child.
145	Grainger	Responds that she will research current law.
162	Sen. Shannon	Remarks that requiring paternal identification from the mother diminishes her rights.
167	Chair Fisher	Comments that all paternal figures need to be identified.
177	Sen. Shannon	Asks if Chair Fisher believes women should be forced to report rape.
182	Chair Fisher	Responds they should in the appropriate setting and the woman is treated with respect. States that the predator needs to accept responsibility, and the state should prosecute the predator.
220	Ed Patterson	Representing Oregon Association of Hospitals and Health Systems. Testifies in opposition to SB 393 (EXHIBIT B). Reviews objections: <ul style="list-style-type: none"> • The hospitals should not be responsible for obtaining this information; • It is inappropriate for mothers to identify paternity during admissions; • And Section 11 conflicts with current law.
308	Sen. Shannon	Refers to Section 11 and asks how it applies to the birth certificate process. Notes concerns with confidentiality.
327	Patterson	Provides clarification of the birth certificate filing process. States that information on the birth certificate is voluntary.
400	Chair Fisher	Asks what happens if the birth certificate does not contain all the information.

TAPE 25, B

000	Patterson	Responds that the intent of SB 393 is not for the public to have access to medical records. Points out that obtaining paternity information should be explored, but not in the hospital setting.
026	Sen. Duncan	Notes concerns with the fiscal impact of gathering this information.
033	Patterson	Discusses that women prepare for pregnancies and notes that 50 percent of unwed mothers apply for Medicaid assistance.
048	Chair Fisher	Discusses the complexity of this issue, and states that there is not a simple answer.
072	Sen. Shannon	Remarks that she would like to questions some women who have not provided paternity information.
095	Sen. Castillo	Asks if teenage mothers are currently informed about identifying paternity.
117	Chair Fisher	Discusses birth certificate information versus paternity information. States that the hospital is not the best choice for obtaining this type of information.
150	Sen. Castillo	Questions Grainger to state why the hospital was the place chosen to inquire about paternity.
161	Grainger	Explains that the task force discussed this issue and decided that the hospital is the logical place. States that the DOJ does not want to place undue burden on hospitals.
200	Sen. Shannon	Comments that if the women do not want or need public assistance it should not matter who the father is.
210	Grainger	Responds that the state does not want to get involved with self-sufficient mothers.
240	Chair Fisher	Relates personal story. Comments on the age of the male and current law. Comments that the paternal figure should not be removed from responsibility just because the family does not want him to be involved. Notes that standardization of birth certification forms should be reviewed.
291	Edward Johnson	State Records. Explains the procedure which utilizes the statistical data. Notes that the state requires the individuals to complete the birth certificate forms.
321	Chair Fisher	Asks if there is a standard form.

328	Johnson	Responds that it varies from hospital to hospital.
352	Sen. Duncan	Asks if a mother could identify a person as the father, who is not the father.
364	Johnson	Responds that joint acknowledgement of paternity is required on the birth certificate.
381	Chair Fisher	Points out there is a conflict in the current law.
394	Johnson	States that the hospital only provides paternal information when there is a written statement from both parties involved.
415	Sen. Castillo	Asks if the DOJ plans to offer an amendment to clarify the conflict in the current law.
429	Grainger	Responds that she will research and provide that information to the committee.
TAPE 26, B		
000	Chair Fisher	States support for this issue and to further explore any potential conflicts.
024	Sen. Castillo	Points out that people in the hospital are frequently questioned by police.
037	Chair Fisher	States the he would agree with Sen. Castillo, but he doesn't think the birthing process has the same urgency as an emergency situation. Recommends that the mother identify paternity at the time of the pregnancy test.
055	Patterson	Responds to Sen. Castillo that emergency rooms are different scenarios than routine obstetric care.
085	Chair Fisher	Reiterates that paternity should be disclosed at the time of pregnancy testing. Comments that education is necessary.
118	Grainger	Agrees with Chair Fisher and asks committee to respect sensitivity issues. Remarks that the child is entitled to sufficient care.
135	Chair Fisher	States that current law should be reviewed. Notes that the task force has shown that there are areas that need to be revised.
170	Chair Fisher	Closes public hearing on SB 393 and adjourns the meeting at 10:00 AM.

Submitted By, Reviewed By,

Andrew Morris, Sandy Thiele-Cirka,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 393, Department of Justice, Written testimony, Kristen Grainger, 4 pp

B ñ SB 393, Oregon Association of Hospitals and Health Systems, Birth Certificate form, Edward Patterson, 1 p