

**SENATE JUDICIARY COMMITTEE**

**March 10, 1999 Hearing Room 357**

**3:00 p.m. Tapes 68 - 69**

**MEMBERS PRESENT: Sen. Bryant, Chair**

**Sen. Courtney, Vice-Chair**

**Sen. Burdick**

**Sen. Brown**

**Sen. Nelson**

**Sen. Tarno**

**MEMBER EXCUSED: Sen. Qutub**

**STAFF PRESENT: Aaron Felton, Counsel**

- **Nancy Richards, Administrative Support**

**MEASURE/ISSUES HEARD: SB 408**

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TAPE/#	Speaker	Comments
<b>TAPE 68, A</b>		
004	Chair Bryant	<p>Calls meeting to order at 3:13 p.m.</p> <p>Explains the purpose of the joint Senate/ House committee meeting.</p>
018	<b>Steve Christian</b>	<p><b>Senior Policy Specialist, National Conference of State Legislatures (NCSL)</b></p> <p>Introduces the 10 minute video titled, "The Adoption &amp; Safe Families Act of 1997: Why legislators Must Make It Happen" (<b>EXHIBIT A</b>) regarding speedy adoption of children.</p>
175	Christian	<p>Gives a brief overview of the federal law, Adoption Safe Family Act (ASFA). Explains and gives examples of, "reasonable efforts" regarding uniting the adopted child with the parents. Discusses the three aspects of the federal law regarding parental rights in an adoption. Describes the process of a permanency hearing regarding adoption. Discusses the effects of ASFA on state laws.</p>
406	Chair Bryant	<p>Why didn't the federal government allow funds to the state for implementing the new adoption laws?</p>
409	Christian	<p>Usually the NCSL is successful in lobbying against unfunded mandates, but not this time. States that the only way congress could pass ASFA was to make it revenue neutral.</p>
426	Chair Bryant	<p>States that it will cost the State of Oregon \$10-\$12 million (according to the Governor's projected budget) to implement ASFA. Will there be any funding for ASFA later?</p>
445	Christian	<p>I do not know for sure, but I believe a Senator congressman is working on funding ASFA.</p>

458	Chair Bryant	Have there been any problems with the adopted legislation regarding ASFA in other states?
469	Christian	It is too soon to know of any problems yet.
490	Chair Shetterly	What is the time line for implementing our state's legislation according to ASFA?
<b>Tape 69, A</b>		
030	Christian	The implementation date was November 19, 1997, however, states can delay the effective date if there is any legislation. The effective date would be the first day of the first calendar quarter immediately proceeding the end of the first regular legislative session. If the State of Oregon's legislature ends on June 28, legislation would have to be in place on July 1. If the State of Oregon's legislation ends in July, it would be October.
048	Rep. Uherbelau	Asks about the appropriation section in ASFA that appropriates \$325 million for each fiscal year.
060	Christian	Suggests that the appropriation might be the funds of the Family Preservation and Support Act that were initially authorized in 1993.
098	<b>Kay Toran</b>	<b>Administrator, State Office for Services to Children and Families (SCF), State of Oregon</b>  Testifies and submits written testimony in support of SB 408 ( <b>EXHIBITS D &amp; E</b> ). Discusses the purposes of SB 408. Discusses what SCF is doing to prepare for the new legislation regarding ASFA.
125	<b>Connie Gallagher</b>	<b>Special Assistant, State Office for Services to Children and Families, State of Oregon</b>

		Testifies in support of SB 408. Discusses what has been accomplished by SCF since ASFA was passed by congress. Discusses SB 689 that was passed in the 1997 session regarding child welfare in adoption situations. Gives an overview of the six key provisions included in SB 408 that are mostly linked to ASFA.
180	<b>Linda Gus</b>	<b>Assistant Attorney General, Oregon Department of Justice (DOJ)</b>  Discusses the drafting process of the legislation and the provisions that are currently in SB 408, as well as the proposed amendments.
283	Rep. Uherbelau	Asks if SCF will have guidelines concerning the adoption process.
289	Gus	Discusses the intent of SCF regarding the rules of adopting children.
303	Rep. Uherbelau	Asks for explanation of sub-section (6) on page 10, of SB 408 regarding "reasonable efforts".
317	Gus	Explains that sub-section (6) on page 10 of SB 408 states that if the court excuses SCF from making reasonable efforts, where there are aggravated circumstances to reintegrate the child with the family, there must be a permanency hearing within 30 days. At the permanency hearing, a permanent placement plan for the child must be determined.
326	Sen. Burdick	Was there any discussion by SCF to add optional circumstances such as substance abuse, mental illness, or emotional distress for not reintegrating the child with the family?
333	Gus	Discussed several drafts that included a variety of different circumstances under the "aggravated circumstances" exception. States that the final decision was to not include those optional circumstances.
346	Rep. Burdick	Why were those optional circumstances not included in SB 408?

351	Gallagher	We had problems with inserting the exact language to be used for describing these optional circumstances.
366	Rep. Brown	Asks if there is any flexibility about the changing circumstances regarding family situations that would effect reasonable efforts to reintegrate the child with the parents.
380	Gus	Explains that the amendments will address the problem of changing circumstances by having the courts determine each case separately.
387	Rep. Uherbelau	Discusses a case where a parent had a mental disease, and asks if SB 408 should include a situation where a parent refused treatment.
413	Gus	Discusses the goal of simplicity that the SCF wanted in implementing the required legislation for ASFA.
441	Gallagher	Discusses "reasonable efforts" of SCF toward unification of the child with their families
472	Gus	Discusses section (18) on page 13, line 35 of SB 408, regarding the permanency time line.
<b>Tape 68, B</b>		
025	Chair Shetterly	How does section (18) relate to section (11) regarding the changes that are made in lines 41 & 42?
037	Gus	Section (11) relates to the shelter care hearing, 24 hrs after the child is removed from the home.

036	Chair Shetterly	Asks about the steps of reasonable efforts regarding unification of the child with family.
042	Gus	Discusses the three types of reasonable efforts that are mandated by federal legislation.
064	Rep. Uherbelau	Asks about finding no definition in the statute that defines mental health.
069	Gus	States that it is the general consensus of the SCF that mental health is included in the definition of "health".
072	Gallagher	Discusses the word, "findings" at the permanency hearing.
086	Gus	Describes the two circumstances when a permanency hearing would occur. Discusses section (17), page 12, of SB 408 regarding the process of a permanency hearing.
121	Sen. Burdick	Under what circumstances can a child request a permanency hearing?
123	Gus	States that children are a party to juvenile court proceedings and have attorney representation.
132	Rep. Wells	Asks about the reaction of the group that worked on SB 689 when congress passed ASFA.
146	Gus	States that the federal bill followed the philosophy of SB 689.
165	Toran	Discusses the differences between ASFA and SB 408 and the possibility of working out those differences.

175	Rep. Wells	Does SB 408 eliminate any of the parental protections that are in SB 689?
180	Toran	No it does not.
184	Rep. Uherbelau	Expresses her concerns about SB 408 which hasten the permanency process for the child.
203	Toran	Discusses the hearing process regarding hastening the permanency process for the child.
216	Chair Bryant	Discusses the revenue costs for the State of Oregon if they do not comply with the new federal law.
244	Gallagher	Discusses "filings of petitions for termination" of AFSA and how it effects the State of Oregon. States that there are 750 children that will be terminated from foster homes due to the passage of SB 408.
295	Rep. Wells	What is the definition of a permanent living arrangement for a foster child and how is it arranged?
304	Gus	Describes a "permanent foster care" as it pertains to the foster parents and the foster child.
337	Toran	Discusses the situations where a permanent foster home would be needed for the foster child.
357	<b>Steven Herrell</b>	<b>Circuit Court Judge, Multnomah County</b>  Describes the purposes of the National Council of Juvenile and Family Court Judges. Expresses his appreciation for everyone who worked on SB 408.

		Discusses what the purpose of the Expert Work Group was in regards to ASFA legislation. Discusses the three issues that concerned the Expert Work Group regarding time line issues, reasonable efforts, and the filing of a petition to terminate parental rights in SB 408.
<b>Tape 69, B</b>		
040	Herrell	Discusses the cost to the Judicial Department to implement SB 408.
059	Chair Bryant	States that there are no funds to implement the federal legislation into state legislation in the governor's budget.
057	Rep. Uherbelau	Did the Expert Work Group resolve the three concerned issues in SB 408?
060	Herrell	Agreement has been made on these three areas.
066	<b>Dan Murphy</b>	<b>Circuit Court Judge, Linn County</b>  Discusses how AFSA, SB 689, and SB 408 effect the executive and judicial system. Discusses and explains the harm done to children left in foster care too long and how SB 408 helps hasten the process of placement. Discusses the governor's budget regarding implementing ASFA.
121	<b>Deanne Darling</b>	<b>Circuit Court Judge, Clackamas County</b>  Discusses her agreement with the previous judges' testimonies. Discusses the changes in the duties of judges. Discusses the Citizen Review Board's involvement regarding children. Discusses the process of time lines regarding permanency hearings and how critical time lines are regarding adoption of children.
246	<b>Claude Derr</b>	<b>Family Preservation Kinship Care</b>  Discusses how SB 408 needs to put more emphasis on putting foster children with relatives.



278	<b>Marilyn Fuller</b>	<b>Residents of Sisters Cities</b> Discusses her concerns with SB 408 stating who they are that makes a determination regarding the welfare of the adopted child.
323	Chair Bryant	Adjourns meeting at 5:00 p.m.

Submitted By, Reviewed By,

Nancy Richards, Aaron Felton

Administrative Support Counsel

**EXHIBIT SUMMARY**

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**Exhibits are filed with the March 10, 1999 minutes of the House Judiciary Committee on Civil Law**

**A - SB 408, Video, "The Adoption & Safe Families Act of 1997", Steve Christian**

**B - SB 408, Written testimony, Steve Christian, p. 15**

**C - SB 408, Written testimony, Steve Christian, p. 11**

**D - SB 408, Written testimony, Kay Toran, p. 4**

**E - SB 408, Written testimony, Kay Toran, p. 5**

**F - SB 408, Written testimony, Judge Herrell, p. 3**

**G - SB 408, Written testimony, Claude Derr, p. 52**

**H - SB 408, Written testimony, Marilyn Fuller, p. 170**

**I - SB 408, Written testimony, Claude Derr, p. 8**

**J - SB 408, Written testimony, Marilyn Fuller, p. 16**