

HOUSE COMMITTEE ON CHILDREN AND FAMILIES

March 20, 1997 Hearing Room D

1:00PM Tapes 46 - 48

MEMBERS PRESENT:

Rep. Liz VanLeeuwen, Chair

Rep. Kitty Piercy, Vice-Chair

Rep. Bob Jenson

Rep. Jeff Kruse

Rep. Dennis Luke

Rep. Kurt Schrader

Rep. Mark Simmons

MEMBER EXCUSED:

STAFF PRESENT:

Janet Carlson, Administrator

Berri Sellers, Administrative Support

MEASURE/ISSUES HEARD:

HB 2980 Public Hearing

HB 2494 Public Hearing

HB 3058 Public Hearing

HB 3050 Public Hearing

HB 3027 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 46, A		

003	Chair VanLeeuwen	Chair calls meeting to order at 1:10. Discusses the agenda for today's meeting. Including joint hearings on HB 2980, HB 2494 and HB 3058.
<u>HB 2980, HB 2494, HB 3058 Public Hearing</u>		
026	Sen. Marylin Shannon	State Senator from District 15. Here today to testify about HB 3058. Is concerned because Services to Children and Families is in the dual role of taking children out of their birth homes and also trying to help families in crisis.
045		Discusses the direction of the office to give preference of children to relatives. Wants Services to Children and Families to look at relatives first for adoption.
067		Provides story of aunt in southern Oregon who is trying to adopt her sibling's children.
079		Does not want to have to go to the Director of Services to Children and Families with complaints about their organization.
086		Believes that we need a board that will support families besides Services to Children and Families. There has to be a place people can go when they have complaints.
099	Vice-Chair Piercy	Who is it in the organization that makes the final placement decision?
104	Sen. Shannon	They have to go through the judge, but they generally go to the branch office ahead of time for their opinion of the case. She believes that the judge follows the opinion of Services to Children and Families ninety-nine percent of the time.
134		Describes case where children are put into homes that she thinks are filthy and where the children are not taken care of.
160	Claude Derr	Member of Family Preservation and Kinship Care. Provides written testimony (EXHIBIT A).
173		Believes that Services to Children and Families is not doing their job. Has written to legislators about the state of his grandchildren and has not received a response. In favor of HB 2980.
200	Marilyn Fuller	Worked for Multnomah County Services to Children and Families. Provides written materials (EXHIBIT B).
224		Explains a formal complaint that she made to the Director's Office at the Department of Human Resources that went unanswered.
240	Rep. Luke	Couldn't this be handled better with a family court system?
243	Fuller	They have a Citizen Review Board that works for them and she is unsure if the family court would really work.
272	Richard Sims	Here today to testify to change HB 2980. Believes that changing the name of Services to Children and Families does

		not really change the agency itself. Provides written testimony (EXHIBIT C).
310		Discusses what he would like to see happen in the system, including combining the Citizen Review Board with the new Inspector General's office.
334	Chair VanLeeuwen	Thanks Mr. Sims for his ideas.
340	Sims	Explains that what he wants is something similar to HB 2980, but it is not exactly the same.
351	Tom Hart	Marion County District Attorney's office. Here to testify in opposition on all three bills.
380		Discusses the mission of Services to Children and Families to protect children in their own homes.
389		Has concerns about HB 3058 because it removes the initial decision made by the people who have originally examined the child and it also may elongate the time that the child is in limbo.
430		Believes that each bill compromises the children.
TAPE 47,A		
030	Rep. Luke	The Deschutes County District Attorney is in favor of HB 2494.
032	Hart	He is here to testify on behalf of the association and not the Deschutes County District Attorney.
056		Believes that the language in HB 2980 is too broad. It allows people to second guess the law.
077		Details problems that he has found in HB 2980 in delaying services to children. Finds that there are few protections and describes language that does not set out clear determinations.
099	Vice-Chair Piercy	How is a complaint settled currently in Services to Children and Families?
106	Hart	Complaints go through the magistrate and are determined by the judge.
113		Explains that the bills will impede law enforcement and compromises the rights of children. As long as our mission is to protect children, these bills don't help them.
122	Rep. Luke	HB 2494 is different, because sometimes they work with the Department of Human Resources.
136	Hart	They don't want it to be something that is going to delay criminal actions.
145	Rep. Schrader	Intent of the three bills is to help them find a balance and decide which organization would be best to hear complaints.
148	Hart	Does not have problem with the concept, but has a problem with the legal impediments that these bills create.

182	Rep. Schrader	Assumes that he would be willing to be on the work group.
184	Hart	Absolutely.
188	Vice-Chair Piercy	Is there uniformity throughout the state and guidelines that everyone adheres to within Services to Children and Families?
192	Hart	They have developed protocols in all counties. They have taken what works for them and tailored the needs for each county.
208	Rep. Simmons	How does he see the need for oversight? How does he see oversight working?
216	Hart	The law is that the legislature oversees; he is not adverse to that. He believes that the legislature is the oversight group for all state agencies.
227	Rep. Simmons	Does he have any creative ideas that he could put forward today to help the need?
235	Hart	What need is he speaking of?
238	Vice-Chair Piercy	Comments that there will always be people who feel that their needs have not been met.
281	Hart	Explains that just like in a divorce, there are two sides to every case. The cases are emotionally charged and what are they going to sacrifice in order to make everyone happy?
313	Betty Freauf	Former volunteer on the Citizen Review Board. Discusses her experience on the board. Talks about how the board did not get files from Services to Children and Families for six months after the child was placed in foster care.
340		Discusses particular case that she dealt with on the Citizen Review Board. Is in opposition to HB 2980. She believes that this inspector general will not help the situation.
377		Says that we should get rid of the citizen review boards.
416	Rep. Luke	Is the problem with our system that the child often times does not have representation?
443	Freauf	What does he mean, she thinks there are lots of child advocates in Oregon.
TAPE 46,B		
057	Vice-Chair Piercy	Believes that the Court Appointed Special Advocates program is an advocate for a child.
066	Marcel Bendshadler	Wants to address a few points. Speaking specifically for HB 2980.
076		While HB 2980 has a few flaws it does a tremendous amount of good.
085		Explains that both times they were going to have a hearing with Services to Children and Families, they were not allowed to have one.

096		Believes that the citizen review boards are not really doing any good.
109	Bendshadler	About section 5 of HB 2980, he thinks it's a good idea otherwise. Services to Children and Families retaliates against people who complain.
133		Explains how Services to Children and Families kept him away from his child for over four months, even though the father was not charged with any kind of sexual abuse.
148		Sees HB 2980 as a way of actually having someone look over Services to Children and Families' shoulders.
195	Bendshadler	Reads from an authorization for release form provided by Services to Children and Families. Describes how it has changed in the past two years.
225		HB 2980 separates the enforcement branch of Services to Children and Families from the prevention aspect.
235	Rep. Schrader	Has your situation changed at all since you've had a new caseworker?
240	Bendshadler	Yes, it has changed. The new caseworker actually did an investigation and came back to the family and showed them the written report.
265		Is the committee aware that during a criminal trial, the juvenile trial stops?
286	Vice-Chair Piercy	Comments that this is one example of Services to Children and Families being accountable for their people.
311	Chris Gardner	Attorney in private practice in Bend, OR. In a dependency case, the law allows for representation of the child. In addition, there is provision in the statute that children in an ordinary divorce case can have attorney representation.
361	Vice-Chair Piercy	How does that work, is there a Court Appointed Special Advocate program available?
366	Gardner	The Court Appointed Special Advocate program works differently in different counties. In some counties it is an attorney for the child and sometimes it is a volunteer for the child.
384		Discusses amendments to HB 2494. The reason for the amendments is that at every hearing when it came time for public comment, people came forward to complain about child abuse cases that had not been handled correctly.
TAPE 47,B		
014	Gardner	They proposed a creation of a children's ombudsman who had the authority to help the person with the complaint.
023		If you look at the timelines, it would have been a lot better if the person had had the ability to go back and call somebody to get some help.

037	Chair VanLeeuwen	HB 3058 had more of that intent in it as well.
043	Gardner	The Governor's Ombudsman is already doing what they envisioned. Thinks the Department of Human Resources is doing a really good job.
065	Vice-Chair Piercy	Once the caseworker was removed, only one part of it got addressed. It's important to look at the whole spectrum.
079	Gary Weeks	Director of the Department of Human Resources. They would like the ombudsman in HB 2494 to work with the Governor's ombudsman in the Department of Human Resources.
102	Vice-Chair Piercy	Comment about juvenile cases being stopped. Parents can demand that juvenile cases go forward during criminal investigations.
113	Clyde Green	Feels that he is a victim of Services to Children and Families. Describes how he was convicted of criminal charges.
140		Completed seven months of anger management and six months of parenting classes.
164		Reads letter that he sent to his representative in the legislature.
202		Discusses a sexual evaluation that was performed on him that he passed.
231		Thinks that there should be a better system in place in order to protect people from being abused by Services to Children and Families.
264	Chair VanLeeuwen	Closes public hearing on HB 2980, HB 2494 and HB 3058.
<u>HB 3027, HB 3050 PUBLIC HEARING</u>		
301	Cynthia Hurkes	Co-Chair of the Oregon Child Care Resource and Referral Network program.
323		They are in opposition to the bill, because she feels that programs work best at the local level. Fifty percent of the people they serve are low income, but these are not the only people they serve. They work in partnership with state and local level agencies but they are not aligned with any agency in particular. Concerned about being put into a family center.
360	Chair VanLeeuwen	Clarifies that this is not to give control to the state, but to make the resources available. The vision when they were drafting the bill, was to make resources available at a one-stop facility.
415	Chair VanLeeuwen	Adjourns meeting at 3:03.

Submitted By, Reviewed By,

Berri Sellers, Janet Carlson,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 2980, written materials, Claude Derr, 3pp.

B - HB 2980, written testimony, Marilyn Fuller, 15pp.

C - HB 2980, written testimony, Richard Sims, 1pg.