

HOUSE COMMITTEE ON CHILDREN AND FAMILIES

April 14, 1997 Hearing Room D

6:30 PM Tapes 63 - 66

MEMBERS PRESENT:

Rep. Liz VanLeeuwen, Chair

Rep. Kitty Piercy, Vice-Chair

Rep. Bob Jenson

Rep. Jeff Kruse

Rep. Dennis Luke

Rep. Kurt Schrader

MEMBER EXCUSED: Rep. Mark Simmons

STAFF PRESENT:

Janet Carlson, Administrator

Berri Sellers, Administrative Support

MEASURE/ISSUES HEARD:

HB 2980 Public Hearing

HB 2494 Public Hearing

HB 2714 Public Hearing

HB 2787 Public Hearing

HB 3506 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 63, A		
003	Chair VanLeeuwen	Chair calls meeting to order at 6:38 pm.

**HB 2494, HB
2980, HB 2714
PUBLIC
HEARING**

015	Janet Carlson	Committee Administrator. Discusses proposals of the Ombudsperson work group.
024		Provides discussion paper that outlines accomplishments of work group (EXHIBIT A).
064		Explains the amendments to HB 2494 and the proposed amendments from Marie Bell. Comments that an intervenor will be part of another bill.
080		Explains how a client of Services to Children and Families (SCF) who is not satisfied with the system could follow a series of steps to change the outcomes of their case, based on the work group's plan.
143	Rep. Luke	Explains the -2 amendments (EXHIBIT B) to HB 2494. Asks for additional clarification of the amendments from Gary Weeks.
155	Gary Weeks	Director of the Department of Human Resources. Explains that every two months the Ombudsperson proposed in HB 2494 would make an official report to the Legislative Fiscal Office.
167		Explains that the current ombudsperson would take on the responsibilities of the Children's Ombudsperson also.
175		Motivation for this bill is the result of the current ombudsperson already receiving volumes of calls regarding children's issues.
191	Rep. Luke	What would be in the report to Legislative Counsel?
195	Gin Denison	Governor's Advocacy Ombudsperson for the Department of Human Resources. The report would contain data on the issues that are collected in the Ombudsperson office.
215	Rep. Luke	Explains that if Legislative Counsel saw a trend, they would report that to legislative leadership.
221	Vice-Chair Piercy	Would the ombudsperson's office report it to the leadership and to the agency?
229	Rep. Luke	They would be in communication. It would not be a full-time person, but someone who does this as part of their other job.
241	Rep. Schrader	What are MDTs?
244	Weeks	A way of bringing together law enforcement, the court system and the Department of Human Resources to work together by statute.
283	Rep. Schrader	Is this an appropriate thing for Legislative Counsel to do?

287	Rep. Luke	Yes. Comments that Legislative Counsel is the office in the capitol that is least influenced by changing political tide.
306	Rep. Kruse	Isn't there an oversight person in the Governor's office also?
311	Weeks	There used to be, but there is no longer. Gin Denison used to work in that office, but her office is now located at the Department of Human Resources.
319	Rep. Schrader	Would it be better if this Ombudsperson is outside of the Department of Human Resources?
327	Rep. Luke	That was a point of discussion. The conclusion is that the ombudsperson has to be where they can have immediate contact with the Director of the Department of Human Resources.
335	Rep. Jenson	Explains that he is apprehensive of having the ombudsperson in the Department of Human Resources.
355	Weeks	Explains that the department director would work with the ombudsperson to evaluate the trends.
368	Rep. Luke	Explains that HB 2494 transfers staff and money to the Department of Human Resources.
393	Chair VanLeeuwen	Isn't there a Children's Ombudsperson in the Governor's Office by law?
403	Denison	For the rest of this biennium the funds for the Children's Ombudsperson have been transferred to the Department of Human Resources Ombudsperson's office.
405	Weeks	Explains that this was an interagency agreement between he Department of Human Resources and the State Commission on Children and Families.
412	Chair VanLeeuwen	Comments that this was not her understanding and she would like a copy of that agreement.
TAPE 64,A		
027	Carlson	Explains that at the direction of the chair, the committee checked the status of these funds with the Legislative Fiscal Office about a month ago. This was not the information given to committee at that time. Since this agreement was made only two weeks ago, they must have just missed each other.
034	Rep. Schrader	Does this amendment include abolishing the current Governor's Advocacy Ombudsperson?
039	Weeks	No, it does not.
045	Rep. Luke	Would like to point out that this new office will take care of all complaints. Made sure that this does not overlap with the Long Term Care Ombudsperson.
055	Vice-Chair Piercy	Asks Gin Denison how this will change the job that she is currently performing?
059	Denison	It will allow us to run the office more efficiently and to respond more quickly to complaints.

068	Rep. Schrader	Don't we need to have an explanation for the next session, to clarify where the money is going?
083	Weeks	The current ombudsperson will retain her current responsibilities and, in addition, will be given the responsibilities of the Children's Ombudsperson.
097	Rep. Schrader	Comments that if it is one position, it should have one name.
105	Weeks	That is their intention.
142	Denison	Provides an example of how a case works through the current system.
166	Rep. Kruse	How long did that situation take?
169	Denison	About 2 1/2 months.
188	Marie Bell	Member of work group. Provides written materials (EXHIBIT C).
216		Discusses the goals of the Sex Offenses Against Children Task Force.
234		Explains the importance of perception in regards to making complaints against the Department of Human Resources.
248		Discusses her support of HB 2494 with some amendments. Explains her belief that there needs to be a third party in order to intervene between the agency and the person.
270		Explains that she is convinced that the intervenor part of the bill is the part they should go forward with.
296		Explains the two bill concepts that she would like to propose (EXHIBIT D).
340	Bell	Explains that if she were a citizen she would not feel comfortable calling the Department of Human Resources Ombudsperson.
358		Wants to eliminate section 7 and section 8 because funds are tight and believes that this should be money for citizens and not money for government.
398		Believes that if money is transferred, there will not be any money for an intervenor.
437		Explains the role that an intervenor would play.
TAPE 63,B		
036	Rep. Luke	Explains that the intervenor could not be in Legislative Counsel, because they would be subject to the politics of the building.
065	Vice-Chair Piercy	Comments that we should be careful as legislators in being an intervenor.
076	Bell	Explains what she means by the term "intervenor."
092		Describes a case of a woman with multiple sclerosis who had been denied benefits from Adult and Family Services.

137		Explains that the person in Legislative Counsel would also be a resource and researcher.
142	Rep. Schrader	How is this person different than Rep. Luke's ombudsperson?
149	Bell	Rep. Luke's bill makes allowances for an ombudsperson who cannot advocate for a client like an intervenor could.
155	Rep. Luke	We left that out on purpose.
188	Bell	Comments that the money should go into an intervenor.
197		Discusses the packet she handed out to committee. Highlights parts that she thinks are particularly relevant to having intervenors and a legislative specialist in the legislature.
262	Vice-Chair Piercy	Comments that several years ago, when she asked the last person who was the Children's Ombudsperson what her role was, she answered that she didn't really know.
292	Chair VanLeeuwen	Would like committee staff to discuss HB 2714.
303	Carlson	Explains -1,-2 and -3 amendments to HB 2714 (EXHIBIT E).
355		Comments that -1 relates to a grandparent being an intervenor in the legal sense of the statutes. Explains that if you are related to the child, you have to prove that it is in the best interest of the child in order to be an intervenor, rather than proving a child-parent relationship. Moves up the ongoing relationship clause from one year to six months.
407		Explains that the only difference between -1 and -3 is that the criteria for child-parent relationship is not taken out.
417		Discusses -2, making grandparents a party to the case from the beginning.
TAPE 64,B		
029	Carlson	Explains rebuttable presumption. It would flip the burden of proof so that the court would have to show why the child should not be placed with grandparents.
051	Timothy Travis	Juvenile Rights Project, Inc. Discusses -1 amendments. Subsection 5 is about seeking visitation rights with the child. Unless you are a foster parent, there is no set period of time.
093	Rep. Jenson	Comments that we should be clear in our definition of legal grandparents.
101	Travis	Explains that there is no legal definition for grandparents.
130	Carlson	Does the language in the -2 amendments provide for a rebuttable presumption?
142	Travis	Believes that section 3, -1 amendments that the burden is on some other person to show that the child should not be placed with the grandparents. Is unsure what (a),(b), and (c) do.
157	Rep. Luke	On pg. 5, subsection 6, we took out practical nurses because they couldn't do the examinations, is that still out? Comments

		that nurse practitioners actually have more expertise often times than the doctor.
181	Chair VanLeeuwen	Does not know why it was taken out.
187	Carlson	Explains that the entire contents of the bill have been removed and replaced with the amendments.
192	Chair VanLeeuwen	Closes public hearing. Opens public hearing on HB 2787.
<u>HB 2787</u> <u>PUBLIC</u> <u>HEARING</u>		
220	Carlson	Provides an overview for HB 2787.
399	Diane Lancaster	Services to Children and Families. Explains that they have brought in a family unity meetings expert.
411	Sarah Holmes	System of Care for SCF. Provides written materials (EXHIBIT F).
TAPE 65,A		
034	Homes	Discusses System of Care and service integration work.
105	Chair VanLeeuwen	Asks the committee for some consensus, because staff needs to have direction to draft amendments.
133	Tom Hart	Marion County District Attorney's Office. Objects to situation where there might be criminal conduct.
147	Carlson	Please explain how you can exclude parents?
169	Hart	Does not believe that this would be unconstitutional.
177	Travis	You can only exclude the parent if they do not have rights to the plan.
195	Rep. Luke	In most cases you have a court order keeping the father away from the child, don't you?
203	Hart	Generally they are in custody or they are out on a release agreement that says they are to have no contact with the victim.
208	Chair VanLeeuwen	Closes public hearing on HB 2787. Opens public hearing on HB 3506.
<u>HB 3506</u> <u>PUBLIC</u> <u>HEARING</u>		
250	Nancy Miller	Director for Citizen Review Boards. Testifying in opposition to HB 3506. Provides written materials (EXHIBIT G).
328		Discusses the amount of time that it takes for their volunteers to complete their tasks.
363	Ida Vezoll	Program Coordinator for Polk County Court Appointed Special Advocates. Provides background statistics. Provides written testimony (EXHIBIT H).

385		Explains that about 900 children a year are being served by the Court Appointed Special Advocates program, which is ten percent of the total number of qualifying children.
410		Discusses the cost per child for providing Court Appointed Special Advocates.
TAPE 66,A		
025	Mickey Lansing	Oregon Commission on Children and Families. Explains how many children are now being served. Provides written materials (EXHIBIT I).
042		Explains how funds are allocated through the system. Explains how money works its way through the system to the Court Appointed Special Advocates.
050	Chair VanLeeuwen	Could citizen review boards and Court Appointed Special Advocates share staff for the purposes of training and recruiting?
056	Miller	They do recruit together. The rules, time commitments and training are too different for them to operate together.
068	Chair VanLeeuwen	Is that universal?
071	Miller	We have been working on bringing that training together.
094	Chair VanLeeuwen	Chair adjourns meeting at 9:00 pm.

Submitted By, Reviewed By,

Berri Sellers, Janet Carlson,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 2494, HB 2980, HB 2934, written materials, staff, 1 pg.

B - HB 2494, proposed amendments, staff, 6pp.

C - HB 2494, written materials, Marie Bell, 27pp.

D - HB 2494, proposed amendments, Marie Bell, 3pp.

E - HB 2714, proposed amendments, staff, 8pp.

F - HB 2714, written materials, Sarah Holmes, 8pp.

G - HB 3506, written materials, Nancy Miller, 3pp.

H - HB 3506, written testimony, Ida Vezoll, 4pp.

I - HB 3506, written materials, Mickey Lansing, 1pg.