

**HOUSE COMMITTEE ON CHILDREN AND FAMILIES**

**April 16, 1997 Hearing Room D**

**6:30 PM Tapes 70-73**

**MEMBERS PRESENT:**

**Rep. Liz VanLeeuwen, Chair**

**Rep. Kitty Piercy, Vice-Chair**

**Rep. Dennis Luke**

**Rep. Jeff Kruse**

**Rep. Mark Simmons**

**Rep. Bob Jenson**

**MEMBER EXCUSED: Rep. Kurt Schrader**

**STAFF PRESENT:**

**Janet Carlson, Administrator**

**Berri Sellers, Administrative Support**

**MEASURE/ISSUES HEARD:**

**HB 2860 Public Hearing and Work Session**

**HB 3118 Public Hearing and Work Session**

**HB 3255 Public Hearing and Work Session**

**HB 3057 Public Hearing and Work Session**

**HB 2494 Public Hearing**

**HB 2714 Public Hearing and Work Session**

**HB 2749 Public Hearing and Work Session**

**HB 2170 Public Hearing and Work Session**

**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.**

	Speaker	Comments
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Tape/#		
TAPE 70,A		
003	Chair VanLeeuwen	Chair calls meeting to order at 6:35 pm. Opens public hearing on HB 2860.
<b><u>HB 2860 PUBLIC HEARING</u></b>		
005	Chair VanLeeuwen	Closes public hearing on HB 2860. Opens work session on HB 2860.
<b><u>HB 2860 WORK SESSION</u></b>		
009	Janet Carlson	Committee Administrator. Explains the -1 amendments (EXHIBIT A). Explains that the committee was seeking a clear biological description for the bill.
023	Rep. Kruse	<b>MOTION: Moves to ADOPT HB 2860-1 amendments dated 04/16/97.</b>
033	Rep. Luke	Would like to know what a "reasonable effort to inform" means?
039	Diane Lancaster	Services to Children and Families. We make a reasonable effort to inform the family.
049	Chair VanLeeuwen	Hearing no objection, declares the motion <b>CARRIED</b> .
051	Vice-Chair Piercy	<b>MOTION: Moves HB 2860 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b>
063	Chair VanLeeuwen	Declares the motion <b>ADOPTED</b> .
080		Opens public hearing on HB 3118.
<b><u>HB 3118 PUBLIC HEARING</u></b>		
100	Carlson	Provides overview of HB 3118 -1 amendments (EXHIBIT B).
109	Chair VanLeeuwen	Closes public hearing on HB 3118. Opens work session on HB 3118.
<b><u>HB 3118 WORK SESSION</u></b>		
112	Vice-Chair Piercy	<b>MOTION: Moves to ADOPT HB 3118-1 amendments dated 04/16/97.</b>
118	Chair VanLeeuwen	Hearing no objections, declares the motion <b>CARRIED</b> .
124	Rep. Luke	<b>MOTION: Moves HB 3118 to Ways and Means with a BE ADOPTED AS AMENDED recommendation.</b>

135	Rep. Kruse	Explains that if this is going to Ways and Means that he would like a note included to have this reconsidered if the pilot counties receive funds for new judges.
165	Rep. Luke	Explains that this money is not to fund the judge, but to fund the family court advocate in those counties.
169	Vice-Chair Piercy	Says that she is not supportive of the committee writing a letter that makes this notation in the budget.
185	Rep. Kruse	Comments that he sits on the Ways and Means subcommittee and will raise his concerns there.
190		<b>VOTE: 6-0</b>
	Chair VanLeeuwen	<b>Declares the motion ADOPTED.</b>
200		<b>Closes work session on HB 3118 and opens public hearing on HB 3255 and HB 3057.</b>
<b><u>HB 3255, HB 3057</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
209	Carlson	<b>Details the -1 amendments to HB 3057 (EXHIBIT C).</b>
216		<b>Explains that Rep. Kruse worked with counsel in order to merge the two bills together.</b>
228	Rep. Kruse	<b>Explains that they took HB 3255 and melded it into HB 3057.</b>
239	Nancy Miller	<b>Citizen Review Board Director. Explains how HB 3255 and HB 3057 were merged together to be one bill.</b>
254		<b>Explains that they changed the language in HB 3057 to say "State Judges," rather than "Circuit Court Judges."</b>
269	Chair VanLeeuwen	<b>Closes public hearing on HB 3255 and HB 3057. Opens work session on HB 3255 and HB 3057.</b>
<b><u>HB 3255 AND HB</u></b> <b><u>3057 WORK</u></b> <b><u>SESSION</u></b>		
292	Rep. Kruse	<b>MOTION: Moves to ADOPT HB 3057-1 amendments dated 04/16/97.</b>
297	Chair VanLeeuwen	<b>Hearing no objections, declares the motion CARRIED.</b>
301	Rep. Kruse:	<b>MOTION: Moves HB 3057 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b>
	Chair VanLeeuwen	<b>Declares the motion ADOPTED.</b>

325		Closes work session on HB 3255 and HB 3057. Opens public hearing on HB 2170 and HB 2714.
<b><u>HB 2170 AND HB 2714 PUBLIC HEARING</u></b>		
336	Carlson	Discusses confidentiality work group and the issue of grandparents and relatives as intervenors.
357		Explains that they found a "vehicle" for the idea of having grandparents as intervenors.
367		Discusses the HB 2170 -2 amendments.
460		Explains Services to Children and Families making "reasonable efforts" to notify the family in the event of a child being taken into protective custody.
<b>TAPE 71, A</b>		
035	Vice-Chair Piercy	What constitutes "reasonable efforts?"
049	Cindy Hunt	Office of Legislative Counsel. We interpret that to a "reasonable person" statute. Note that it also says "if possible." You might have to ask the agency what they would do in this situation.
065	Rep. Jenson	The "if possible" seems redundant.
075	Rep. Luke	If the parents are out of the country, an effort cannot be made.
088	Rep. Kruse	These are changes yet to be made?
095	Carlson	These are changes that have been made in the amendments.
102		Discusses relatives as intervenors, HB 2714 -1 and -3 (EXHIBIT D).
123	Chair VanLeeuwen	If the grandparent had little contact with the grandchild, would other relatives be eligible intervenors?
136	Hunt	Explains that there is a very specific definition of the parent-child relationship.
148	Carlson	Details that this is a vestige of a former bill that was done in the Interim Committee on Regulatory Oversight.
159	Chair VanLeeuwen	Asks where the grandparent she describes comes in on the -3 amendments.
183	Carlson	Explains that the time period for being an eligible intervenor changes from one year to six months.
190	Hunt	Explains that this bill makes it easier for a relative to be an intervenor in the courts.
201	Tim Travis	Juvenile Rights Project. Provides written testimony (EXHIBIT E). The section where it is six

		months relates only to visitation rights and has nothing to do with placement.
216	Rep. Luke	Why is it changed from one year to six months?
221	Chair VanLeeuwen	Assumes that it was at the request of a grandparent.
228	Claude Derr	Believes that in the regular statutes it only says ten months.
244	Travis	This is confusion that exists among practitioners. Statute explains that the relationship has to have taken place in the previous six months.
260	Rep. Kruse	Is there anything detrimental about changing the time frame?
264	Travis	We were creating a very special statute that was for the purpose of helping people who wanted to have visitation rights.
294	Rep. Luke	This could also be a foster parent. Doesn't believe that we want anyone to have visitation rights.
322	Travis	Explains that a grandparent can get visitation rights, but that it would not be possible for a neighbor to access visitation rights.
<b>TAPE 70,B</b>		
028	Hunt	Explains HB 2714-3 amendments. Explains that the intervenor would be the one with the closest personal relationship.
055	Rep. Jenson	What is the "closest existing personal relationship?"
060	Hunt	That would depend upon the judge to determine that decision.
101	Derr	Explains that he was denied intervenor status in the court case involving his grandchildren.
117	Chair VanLeeuwen	Do any of these amendments address the grandparents' concerns?
136	Derr	Yes, a lot of them do. Explains that the wording does not grant them the rights they are looking for.
143	Carlson	Explains that 2714-2 makes it easier for the courts to give intervenor status to grandparents.
160	Tom Hart	Oregon District Attorneys Association. Explains that he likes HB 2714 -5 (EXHIBIT F) amendments.
179		Explains that the one concern he has is that the court should be looking at all the provisions.
214		Believes that making a grandparent an intervenor as opposed to a foster parent is better policy in the long run.
221	Vice-Chair Piercy	Asks the witness to elaborate on that point.

226	Hart	The bill makes a person a party to an action regardless of whether that is what they want.
269	Rep. Jenson	Concerned about the liability of the grandparent.
277	Hart	If you define intervenor as including the grandparent, it's defined automatically.
299	Hunt	Explains that the way -5 are currently written, an intervenor would be someone who had a previous relationship with the child.
309	Carlson	Is true that the language in -1 and -3 could be stronger than it is now?
317	Hart	Yes, that is true.
362	Travis	Just because a person is a party to the case, a judge cannot order them to participate. The way to solve this problem is to make it easier for grandparents to intervene.
<b>TAPE 71,B</b>		
025	Travis	Explains that it would be best to change the first page, line 10 to say that they have standing in the statutes.
040	Vice-Chair Piercy	Comments that grandparents have to express an interest in being involved in the case.
062	Travis	Explains that they do not believe that this rebuttable presumption would be acceptable with the Juvenile Rights Project.
076		If the agency turns over the case to the grandparent, then the agency no longer has to provide these services.
120		Explains where the child can be placed in order to continue funds.
133	Victor Congleton	Services to Children and Families. Explains that the notice is on a "reasonable effort" basis.
145	Chair VanLeeuwen	Closes public hearing. Opens work session on HB 2170.
<b><u>HB 2170 WORK SESSION</u></b>		
158	Vice-Chair Piercy	<b>MOTION: Moves to ADOPT HB 2170-2 amendments dated 04/16/97.</b>
169	Chair VanLeeuwen	Hearing no objections, declares the motion <b>CARRIED.</b>
195		Closes work session on HB 2170 and opens work session on HB 2714.
<b><u>HB 2714 WORK SESSION</u></b>		
197	Chair VanLeeuwen	Explains that the committee will move forward with the -3 amendments instead of the -1.

203		Closes work session on HB 2714.
<b><u>HB 2169, HB 2749, HB 2934 PUBLIC HEARING</u></b>		
213	Carlson	Reviews the amendments to the confidentiality package.
246	Hunt	Explains the changes made by the amendments.
279	Vice-Chair Piercy	What have we addressed about not wanting to reveal information that was pertinent to the case?
299	Hunt	In the -2 amendments, lines 19-21, this issue is addressed.
326	Rep. Luke	Would this fall under the category of freedom of information request?
332	Hunt	This is notwithstanding that.
356		Details subsection (4) on page 3.
406		The work group raised the concerns that there was not a requirement that parents be notified when a child is taken into protective custody.
432	Vice-Chair Piercy	Explains that the language is not strong enough for the parent to be immediately notified.
<b><u>TAPE 72,A</u></b>		
055	Linda Guss	Attorney General's office. Sometimes it is very difficult to identify people, because the parents' location is unknown.
070	Vice-Chair Piercy	Is it in the statutes as to what "reasonable efforts" are?
075	Hunt	No.
078	Lancaster	Explains that they use what an ordinary person of good judgment uses.
111	Hunt	Explains that the two amendments could be merged together to form a complete amendment.
120	Chair VanLeeuwen	Do we have any objections in order to draft the next round of amendments?
164		Explains that the work group abandoned the expunction of records piece.
200	Travis	Explains that the agency already writes letters to people explaining what is happening with their child.
207	Congleton	Explains how they provide documents as public records.
213	Chair VanLeeuwen	Closes public hearing. Opens work session on HB 2170.
<b><u>HB 2170 WORK SESSION</u></b>		
222	Rep. Jenson	Asks what the -2 amendments will do to change the bill itself?
230	Hunt	

		Explains what happens when you combine the two amendments.
240	Vice-Chair Piercy	<b>MOTION: Moves to ADOPT HB 2170-1 amendments dated 04/16/97.</b>
245	Chair VanLeeuwen	Hearing no objections, declares the motion <b>CARRIED.</b>
250		Closes work session on HB 2170. Opens public hearing on HB 2494.
<b><u>HB 2494 PUBLIC HEARING</u></b>		
275	Carlson	Provides overview of the -2 and -3 (EXHIBIT G) amendments to HB 2494.
320	Marie Bell	Former State Representative. Explains the amendments that she has for HB 2494.
353	Hunt	Explains that the -2 and -3 amendments are to work together in order to create the Children's Ombudsman.
409	Bell	Explains how new legislators should be oriented and how they should only have access to records of people who are in their area.
<b>TAPE 73,A</b>		
018	Chair VanLeeuwen	Explains that we will not be taking further public testimony on this bill tonight.
035		Closes public hearing on HB 2494.
041		Adjourns meeting at 9:10 pm.

Submitted By, Reviewed By,

Berri Sellers, Janet Carlson,

Administrative Support Administrator

**EXHIBIT SUMMARY**

- A - HB 2860, proposed amendments, staff, 1pg.
- B - HB 3118, proposed amendments, staff, 1pg.
- C - HB 3057, proposed amendments, staff, 1pg.
- D - HB 2714, proposed amendments, staff, 6pp.
- E - HB 2714, written testimony, Timothy Travis, 3pp.
- F - HB 2714, proposed amendments, staff, 3pp.
- G - HB 2494, proposed amendments, staff, 14pp.