

HOUSE COMMITTEE ON CHILDREN AND FAMILIES

April 21, 1997 Hearing Room D

6:30 PM Tapes 77 - 80

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 2787 Work Session

HB 2170 Work Session

HB 2714 Work Session

HB 2749 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.

Tape/#	Speaker	Comments
TAPE 77, A		
004	Chair VanLeeuwen	Chair calls meeting to order at 6:40 pm. Opens work session on HB 2787.

HB 2787 WORK SESSION		
016	Janet Carlson	Committee Administrator. Explains HB 2787 and the -1,-2,-3,-4 amendments (EXHIBIT A). Explains that this bill deals with family decision making models.
030		Explains that the word "case" has been defined by State Office for Services to Children and Families.
045		Discusses narrowing the definition of "case" to lower the fiscal impact of the legislation.
068		Explains that administrative rules have been put into the amendments for the family meetings.
107	Victor Congleton	Branch Manager for Services to Children and Families. Comments that if there are no family members that want to participate in the family meeting, then the meeting does not occur.
127	Timothy Travis	Juvenile Rights Project. Parental rights have to be terminated if the intent is to remove the child from the home permanently.
177	Chair VanLeeuwen	Is subsection (h) correct the way it is written?
181	Travis	Is that a unanimity or does that mean that one person is vetoed?
185	Rep. Schrader	Unanimity. These are administrative rules from Services to Children and Families.
207	Carlson	Explains line (14), page 2. Discusses the term "reasonable diligence."
223	Vice-Chair Piercy	Does this need more language to clarify that a "suitable" family member is not at the discretion of Services to Children and Families?
238	Chair VanLeeuwen	Believes that this is clarified in another part of the bill.
269	Carlson	Explains the idea of the family having final approval as to the placement of the child in question.
321		Discussion of the family group conference and comparisons with the family unity model.
354		Explains the -2 and -3 amendments specifically.
400	Rep. Luke	Asks if these are amendments to the bill and not to -1 amendments.
405	Carlson	Yes, these are amendments to the bill.
TAPE 78, A		
021	Vice-Chair Piercy	Explains that there are already family decision making models in almost all counties and that the words "50 percent of all counties" should be "50 percent of all cases in all counties."

033	Rep. Kruse	Does not want to say "50 percent of all cases in all counties."
039	Rep. Luke	Comments that if the funding is not available, the counties will not be able to meet these mandates.
047		Asks the agency if seven days is workable for parental notification?
051	Congleton	Explains that it would be difficult to offer this service on that timeline.
069	Chair VanLeeuwen	What is the normal time period for a family decision making model process?
073	Congleton	Generally these meetings occur within ninety days.
092	Diane Lancaster	Services to Children and Families. Explains that studies show about 60 percent of all cases have family unity meetings within 60 days and about a third of these cases have children that go home within that time period.
107	Travis	Explains that families have to realize they have a problem before they can have these meetings.
126	Nancy Miller	Citizen Review Board Director. Provides written amendments (EXHIBIT B).
134		Discusses their proposed amendments.
173		Explains that if the family plan is not incorporated into the case, the agency will be mandated to provide this as a case plan for the remainder of the period.
197	Tom Hart	District Attorney's Association. Comments that having a large fiscal impact to this legislation will cripple the agency's ability to provide other services.
211	Miller	Discusses -2 amendments proposed by the citizen review boards.
247		Explains that if you are going to have a family decision making meeting, you have to have one before a written plan is developed.
291	Rep. Luke	What is the definition of child in this discussion?
296	Congleton	A person under the age of 18.
301	Rep. Luke	How does this tie into the "Best Interest of the Child" bill?
309	Miller	Believes that this ties in perfectly with that legislation. Explains that there used to be a definition of mature children in statute.
321	Travis	Explains that by law, every child over the age of twelve has to be included in on the hearing. Definition of a child is any person under 18 who hasn't been accused or convicted of a felony.
351	Rep. Luke	Explains that he is concerned that it takes a year to get through the process.
360	Travis	Does he mean a year to adjudicate the case?
366	Rep. Luke	

		Would have to look at the letter again, but thinks that is what it states.
377	Rep. Kruse	Would failure to sign an agreement be considered non-compliance?
390	Miller	It would be at the pleasure of the committee.
TAPE 77, B		
018	Chair VanLeeuwen	Asks where a person signs the final plan?
021	Miller	Explains that the agency has to use what comes out of the family meeting in order to write the plan.
043		Says that the agency has the right to have final approval of the plan.
060	Claude Derr	Grandparent's Advocate. Explains that the family model should give the parents more freedom without a lot of state interference. Comments that he feels the sooner they can get this model to work, the sooner they can have the child returned to the family.
085	Rep. Luke	Comments that citizen review boards use this plan already and that the problem is that they are not using this plan in juvenile justice cases.
093	Miller	The way this bill is written, delinquency cases would not be addressed.
120	Chair VanLeeuwen	Asks the agency to share what they support.
121	Lancaster	Says they like what Miller has proposed, are concerned about logistical problems with the language.
163	Congleton	Discusses concerns they have with the citizen review board amendments.
188		Explains that written acknowledgment by primary parties is needed.
202	Miller	Believes that it would be easy to have a two prong signature section. Explains that a person would sign that they have read the language and another spot that says the person will follow the plan.
220	Rep. Luke	Wants to caution the committee about putting too much into the statute.
235	Miller	Explains that citizen review boards have 25 days to get notes from a meeting distributed.
248	Rep. Schrader	Suggests that the committee develop a time frame.
300	Rep. Schrader	Instead of -2 amendments maybe the broader statement in the citizen review board proposal, section (6) would work better.
323	Hart	Has concerns about the way (f) is written in the Citizen Review Board proposal.

357	Chair VanLeeuwen	Is there an agreement about using the child as a family member?
366	Travis	Explains that he would prefer using child at age twelve, if not inappropriate.
382	Chair VanLeeuwen	What if we used age 12 or younger if appropriate?
391	Congleton	Wondering if we could nail down the relationship of family member?
400	Rep. Luke	Comments that there needs to be a relationship with the child.
TAPE 78, B		
024	Chair VanLeeuwen	Asks if there is no objection to having staff incorporate -4 amendments, lines 19-21. Document use of "reasonable diligence."
038	Rep. Luke	Asks if 24 hour notification is too quick?
044	Congleton	Yes.
056	Chair VanLeeuwen	Discusses frustrations she has had with the agency.
060	Miller	Explains that 24 hours is not long enough.
085	Vice-Chair Piercy	Comments about "reasonable diligence."
095	Joanne Derr	Grandparent's Advocate. Explains that at the 24 hour hearing, family can be there to volunteer to care for the child.
115	Rep. Luke	How can you adopt the -2 before you find out how much the -1 costs?
122	Lancaster	Services to Children and Families only does the meetings if they deem it appropriate.
158	Miller	Explains that she has concerns about -3 amendments. Provides specific examples. (-3 amendment, Page 2, lines 14-18)
195	Chair VanLeeuwen	Is there support for -2 amendments?
201		Explains that the -3 are not supported.
204	Miller	Depends on what is meant by family court coordinator.
246	Chair VanLeeuwen	Says that we will bring this bill back for a vote after the amendments have been drafted.
271	Hart	Explains "reasonable efforts" under the law.
297	Rep. Luke	Comments that you can include provisions for "reasonable diligence."
339	Chair VanLeeuwen	Closes work session on HB 2787. Opens work session on HB 2749 and HB 2170.
<u>HB 2749, HB 2170 WORK SESSION</u>		

351	Carlson	Explains amendments that are available for HB 2749 and HB 2170.
401		Explains -6 and -7 amendments (EXHIBIT C).
TAPE 79, A		
015	Carlson	Explains defining "adult" in the amendments.
024		Discusses HB 2749 and the -3 amendments (EXHIBIT D).
054		Explains the legalities of discovery.
071	Travis	Says that the reason line 20 is to include grandparents in the case.
092		Explains the protection of visitation rights and the ability to access information.
097	Carlson	Discusses pg. 2, line 20 in the -3 amendments protective language for criminal investigations.
109	Hart	Explains that they are in opposition to the -3 amendments. They might hamper the release of records.
125	Chair VanLeeuwen	Provide the language that would work.
131	Hart	None of the legislation would work for this.
135	Carlson	Do you want to make sure that none of this information is released as part of a legal investigation?
140	Hart	There still needs to be some transfer of information.
148	Miller	Has difficulty with -3 amendments. Citizen review board has access to these records currently
170	Vickie Logan	Attorney General's Office. Explains "public records" and "ongoing investigation."
193	Hart	This applies to the public records section. No requirement on what gets out to public domain.
268	Logan	Describes those that are mandatory releasers of information.
279	Rep. Luke	Does not know what the benefit is in the public interest section, page 2, or subsection(3).
333	Chair VanLeeuwen	Are committee members comfortable with the amendments?
373	Vice-Chair Piercy	MOTION: Moves to ADOPT HB 2749-3 amendments dated 04/21/97.
380	Chair VanLeeuwen	Hearing no objections, declares the motion CARRIED.
TAPE 80, A		
030	Chair VanLeeuwen	Closes work session on HB 2749. Opens work session on HB 2714.
<u>HB 2714</u> <u>WORK</u> <u>SESSION</u>		

034	Carlson	Provides overview about HB 2714-6 (EXHIBIT E) amendments.
053		Clarifies line 26 and the legal grandparent clause.
083		Explains how this relates to several relatives wanting the child. Explains what standards exist in this situation.
087	Travis	Explains that page 4, line 18 clarifies the 24-hour rule.
124	Sgt. Mike Ramsby	Oregon State Police Association. Explains that for parents that are overseas, there needs to be special exception because they are difficult or impossible to contact.
132	Chair VanLeeuwen	Asks the committee if they are in favor of removing the notification from the other bill?
142	Travis	Concerned about the definition of legal parent. Should insert as defined in ORS 419A.004 subsection (16). Parent means the biological or adoptive parent. Some of these definition do not fall within those parameters.
186	Rep. Luke	MOTION: Moves to ADOPT HB 2714-6 amendments dated 04/21/97.
189	Chair VanLeeuwen	Hearing no objections, declares the motion CARRIED.
<u>HB 2170</u> <u>WORK</u> <u>SESSION</u>		
192	Carlson	Provides overview for HB 2170-4 (EXHIBIT F) amendments.
206	Hart	Explains that HB 2170-1 dealt with the rest of the bill, but that the last two words had to be changed.
258	Miller	On page 2, lines (17-22) throughout all these bills we keep flipping back and forth through "reasonable efforts" and "reasonable diligence." If you are talking about notice, use diligence; if you are talking about placements, it should be efforts.
296	Rep. Kruse	Did you have any discussion on "if possible."
301	Hart	Does not have problem with dropping "if possible" language.
308	Chair	Asks the agency to come forward to describe a case where "reasonable diligence" was not possible?
323	Congleton	In some cases it is reasonable not to have done anything.
331	Travis	You have to take that out because it is redundant of "reasonable efforts."
354	Rep. Luke	Does not agree with removing first phrase of "reasonable efforts."
377		Comments that this is just notification. Recommend to use "reasonable efforts" all the way through.
400	Vice-Chair Piercy	MOTION: Moves to ADOPT HB 2170-4 amendments dated 04/21/97.

403	Chair VanLeeuwen	Hearing no objections, declares the motion CARRIED.
415	Chair VanLeeuwen	Closes work session and adjourns meeting at 9:20 pm.

Submitted By, Reviewed By,

Berri Sellers, Janet Carlson,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 2787, proposed amendments, 6pp.

B - HB 2787, proposed amendments, Nancy Miller, 1pg.

C - HB 2749, proposed amendments, staff, 3pp.

D - HB 2714, proposed amendments, staff, 5pp.

E - HB 2170, proposed amendments, 3pp.