

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON FAMILY LAW

June 3, 1997 Hearing Room 357

3:15 P.M. Tapes 99 - 100

MEMBERS PRESENT:

Rep. Ron Sunseri, Chair

Rep. George Eighmey, Vice-Chair

Rep. Roger Beyer

Rep. Charles Starr

Rep. Judy Uherbelau

MEMBER EXCUSED:

Rep. Peter Courtney

STAFF PRESENT:

William E. Taylor, Counsel

Lauri A. Smith, Administrative Support

MEASURE/ISSUES HEARD:

SB 243 - Work Session

SB 244 - 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 99, A		
003	Chair Sunseri	Calls the meeting to order at 3:23 p.m.
<u>OPENS WORK SESSION ON SB 243A and SB 244A</u>		
	William E.	

005	Taylor	Committee Counsel. Reviews both measures for Committee.
016	Michael E. Fogle	Co-Director National Clearinghouse for Divorce. Testifies in opposition to SB 243. States concerns: >empowers custodial parent rather than the non-custodial parent .>have to defend accusations >court order broken - some type of penalty
044	Chair Sunseri	Responds to intent behind the measure. Would the situation be better without the measure?
052	Fogle	Don't believe so because of the court's interpretation. Gives example.
070	Rep. Uherbelau	Comments regarding contempt. Sees measure making process much faster. Why don't you agree?
087	Fogle	It does that. Continues. >court `may' instead of `shall' >same rights if our visitation rights aren't honored
101	Rep. Uherbelau	Continues her comments. Problem may be with law enforcement.
110	Fogle	Even judges say they are not enforceable. Continues.
115	Taylor	Briefly reviews bill to show where current law will attempt to increase the ability of the non-custodial parent to gain visitation under SB 243.
155	Rep. Uherbelau	Comments for clarification regarding determination of custody.
162	Fogle	What Counsel read from the measure are false accusations.
167	Rep. Uherbelau	Questions for clarification. Directed at task force member.
181	Carl Myers	Oregon Task Force on Family Law. Testifies not remembering a specific discussion along those lines. Great deal of discussion took place in subcommittee. >gives judges as broad discretion as possible to impose an appropriate penalty for a violation of a visitation right - (parenting time) >by listing penalties, stop people from abusing the parenting plan - put some teeth into the statute >could change custody and loss of child or spousal support
228	Chair	Does SB 243A have any value to you, Mr. Fogle?

	Sunseri	
230	Fogle	No. Continues.
235	Richard Koenig	Comments on testimony of William Howe and his interpretation of same.
252	Rep. Eighmey	Comments on experience in Multnomah county. >represents many non-custodial parents
275	Chair Sunseri	Comments for clarification regarding bill's benefits.
280	Koenig	Will support SB 243 if `30 to 45 days' is added.
	Rep. Uherbelau	Would the task force entertain any amendments?
	Myers	Responds. Position of the task force is that `xpedited hearing' ought to be left that way. Explains. >would ask for a 45-day time limit >leave to local jurisdictions
326	Chair Sunseri	Would 45 days be unreasonable?
328	Rep. Uherbelau	Not in my county. Need to look at others.
334	Rep. Eighmey	Multnomah County means 45 days - that is an expedited case. >agreeable to maximum of 60 days
345	Chair Sunseri	Agreeable to 50 days?
348	Koenig	Outside limit? Better.
353	Taylor	Legislative Council could place in proper place. Section 3, pages 2 & 3
371	Taylor	States conceptual wording: "The court shall conduct a hearing no later than 50 days after the filing of a motion seeking enforcement of a parenting time order."
375	Rep. Eighmey	MOTION: Moves to AMEND SB 243A on page 2, in line 19, after "the second period," insert "The court shall conduct a hearing no later than 50 days after the filing of a motion seeking enforcement of a parenting time order."
389	Rep. Uherbelau	Comments regarding conceptual amendment. Shares concerns regarding the child.
		VOTE: 5-0 EXCUSED: 1 - Rep. Courtney

	Chair Minnis	Hearing no objection, declares the motion CARRIED.
402	Taylor	Comments for clarification. Court will conduct a hearing - doesn't mean it has to complete the hearing.
404	Rep. Eighmey	MOTION: Moves SB 243A to the full committee with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rep. Courtney
	Chair Minnis	The motion CARRIES. REP. UHERBELAU will lead discussion on the floor.
438	Richard Koenig	Testifies on SB 244A. Discusses what he feels is an imbalance of power and the problems with mediation. >allows custodial parent to maintain a superior position
Tape 100, A		
035	Koenig	No studies that are sociologically adjusted to determine extent of other forms of violence against men. >presumption that men will be raised as men - no wining or crying
050	Rep. Uherbelau	Questions witness for clarification regarding 244A's language.
057	Koenig	Replies.
067	Rep. Uherbelau	What are the screening tools you refer to?
069	Koenig	Yes/no answers are not appropriate. Explains.
095	Carl Myers	Task Force on Family Law. Not sure of the question Mr. Koenig raises in regard to guidelines. Continues to discuss Koenig's testimony. >sees mediation as a useful tool in divorce action to lower the animosity between parents >mediation is not always the most appropriate > SB 244A provides an opt-out provision in mediation
<u>CLOSES WORK SESSION ON SB 244A</u>		
	Chair	

||Sunseri ||Adjourns the meeting at 4:03 p.m. ||

Transcribed by, Reviewed by,

Julie Clemente for

Lauri A. Smith, Sarah Watson,

Administrative Support Office Manager

NO EXHIBITS PRESENTED TO THE SUBCOMMITTEE AT THIS HEARING