

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON FAMILY LAW

May 7, 1997 Hearing Room 357

3:15 P.M. Tape 87

MEMBERS PRESENT:

Rep. George Eighmey, Vice-Chair

Rep. Roger Beyer

Rep. Charles Starr

Rep. Judy Uherbelau

MEMBER EXCUSED:

Rep. Ron Sunseri, Chair

Rep. Peter Courtney

STAFF PRESENT:

William E. Taylor, Counsel

Lauri A. Smith, Administrative Support

MEASURE/ISSUES HEARD:

HB 2652 - Work Session HB 3570 - Work Session

HB 3606 - Work Session HB 2561 - 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 87, A		
003	Vice-Chair Eighmey	Calls the meeting to order at 3:23 p.m.
<u>HB 2652 - WORK SESSION</u>		
	Vice-Chair	

006	Eighmey	Opens a work session on HB 2652.
008	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary on HB 2652. Presents -6 amendments (EXHIBIT A).
055	Timothy Travis	Juvenile Projects, Inc. Testifies in opposition on HB 2652. Two concerns with present measure and amendments: >conviction of perpetrator should be condition precedent >requirement to report only if one person is over 18 and the other is under 18
100	Vice-Chair Eighmey	Closes the work session on HB 2652.
<u>HB 3570 - WORK SESSION</u>		
107	Vice-Chair Eighmey	Opens a work session on HB 3570.
109	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary on HB 3570.
123	Rep. Jane Lokan	District # 25 Testifies in support on HB 3570 and presents -1 and -2 amendments (EXHIBIT B). >asks juvenile courts to provide standard information in writing to parents at the first court hearing attended >the information will outline their rights, responsibilities, child support obligations, and time lines for appeals Gives reasoning behind the creation of the measure and amendments.
159	Vice-Chair Eighmey	Does ORS 419B.406 refer to the fact that, if payments are to be made, that they are to be made to the Department of Justice Support Enforcement Division (SED)?
163	Lokan	Continues testimony.
173	Vice-Chair Eighmey	Per Counsel, ORS 419B.406 and ORS 419C.597 direct support payments to be forwarded to SED, if the money is owed to SED.
		MOTION: Moves to ADOPT HB 3570-1 amendments dated

176	Rep. Beyer	04/25/97.
178		VOTE: 4-0-2 EXCUSED: 2 - Rep. Courtney, Chair Sunseri
	Vice-Chair Eighmey	Hearing no objection, declares the motion CARRIED.
182	Rep. Uherbelau	MOTION: Moves to ADOPT HB 3570-2 amendments dated 05/07/97.
184		VOTE: 4-0-2 EXCUSED: 2 - Rep. Courtney, Chair Sunseri
	Vice-Chair Eighmey	Hearing no objection, declares the motion CARRIED.
190	Rep. Beyer	MOTION: Moves HB 3570 to the full committee with a DO PASS recommendation.
193		VOTE: 4-0-2 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Rep. Courtney, Chair Sunseri
	Vice-Chair Eighmey	The motion CARRIES. REP. LOKAN will lead discussion on the floor.
205	Vice-Chair Eighmey	Closes the work session on HB 3570.
<u>HB 3606 - WORK SESSION</u>		
206	Vice-Chair Eighmey	Opens a work session on HB 3606.
207	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary on HB 3606.
214	Timothy Travis	Juvenile Rights Projects, Inc. Presents a letter drafted to the subcommittee (EXHIBIT C).
222	Rep. Uherbelau	Regarding page 1, lines 22 through 24 of the printed measure, are we switching the burden, to the attorney, to notify parents of time and place of hearings?
		It was not our intention to change any ethical duties, on the part of

232	Travis	attorneys on record to any parents.
234	Rep. Uherbelau	Refers to subsection (g), on page 1 of the printed measure. Is there any good cause standard applied for failure to appear?
238	Travis	It is current law to apply a good cause standard, if a parent failed to appear at a pretrial conference or hearing on a motion for the termination of parental rights.
247	Rep. Uherbelau	On page 2, lines 9 and 10, is that limited to certain parties being able to file a written motion?
252	Travis	At the current time, the statute does not limit who can file a parental rights termination action. Within this session, SB 689 will come before the House of Representatives, which limits the ability to file parental rights termination action to the state or the child's attorney.
257	Rep. Uherbelau	Would the issues addressed in SB 689 effect HB 3606?
258	Travis	Yes.
259	Vice-Chair Eighmey	Closes the work session on HB 3606.
<u>HB 2561 - WORK SESSION</u>		
261	Vice-Chair Eighmey	Opens a work session on HB 2561.
262	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary on HB 2561.
269	Russell Lipetzky	Chair, Family and Juvenile Law Section Oregon State Bar (OSB) Testified in opposition on HB 2561 in the April 25, 1997 hearing before the subcommittee. I am here to answer any questions that may arise.
275	Rep. Uherbelau	Has any party testified in support of HB 2561?
278	Vice-Chair Eighmey	There was no testimony given in favor of HB 2561 at the public hearing.
280	Rep. Starr	I believe that the objections should be raised with the sponsor.
285	Lipetzky	No one contacted with OSB to seek our input. The original concern, which prompted the measure, is not known. I believe it is more a policy issue, than a technical problem, and that needs to be addressed. I would be happy to work with the sponsor.
298	Rep. Uherbelau	Has there been any conversation with the sponsor?
300	Taylor	Contact was made, with the sponsor, before scheduling the measure. The subcommittee may make this measure tag alongside upcoming Senate

		measures, which cover similar issues.
311	Rep. Uherbelau	I would suggest using "obtain" rather than "get" on line 12 of the printed measure.
316	Lipetzky	One concern is, how does HB 2561 relate with SB 243? If SB 243 were to be enacted, it would effect how HB 2561 is to be operated under law.
324	Vice-Chair Eighmey	Closes the work session on HB 2561. Adjourns the meeting at 3:46 p.m.

Submitted by, Reviewed by,

Lauri A. Smith, Sarah Watson,

Administrative Support Office Manager

EXHIBIT SUMMARY

A - HB 2652, -6 amendments dated 05/07/97, Staff, 2 pages.

B - HB 3570, -1 amendments dated 04/25/97 and -2 amendments dated 05/07/97, Rep. Jane

Lokan, 2 pages.

C - HB 3606, -1 amendments dated 05/07/97, Timothy Travis, 1 page.