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**SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT**

**February 13, 1997 Hearing Room A**

**1:00pm Tapes 45 - 47**

**MEMBERS PRESENT:**

**Sen. Neil Bryant, Chair**

**Sen. Randy Miller, Vice-Chair**

**Sen. Kate Brown**

**Sen. Gene Derfler**

**Sen. Randy Leonard**

**Sen. David Nelson**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**Bill Taylor, Counsel**

**Andrea Terry, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 260**

**SB 245**

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
<b>Tape 45, A</b>		
005	Chair Bryant	opens meeting at 1:08pm
<b><u>SB 260--PUBLIC HEARING AND WORK SESSION</u></b>		
013	Bryant	opens public hearing on SB 260
016	Russ Lipetzky	Chair of the Family Law Section of the Oregon State Bar
018	Art Kapyne	Office of the Child Support Director; Department of Human Resources
026	Kapyne	EXHIBIT A
050	Sen. Leonard	there is a bill coming that purports to stop child support payments when a child reaches the age of 18
055	Bryant	EXHIBIT B
060	Bryant	we should move ahead with this bill even though there are other bills being introduced regarding child support
063	Derfler	what about special needs children
068	Kapyne	there are special provisions that can be handed down from the Judge
075	Sen. Nelson	does this bill create unnecessary competition between a child and a parent who doesn't want to pay
081	Lipetzky	I don't believe that this bill would create conflicts with a child and parent that don't already exist
095	Tamara Dykeman	Legislative Director for the Oregon Student Association
111	Dykeman	Exhibit C
115	Dykeman	sometimes student/child does not see support that is actually being paid
123	Sen. Leonard	why should one parent be sending money to the child and not the other parent

146	Dykeman	the problem usually lies with divorced parents of college age children
150	Leonard	very close to children of divorced parents the playing field is not level if we treat intact marriages differently than divorced
170	Sen. Bryant	calls Sen. Fisher
174	Sen. Bryant	Sen. Fisher will be sponsoring a similar bill
181	Sen. Fisher	supporting SB260 in some ways I will be working on legislation that divorced parents will have the same rights as married parents
199	Craig Daniels	represent a non-custodial parent 1. encourage support of SB 260 2. discourage SB 260 because it puts undo burden on noncustodial parents as much as intact families
244	Bryant	you will want to come back and testify on the other bill that will someday be coming before this committee
263	Leonard	reference to his family and being a divorced man and a father
295	Shirley DeLeon	EXHIBITS D, E
320	DeLeon	reads EXHIBIT D
344	Sen. Derfler	how are you going to inforce this
354	DeLeon	maintaining a "C" average
364	Derfler	no penalty if a "C" average is not maintained
369	DeLeon	there is a penalty, they would no longer receive support
Tape 46, A		
001	Bryant	close public hearing on SB 260 and open work session on SB 260
002	Sen. Bryant	<b>MOTION: Moves to ADOPT SB 260-1 amendments dated 2/6/97.</b>
007	Derfler	I woud like to see some of these other amendments there should be some way to check to see if a student is attending school
010	Bryant	"satisfactory grades" hard to hold these up in court, if we put these in the bill it would result in more hearings certain info that you cannot provide when a student is of majority

033	Lipetzky	discusses the giving of the information
051	Bryant	in 1995 bills that were proposed regarding student privacy
057	Lipetzky	student records and academic transcripts have broad implications regarding federal and state statutes
066	Bryant	there were civil penalties against the schools if they did it wrong
069	Lipetzky	there were many interests groups who had a great deal of interest
070	Brown	the HB does that terminate support for a child attending school
075	Lipetzky	I believe the bill terminates support after the child turns 19
<b>083</b>	<b>Sen. Bryant</b>	<b>MOTION: Moves SB 260 to the floor with a DO PASS AS AMENDED recommendation.</b>
093	Bryant	close worksession on SB 260: open public hearing on SB 245
<b><u>SB245--PUBLIC HEARING</u></b>		
097	Carl Myers	Oregon State Bar explanations EXHIBITS F and G and H families and children need our help
150	William Howe	Chair of Oregon Task Force on Family Law explaining exhibits EXHIBIT I
215	Howe	idea of divorcing did not begin in Oregon
230	Howe	still discussing EXHIBIT I
236	Howe	the legislation we are proposing
247	Howe	we have a wonderful set of judges, there are systemic difficulties we are trying to encourage mediation conflict is very hard on children
		Court Administrator for Deschutes, Jefferson, and Crook counties each county in Oregon by 1999 must have a plan

293	Ernie Mazorol	<p>plan must approach 4 elements</p> <ol style="list-style-type: none"> <li>1. coordination of cases in the court system</li> <li>2. agency coordination of services</li> <li>3. mediation services at the local level, education for divorcing parents, and visitation services for parents</li> <li>4. ways that we can have settlement options in lue of litigation</li> </ol>
320	Mazorol	<p>plan would be developed by business, community and government representatives</p> <p>SB 245 establishes a position in the State Court Administrator's office</p>
353	Mazorol	<p>position does five things</p> <ol style="list-style-type: none"> <li>1. jurisdictions need help establishing plans</li> <li>2. technical assistance to established programs</li> <li>3. foster more family type programs</li> <li>4. help train judges, staff, and service providers</li> <li>5. staff Chief Justice's advisory committee</li> </ol>
Tape 45, B		
007	Mazorol	this position would be supported by five dollar fee on copies of marriage licenses
012	Mazorol	money issues
016	Mazorol	<p>SB245 gets people together who rarely talk</p> <p>EXHIBIT K</p> <p>EXHIBIT L</p>
033	Bill Howe	Chair of Oregon Task Force of Oregon Law
043	Howe	task force has been the administrator of the parenting classes
067	Bryant	this committee (Task Force on Family Law) sunsets after this Legislative session
075	Derfler	thank you to the committee
085	Brown	in light of Measure 47, how can we justify creating a whole new "finger" of government

093	Howe	this will only be one administrator and one support person a case that now takes 9 months to get to court, will in the year 2020 take 16 years and two months
117	Brown	voted against HB 2004, because we would have 36 different committees; one for each county
124	Howe	theory is that it operates as a sieve to keep everyone on the same level
142	Brown	can other kinds of parents be involved
150	Howe	if children are involved than yes that family can be involved
173	David Nebel	Oregon Law Center
175	Nebel	task force has done a good job we are most interested in section 7 of SB 245
190	Sen. Brown	access to low income legal services is hard for people to get
194	Nebel	this is a very big problem around the state
205	Russ Lipetzky	chair of the Family and Juvenile Law section of the Oregon State Bar
215	Lipetzky	we have not yet examined the amendments and we would ask that these bills not be moved until we have had a chance to read these bills
230	Bryant	these bills will not move out of committee today
255	Brown	what is the practice of signing out family law cases
265	Lipetzky	Marion county has an individual assignment system domestic relation cases are not given any special treatment
289	Richard Koenig	Family Law Task Force Attendee
290	Koenig	EXHIBIT M
362	Bryant	you are here to testify on SB 245
373	Koenig	I think we need a forum on the task force
Tape 46, B		
006	Koenig	request to Bill Taylor on whether or not the task force has done their job
012	Bryant	please direct your attention to SB 245
027	Koenig	state wide coordinator comments
		EXHIBIT N my opinions on SB 245

049	Tom Boon	I have been a part of the divorce system that does not work this task force could have helped a lot of kids people have stopped communicating people should be required to go to joint mediation sessions parents don't know how to resolve conflicts thus children don't know how to resolve conflicts
131	Doug Bray	we are anxious to see the amendments and begin working on these
144	Kathy Outland	Licensed Clinical Social Worker support SB 243, 244, and 245 these are part of a wonderful plan for families
165	Cynthia Thompson	Ex. Dir. of the Children's Trust Fund of Oregon
180	Anton Ivanov	EXHIBIT O
310	Brown	requesting an attorney for the children
312	Ivanov	I did not request an attorney for my children; I did not know I could do this
316	Bryant	close public hearing on SB 245; open worksession on SB 244
318	Taylor	introduction of LC 2984 (SB 512)
<b><u>SB 244--PUBLIC HEARING</u></b>		
332	Bill Howe	SB244 creates mandatory mediation when children are involved, except in certain cases (see -1 amendments) EXHIBIT P
Tape 47, A		
001	Bryant	this gets back to unfunded mandates, we cannot make something mandatory without providing the funding for it
003	Howe	the bill does discuss reimbursing expenses there is a surcharge
012	Sen. Brown	\$137.50 comes from where
020	Howe	from the surcharge on the filing fee
036	Pat Dixon	mediating since 1978

		mediating is a heartwarming process
070	Howe	we need to encourage mediation there is a success rate of 80-82%
091	Brown	minimum qualifications for mediators
096	Dixon	qualifications that the dispute resolution has put forward requires a Master's Degree or a Law Degree certain amount of training in mediation
110	Sen. Leonard	85% success rate in what?
117	Dixon	parents reaching agreement on custody and parenting time arrangement parents beginning to cooperate
125	Howe	anecdotal story about mediating parents getting back together
145	Miller	how many counties are mandatory and how many are voluntary
149	Howe	19 counties are mandatory
151	Miller	why do we want to step in and tell counties what to do
154	Howe	this does not mandate mediation, but it gives them the resources to allow mediation
157	Bryant	adjourns meeting at 3:02pm

**Submitted By, Reviewed By,**

**Andrea Terry, Bill Taylor,**

**Administrative Support Counsel**

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**EXHIBIT SUMMARY**

**A -Testimony on SB 260 - introduced by Art Kapteyn - 2 pages**



- B - -1 amendments to SB 260 - introduced by Legislative Counsel - 2 pages**
- C - Testimony in support of SB 260 - introduced by Oregon Student Association - 1 page**
- D - Testimony in support of SB 260 - introduced by Shirley DeLeon - 1 page**
- E - Proposal to SB 260 - introduced by Shirley DeLeon - 4 pages**
- F - Legislative Testimony - introduced by Oregon State Bar - 3 pages**
- G - Interim Report - introduced by Oregon Task Force on Family Law (Oregon State Bar) - 13 pages**
- H - Proposed amendments to SB 245 - introduced by Oregon State Bar - 6 pages**
- I - Oregon Task Force on Family Law on SB 243 - introduced by Oregon State Bar - 6 pages**
- J - Letter from Chief Justice Wallace Carson - introduced by Oregon State Bar - 1 page**
- K - Background on Family Court Coordination of Human Services Deschutes County - introduced by Ernie Mazorol - 4 pages**
- L - Family Court Testimony - Deschutes County - introduced by Ernie Mazorol - 5 pages**
- M - Testimony from Richard Koenig - introduced by Richard Koenig - 4 pages**
- N - Testimony from Tom Boon - introduced by Tom Boon - 11 pages**
- O - Testimony from Anton Ivanov - introduced by Anton Ivanov - 3 pages**
- P - Proposed amendments to SB 244 (-2) - introduced by staff - 2 pages**
- Q - Testimony on SB 244 - introduced by Jennifer Webber (Oregon Commission for Women) - 1 page**
- R - Proposed amendments to SB 244 (-1) - introduced by staff 9 pages**
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