

—

SENATE COMMITTEE ON CRIME & CORRECTIONS

March 24, 1997 Hearing Room B

1:00 P.M. Tapes 44 - 46

MEMBERS PRESENT:

Sen. Shirley Stull, Chair

Sen. Jeannette Hamby, Vice-Chair

Sen. Avel Gordly

Sen. Eileen Qutub

Sen. Veral Tarno

Sen. Cliff Trow

MEMBER EXCUSED: Sen. Gordly

STAFF PRESENT:

Nikola Jones, Counsel

Julie Clemente, Administrative Support

MEASURE/ISSUES HEARD:

Public Hearing: SB 689

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 44, A | | |
| 003 | Chair Stull | Calls meeting to order at 1:07 p.m. |
| <u>OPENS PUBLIC HEARING ON SB 689</u> | | |
| 007 | Muriel Goldman | Children First for Oregon - Presents written testimony in support of SB 689. [Exhibit A] |
| 054 | Goldman | Continues testimony - calls attention to letter from Harold Boverman, MD [Exhibit C] Reads a few sentences. |
| 072 | Edward Allen | Court Appointed Special Advocate (CASA). Submits written testimony in support of SB 689. [Exhibit B] |
| 123 | Allen | Continues testimony |
| 148 | James K. Lace | M.D., F.A.A.P., Pediatrician, Diseases of Childhood and Adolescence. Submits written testimony in support of SB 689. [Exhibit D] >stable environment as soon as possible |
| 197 | Chair Stull | Comments on Lace's testimony. Sometimes parents are unable to provide a safe environment. Continues. |
| | Lace | If everybody was a perfect parent, we wouldn't have to deal with this. Continues. |
| 234 | Chair Stull | Continues her comments. Have you treated cases where children have been left in an undesirable environment? |
| | Lace | Replies. >do have children who "float" for a while because we don't have enough evidence - continues |
| 278 | Chair Stull | Continues questioning for clarification. |
| | Lace | Maybe a case of both. Explains. >nice to be able to remodel the parent |
| 295 | Sen. Hamby | Comments on a tour of a teen age facility where many of these children end up later on in life. Comments further on lack of loving parents and Dr. Lace's testimony. |
| 314 | Sen. Trow | Comments: Not the legislation we have in place, but the ability to enforce the legislation. Continues commenting on his concerns. |
| | | Director, Citizen Review Board (CRB) and Legislative Liaison to |

| | | |
|-------------------|----------------|--|
| 373 | Nancy Miller | the State Court Administrator on Juvenile Issues. Here to provide a section-by-section analysis of SB 689. |
| 401 | Timothy Travis | Juvenile Rights Project. Discusses two documents: The BIC "The Way it Oughta Be" - SB 689 hand engrossed with amendments. [Exhibit F]. Second document is a Guide to the BIC - a section-by-section analysis of SB 689. [Exhibit E] |
| TAPE 45, A | | |
| 042 | Travis | Begins reviewing the amendments to SB 689. [Exhibit E] >Section 1: reconfiguration of the purpose clause of the juvenile code. >explains amendment to Section One. >Section 2: intended to incorporate Section Three into the termination of parental rights statute. >explains amendment to Section Two |
| 060 | Sen. Trow | Questions parental duties in Section One. |
| | Travis | Replies. |
| 074 | Chair Stull | Why do you feel it needs to be in a separate section? |
| | Travis | The district attorney and attorney's general asked us to do that. Explains. |
| 093 | Sen. Qutub | Questions for clarification: There can be permanent guardianship without terminating parental rights. |
| | Travis | Replies. A child has some type of bond with the parents. >safe placement and allow whatever contact is appropriate |
| 105 | Miller | A parent can challenge a regular guardianship at any time. |
| 115 | Travis | Section 3: Revision of the permanent guardianship. |
| 142 | Travis | Section 4: Changes the perspective of the proceedings from that of adults to that of children. |
| 156 | Sen. Qutub | Questions number of years. What about 4 years? |
| | Travis | Replies. Depends on each particular child, their age and their bond with each particular parent. Continues. |
| 197 | Sen. Tarno | Questions for clarification information on page 4. Is that going to stay? |
| | Travis | Going to stay. Explains |
| 217 | Miller | Continues for clarification. Reason for language addition is that this is the statute that allows SCF to move towards termination without offering services to the parent. |
| 241 | Sen. Tarno | Continues for clarification. |
| | | |

| | | |
|-------------------|-------------|---|
| 261 | Travis | If you are having trouble understanding, it needs to be fixed. |
| | Miller | Agrees, there is a need for more clarification. |
| 211 | Sen. Trow | Questions for clarification - reasonable time |
| | Travis | Replies. Time for the parents to remove parenting impairments. |
| 295 | Travis | Section 5: Pulls the definition of serious physical injury into the termination of parental rights. |
| 312 | Travis | Section 6: Termination of parental rights. Ensures that the statute is not misused. Section 7: Definition of "reasonable time" into the termination of parental rights statute. Replaces "foreseeable future." Section 8: Codifies case law that instructs the court to disregard - parents failure to provide care - |
| 383 | Travis | Section 9: Removes permanent guardianship statute from the termination of parental rights statute. |
| 399 | Miller | Sections 10 & 11: Requires the agency to present documentation to the court. |
| TAPE 44, B | | |
| 054 | Sen. Trow | At risk in not serving best interest of the child? |
| | Miller | Replies: We are acting in the best interest of the child. Continues. |
| 079 | Sen. Qutub | Comments to the attitude of the parent. >abusers most often deny |
| | Miller | You have just entered the world of the worker who has to make those calls. |
| 126 | Travis | Discusses the abuse cycle. |
| 136 | Chair Stull | Comments to the fact that children have an unconditional love towards that parent. |
| 154 | Travis | Section 12: When you have a petition to bring the child within the jurisdiction of the court, you must have alleged facts against both parents. >refers to [Exhibit F] - continues to explain |
| 213 | Chair Stull | Comments that judgment calls are not easy to do >child should come first here too |
| | Miller | Replies with an example. >our position is that there needs to be that check and balance by the court |
| 281 | Travis | Has to be a domestic relations action to return that child. Continues. |
| | | |

| | | |
|-------------------|-----------------|---|
| 311 | Chair Stull | In theory we all agree. Continues questioning witnesses for clarification regarding absent parent. |
| 330 | Miller | Agency is doing a much better job of that. Explains. |
| 367 | Travis | Continues answering. |
| | Chair Stull | Continues her comments on testimony. Take that responsibility seriously before we make any decision. |
| 410 | Travis | To put the issues on the table in regard to that parent. Continues. |
| TAPE 45, B | | |
| 020 | Sen. Tarno | Questions amendment - new words - took (,) out after "parent". Continues questioning. |
| | Travis | The parent has the custody order is not minimally adequate. >continues explanation to Sen. Tarno >will rewrite the sentence |
| 048 | Miller | Section 13: Time when the agency is required to put together a case plan for the child. Explains. |
| 099 | Miller | Section 14: Adds section 15. Section 15: Sets up a time line for permanency. Gives examples. |
| 152 | Miller | If anyone is adversely affected, court always trumps CRB. |
| | Travis | The whole idea is to give parents a year. Explains. |
| 174 | Miller | Parents are not obligated to participate. Explains. |
| | Travis | Parent can ask for more time. Continues. |
| 208 | Miller | Only the court can rebut the presumption. Continues. |
| 229 | Travis | Totally New Section: creates a pre-adjudicative time line to ensure that a case does not languish before it gets to court. |
| 218 | Travis | Second Last New Section: Works with Section 12 to clarify the situation when there is a fit non-custodial parent. Continues. |
| 299 | Tom Hart | Marion County District Attorney's Office. Testifies in support of SB 689. Discusses technical problems of concern. Refers to [Exhibit F] >Section 1 (2)(a) line 11. "Among those rights" (A)(B)(C) >line 15 (b) - "Parents and guardians have a duty" - needs to be fine tuned - explains |
| 354 | Sen. Qutub | Questions for clarification. |
| | Hart | Replies. |
| 368 | Sen. Hamby | Expresses her concern regarding education. |
| | Hart | Replies. Already on the books that kids have to be educated. |
| | | |

| | | |
|---|-------------|--|
| 398 | | Section 1(3): - proposed deletion - extraordinary case >leave the italicized bracketed language |
| TAPE 46, A | | |
| 038 | Hart | Continues commenting on language he would like to see in the bill and discusses same section by section. |
| 062 | Sen. Hamby | Questions for clarification: - broken bones |
| | Hart | Explains. |
| 091 | Sen. Tarno | Is that statutory language now? |
| | Hart | No, it isn't. Continues. |
| 113 | Chair Stull | Comments for clarification. Not to diminish domestic violence situations. Continues. |
| | Hart | Agrees. Continues. >Subsection 10: Explains >Section 12: Comments on last change made - delete all new language - leave it the way it is |
| 168 | Chair Stull | Invites Hart back to next meeting along with others unable to testify today. |
| <u>CLOSES PUBLIC HEARING ON SB 689</u> | | |
| | | |
| | Chair Stull | Declares meeting adjourned at 3:10 p.m. |

Submitted by, Reviewed by,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

-

EXHIBIT SUMMARY

A - Testimony in Support of SB 689 - Muriel Goldman - 2 pgs

B - Testimony in Support of SB 689 - Edward Allen - 2 pgs

C - Testimony in Support of SB 689 - Harold Boverman, MD presented by Muriel Goldman - 3 pgs

D - Testimony in Support of SB 689 - James K. Lace, M.D. - 1 pg

E - Guide to the BIC - Timothy Travis - '12 pgs

F - The BIC - Timothy Travis - 11 pgs
