

HOUSE COMMITTEE ON CHILDREN & FAMILIES

Hearing Room Tapes - 40

MEMBERS PRESENT: Rep. John Meek, Chair Rep. Judith Uherbelau, Vice-Chair Rep. George Eighmey Rep. Bill Fisher Rep. Patti Milne Rep. Kitty Pi

VISITING MEMBER: Rep. Bob Tiernan

STAFF PRESENT: Tom Mann, Committee Administrator Pamela Berger, Committee Assistant

MEASURES HEARD: HB 2031 - Work Session HB 2029 - Public Hearing LC 2696 - Informational

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation mark report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , A

CHAIR MEEK: Calls the meeting to order at 8:37 a.m.

HB 2031 - Work Session

MOTION: REP. EIGHMEY MOVES TO RECONSIDER THE MOTION FROM 2/28

VOTE: NO OBJECTIONS

MOTION: REP. EIGHMEY MOVES TO CLARIFY THE MOTION ON 2/28 TO REFER HB 2031,

AS AMENDED, WITH A DO PASS RECOMMENDATION, TO THE COMMITTEE ON JUDICIARY AND THEN TO THE COMMITTEE ON WAYS AND MEANS BY PRIOR REFERENCE

VOTE: THE MOTION PASSES 5-0. REPS. EIGHMEY, PIERCY, SNODGRASS, UHERBELAU, AND CHAIR MEEK VOTE AYE. FISHER AND MILNE ARE EXCUSED.

HB 2029 - Public Hearing

Staff submits HB 2029- A working version (EXHIBIT B) -testimony from Pamela Burt (EXHIBIT C) -testimony from Liz Clark (EXHIBIT D) -testimon

025 BETTY UCHYTIL, Children's Services Division (CSD): Submits and reads written testimony in response to amendments to HB 2029 A (EXHI
includes an Oregonian article about a CSD case worker receiving an honor for outstanding service, and information on the 1993 New Zealand Fa
all children the same -provides copy of public law 96-272 (EXHIBIT H) 151 -in response to Meek, will supply language to clarify eligib

288 UHERBELAU: Discusses work group efforts to address 24 hours versus 24 judicial hours

290 UCHYTIL: Continues with written testimony-staffing of family group coordinators; important to remain consist throughout the countie

TAPE 38, SIDE A

-in response to Eighmey, in those situation it is best for the courts to make determination -continues with written testimony -- definition

PIERCY: Asks about the New Zealand family prefaced on family living in close proximity

UCHYTIL: When we had New Zealand folks here they said they flew in relatives family group conference; not as transient as this culture 192

135 UHERBELAU: Disclosure; best interest of the child

UCHYTIL: Disclosure intent needs to clarified -confidentiality -in response to Tiernan, there is usually one family group meeting, lasting
from two hours to all day -in response to Tiernan, these are not evidentiary meetings -discusses differences between the New Zealand model a
belief that all family members should participate -section 9 -36 months 218 -in response to Meek, postponement of action -in response to

250 CHAIR MEEK: We are not trying to delay time, trying to find a balance

UCHYTIL: Discusses concerns in postponing action 330 -in response to Uherbelau, discusses adjudication in response to Eighmey, talks about

355 TIERNAN: Process for removing child from home -at what point of process do you go to judge to confront allegations?

UCHYTIL: At the shelter hearing (preliminary hearing) and at the adjudication hearing -in response to Tiernan, clarifies about evidence bro

TAPE 37, SIDE B

007 UCHYTIL: Explains preliminary hearing process

TIERNAN: Thinks a problem exists because there is not a forum to disprove allegations

040 CHAIR MEEK: What we are trying to address, in section 2, is raising the

standards of evidentiary facts

070 NANCY MILLER, Citizens Review Board (CRB): Updates on issues discussed by the work group -confidentiality; CRB guidelines -neglect i
were not able to hear from the coordinator of what happened -regarding Tiernan's point about shelter hearing - have not had that discussion

TIERNAN: This reminds me of a grand jury -- see hole is system - some information that is gathered by CSD needs to be examined sooner than t
days

MILLER: Checks and balances

CHAIR MEEK: Explains Section 2 in regards to protocol

201 UCHYTIL: Yes we understand, we oppose

PIERCY: Has a judge looked at this?

MILLER: A juvenile review team looks at legislation -comments from Judge Herrell -have group of five judges from around the state (lists t

240 MARIE BELL: Reviewed training tapes on child abuse -section 2 (a) -discusses restraining order -need to increase the safe zone

EIGHMEY: Interprets language different than Bell

366 MARVA NIKIRK, HILLSB ORO: Submits and reads written testimony on HB 2029

(EXHIBIT I)

TAPE 38, SIDE B

-continues with written testimony -in response to Eighmey, the family is willing to sign a release so that both sides of the story can be

080 TOM HART, Marion County District Attorney's Office: Introduces self

JASON CARLISLE, Linn County District Attorney's Association: Reviewed draft of bill from perspective of a criminal prosecutor -immunity dur
deleted

CHAIR MEEK: Asks them to work with work group

CARLIESE: Likes replacing immunity with confidentiality -section about county government involvement - remember DAs are prosecutors
- our role would not fit in

HART: Echoes Carlisle's statements -section 5 -- opposes language about coordinator protection -alleged perpetrators -we as prosecutors are

CHAIR MEEK: Clarifies about one year delay -background on delay process

HART: Flexibility in dealing with different families -this model can be helpful for heart broken families -the family may have several membe

202 EIGHMEY: One year delay -concerned about evidence being lost during the waiting period

HART: Delay is the aid to the defendant -in response to Eighmey, discusses human nature, pressure on child

HART: Multidisciplinary teams -legislation stating that we are not to further traumatize children -hard for child to testify against parent -

292 UHERBELAU: Timeframe having effect on child

HART: Approach to child - the worse has already happened, the abuse has occurred -- go forward don't look back -it is hard on the children;

CARLISLE: Reason for criminal law is because public has interest in stopping this type of action

355 SNODGRASS: Section 5

HART: Responds about confidentiality -in response to Snodgrass, discusses family perpetrators

TAPE 39, SIDE A

-hearsay -child disclosure; hearsay

CARLISLE: Gives examples to hearsay

SNODGRASS: Create safety zone for family

HART: That is a public policy issue that the legislature needs to address

060 UHERBELAU: Child being involved in family group conference; could be quite intimidating to child -- would like to hear from a child

EIGHMEY: Been in many of these family group conferences -child can be further traumatized

CHAIR MEEK: New Zealand model which allows, depending upon circumstance, if

the child does or does not attend -- up to family coordinator

095 SNODGRASS: Could be very positive for child to be present hearing that there are several family members that want them

EIGHMEY: Section 5 -- "not a legal party"

CARLISLE: Don't think this language would be a problem; juvenile court is

usually casual

143 CHAIR MEEK: Goal of legislation

155 SHIRLEY MORGANTI: Testifies in behalf of Cherri Livezey (EXHIBIT J) -comments on accusers -hope that this bill would make those peo

292 REP. LIZ VANLEEUWEN, DISTRICT 37: Testifies on HB 2029 -CSD's response -adoptive parents did not have child's medical record which
HB 2031 - Work Session

MOTION: ALLOW FISHER AND MILNE TO VOTE ON HB 2031

VOTE: NO OBJECTIONS

MOTION: TO CLARIFY THE MOTION ON 2/28 TO REFER HB 2031, AS AMENDED, WITH A

DO PASS RECOMMENDATION, TO THE COMMITTEE ON JUDICIARY AND THEN TO THE COMMITTEE ON WAYS AND MEANS BY PRIOR REFERENCE

VOTE: FISHER AND MILNE VOTE AYE. THE MOTION PASSES 7-0.

TAPE 40, SIDE A

HB 2029 - Public Hearing

014 SANDRA BOLTON: Testifies on HB 2029 -currently dealing with CSD and have been told that if I address this committee or even my close

CHAIR MEEK: Am trying to limit testimony on particiular cases

BOLTON: There needs to be some checks on these so called "reliable mandated reporters and sources". They are supposed to be mandated repor
turned around and reported it to CSD that I beat them because I have the audacity to stand up for my children's rights and report them to t

026 LYNITTA MARA, Testifies on HB 2029 -effects of Family unity model -tells about the invasion of CSD into her life when her daughter t

CHAIR MEEK: Will have a public hearing and work session on HB 3180 on Thursday

179 MANN: Submits and explains a working document LC 2696 (EXHIBIT L) 270 -in response to Uherbelau, explains the different pieces to

CHAIR MEEK: Expands on HB 2004

MANN: Continues explaining language

TAPE 39, SIDE B

MANN: Continues explaining language -page 6 -the work group discussed the agency's role in overseeing the process

169 CHAIR MEEK: Asks members to review pages 1-6 and consider discussions on HB 2029

182 FISHER: Offers suggestions to do away with turf battles -explains letter from CSD regarding disciplinary actions taken against CSD

UHERBELAU: Also not addressed is leftover money from funds being transferred from CSD to protective services

CHAIR MEEK: Adjourns the meeting at 11:45 a.m.

Submitted by, Reviewed by,

Pamela Berger Tom Mann Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - HB 2029 - Testimony - Uchytel - 5 pp B - HB 2029 - Working Draft - Staff - 9 pp C - HB 2029 - Testimony from Burt - Staff - 5 pp D - HB