

HOUSE COMMITTEE ON CHILDREN & FAMILIES

Hearing Room Tapes - 46

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 2029 - Public Hearing & Work Session HB 3180 - Work Session

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

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

HB 2029 & HB 3180 - Work Session

Staff submits a newspaper article regarding legislation that affects Children Services Division (CSD) (EXHIBIT B)

CHAIR MEEK: Announcements -submits and explains HB 3180 and HB 2029 proposed amendments from the work group in draft form (EXHIBIT A)

140 MANN: Explains language in work group draft (Exhibit A) 174 -page 3 200 -in response to Fisher, discusses proposals for Chil

300 EIGHMEY: Feels there may be a safeguard in place because counties need to accept pilot project

310 MANN: In response to Fisher, discusses child protective order -page 4, section 3 351 -page 4, line 16 400 -page 4, lines 20-24

UHERBELAU: "Practical" may be best changed; "unwarranted" would be satisfactory

MANN: Page 4, Line 26

TAPE 44, SIDE A

-line 3, page 5 015 -probable cause for removal 020 -in response to Tiernan, clarifies process for obtaining a court order

031 NANCY MILLER, CITIZENS REVIEW BOARD: Explains affidavit process for Tiernan -discusses 24 judicial hours versus 24 standard hours 0 make that certain questions be answered before an order can be obtained

TIMOTHY TRAVIS, JUVENILE RIGHTS PROJECT: Current affidavit process

074 TIERNAN: What happens if procedures are not followed?

CHAIR MEEK: Chose not to bring policy and procedure part into this piece of legislation, although it will be dealt with in other legislatio

110 MANN: In response to Fisher, discusses order process

TIERNAN: Probable cause

TRAVIS: Probable cause

CHAIR MEEK: Language regarding probable cause will be cleaned up

215 MANN: In response to Uherbelau, discusses concerns about intent 235 -line 3, page 6 -in response to Uherbelau, talks about emoti

279 MILLER: Responds to Uherbelau's concern about removing neglect in this section

EIGHMEY: We have emotional abuse defined; definition of neglect

MILNE: Offers another point of view of regarding removing the child from a neglectful situation

350 EIGHMEY: Suggests using "attempt" in place of "try"

SNODGRASS: If parent threatening to physical abusing the child would the court see that as physical or emotional abuse?

CHAIR MEEK: Reads definition of emotional abuse -will remove "neglect" and replace with "emotional"

UHERBELAU: Primary objective is to protect the child -even in a domineering situation, in the absence of the domineering adult, the other

TAPE 43, SIDE B

018 MANN: Reads definitions on page 6

UHERBELAU: Definition of sexual harassment

CHAIR MEEK: Responds about eliminating sexual harassment and leaving remaining language

EIGHMEY: "Sexual activity" covers pornographic use -wants person taking photographs to also be including

MANN: Offers suggested language

TRAVIS: Offers suggested language

CHAIR MEEK: Offers suggested language

096 MANN: Page 6, line 20 - definition of physical abuse

Members discuss the definition of a laceration

PIERCY: This does not address a pattern of abuse; as it reads could be a one time bruise

MANN: Responds

UHERBELAU: Responds

TRAVIS: "Losing it" just one time and injuring the child is child abuse

185 MILNE: Concerned about language "regardless of motive"

TRAVIS: Clarifies

Members discuss various definitions

265 TRAVIS: Offers suggested language for line 24, page 6

MANN: Page 7 -- definition of neglect

382 MILLER: In response to Snodgrass, defines difference in "effort" and "reasonable effort"

PIERCY: Line 16, page 7

EIGHMEY: Reasonable efforts

TRAVIS: Responds about Piercy's concerns regarding the definition of "reasonable efforts" -refers to language on page 3, lines 12-13

TAPE 44, SIDE B

040 MILLER: Talks about "reasonable efforts"; hard to define -been invited to work on a panel in Washington D.C. this April to discuss

CHAIR MEEK: Talks about reasonable efforts; judge being a point person -standards are going to be set -court system needs to have some flex

TRAVIS: Preliminary hearings process; court appointed lawyers

087 MANN: Page 8

132 UHERBELAU: Section 6 is confusing because it introduces three difference ideas

CHAIR MEEK: Will separate those

145 EIGHMEY: Funding is a big problem - parenting classes etc. may not be affordable to the family -would like volunteer services separ

MANN: Page 8, section 7

210 MILLER: In response to Uherbelau, discusses the family group coordinator working with the state and local commissions

MANN: Page 8 - family group conference coordinator

UHERBELAU: Concerned about child attending family group conference

CHAIR MEEK: Attendance is at the discretion of the family group coordinator

370 TRAVIS: At the age of 12 the child is a legal party

MANN: Page 10

TAPE 45, SIDE A

-in response to Uherbelau, it is at the discretion of coordinator of time needed to accomplish goals

UHERBELAU: Clarification needed regarding the coordinator leaving the room

EIGHMEY: Comments on term "leaving the room"

CHAIR MEEK: Refers to New Zealand model using similar language and their intent

048 MANN: Page 10 -- family group coordinator

PIERCY: Line 17 - available resources

CHAIR MEEK: Will clarify

MANN: In response to Eighmey, will provide definition of "wellness" 090 -line 21, page 10

EIGHMEY: Put the positive first

MANN: Page 10 - family group coordinator

132 MILLER: In response to Fisher, refers to language on page 8

MANN: Family group conferences

168 EIGHMEY: "The plan" being a separate entity

CHAIR MEEK: It becomes part of the shelter agreement

180 MANN: Page 11, line 20

UHERBELAU: discusses language on line 11

MANN: Page 12

222 EIGHMEY: Immunity

TRAVIS: Language needs to be added to address intent of immunity

237 MANN: Page 12 -lines 14-15

271 EIGHMEY: Worse case scenario of dysfunctional family agreeing on what should happen with child

PIERCY: Brochure language

300 MANN: Page 12, Section 9

CHAIR MEEK: Wellness definition; health, education and safety of the child
could substitute wellness

MANN: Page 12

PIERCY: Concerned about neglect language being removed

CHAIR MEEK: Will stay in on line 20

MANN: Clarifies where in the legislation removal of "neglect" will occur 360 -page 13

CHAIR MEEK: In response to Eighmey, discusses 15 day period to complete background checks

TAPE 46, SIDE A

036 MANN: Page 13

077 MILLER: In response to Fisher, federal law requires standards for Indian children (line 23, page 13)

MANN: Page 14 -language change on line 8 -continues; page 14

141 EIGHMEY: Should include language that states "if the plan works"

MILLER: In response to Fisher, describes process of Citizens Review Board

160 CHAIR MEEK: Recesses the meeting at 11:12 a.m. -re-convenes the meeting at 11:17 a.m.

HB 2029 -Public Hearing

177 JEANNE ETTER, TEAMWORK FOR CHILDREN: Introduces C.L. Timms -submits and reads written testimony on HB 2029 (EXHIBIT C) -refers to E

CHAIR MEEK: Responds

ETTER: Role of a mediator -family unity works at times, not at other times

278 FISHER: Comments on conflict

CHAIR MEEK: Permanent planning language needs to be cleaned up

205 C.L. TIMMS, TEAMWORK FOR CHILDREN: Language is confusing

ETTER: Supports concept of draft; thinks it is very innovative -if there is an opportunity to resolve problems it can be done 381 -in

TAPE 45, SIDE B

005 DENNIS TURNEY, PARENTS EDUCATION ASSOCIATION: Testifies on HB 2029 -encouraged by your efforts -lists concerns about definitions --

060 EIGHMEY: Echoes concern -responds about definitions creating safeguards

TURNEY: Comments 092 -in response to Uherbelau, explains what his association represents -in response to Snodgrass: will provide language

120 DESEREE MESSNER: Reads statement in behalf of her children who are in CSD custody

CHAIR MEEK: Closing remarks -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 & HB 3081 - Proposed amendments - staff - 32 pp B - HB 2029 & HB 3081 - newspaper article - staff - 1 p C - HB 2029 - Testimony

HOUSE COMMITTEE ON CHILDREN & FAMILIES

Hearing Room . Tapes 50

MEMBERS PRESENT: Rep. John Meek, Chair Rep. Judith Uherbelau, Vice-Chair Rep. George Eighmey Rep. Bill Fisher Rep. Kitty Piercy Rep. Lynn Sn

MEMBER EXCUSED: Rep. Patti Milne

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

MEASURES HEARD:

HB 2029 - Public Hearing HB 3081 - Public Hearing

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TAPE , A

CHAIR MEEK: Calls the meeting to order at 4:08 p.m.

HB 2029 and HB 3081 -Public Hearing

Staff submits HB 3180 proposed amendments - a work group draft which includes HB 2029-A (EXHIBIT I)

CHAIR MEEK: Gives history of legislation

025 SANDRA BOLTON: Submits and reads written testimony (EXHIBIT A) 075 -continues reading written testimony.

125 CHAIR MEEK: I would like to ask if she would be willing to sign one of the waivers so that the members can see her entire record.

144 CHAIR MEEK: Explains the use and need of the release of information forms. Explains the impact of the testimony from the pub
HB 3180.

168 REP. EIGHMEY: Holding up emotions.

180 MARY AND JAMIE RODGERS: Testifies in opposition to HB 2029 and HB 3180.

203 CHAIR MEEK: Explains the general goal of what the bill is to accomplish, to Mary Rodgers. 281 M. RODGERS: Continues to testify

291 CHAIR MEEK: Have you had any contact with the citizens review board?

298 M. RODGERS: No. -Explains why the citizens review board has not helped her.

324 CHAIR MEEK: Requests that Mary Rodgers fill out the release of information form.

J. RODGERS: Am 17 years old -last year some man broke into my house and raped me; they put charges on my father for this and I am not allow

342 DARRELL SCHROERFER: Am also tied in with CSD -would like to sign a waiver

355 CHAIR MEEK: We are addressing HB 3180. Please fill out the waiver and we will recall you at a later time.

369 DOROTHY LAMBERT: Refers to submitted testimony (EXHIBIT C)

TAPE 48, SIDE A

023 MARILYN FULLER: You are still delegating the same work to the same people -Submits and reads written testimony on HB 2029 and HB 31

052 M. FULLER: The affidavit is a good idea. Children are only removed from their homes on Fridays.

087 ROSEMARY ADAMSKI: Submits written testimony in favor of HB 2029 and HB 3180 (EXHIBIT E) -In response to Rep. Meek. She agrees with

140 KAREN A. STAHL: CSD has custody of her youngest son. -In response to Chair Meek, she has not had an opportunity to review the amen

257 MARVA NIKIRK: Submits written testimony on HB 2029 and HB 3180 (EXHIBIT F) -Supports new language in working paper. -Refers to page

374 CHAIR MEEK: Accountability was brought up earlier.

383 BLOSSOM A WOODS: Submits written testimony (EXHIBIT O) -Explains lawsuit against CSD. -CSD needs to be curtailed not to play GOD

TAPE 47, SIDE B

030 WOODS: Believes should have more open discussions

056 JUANITA M. MARA: Submits and reads written testimony on HB 2029 and HB 3081 (EXHIBIT G) - CSD placed blame on her for her daughters

152 KEITH AND MARLENE KUHN: Testified last week. -Concerned about Section 6, Section D referring to emotional well-being of

children -Their children were not diagnosed and thus they are concerned about how CSD will define emotional and stable well being of t

260 CHAIR MEEK: Within the bill, there are checks and balances one being conferences with the parents. -Trying to work with reform

balances -There are also attempts to keep children out of foster homes and within the family -Asks Mr. and Mrs. Kuhn to please read the bill

297 KEITH AND MARLENE KUHN: Does not feel this is real. Believes people of

CSD should be hired outside of CSD -Hopes family unity meeting will be implemented

320 CLAUDE DERR: Believes this committee has worked hard, but still long way to go -Believes there should be a freeze on CSD until thi
380 CHAIR MEEK: responds to comments of Mr. Deer on the citizen review board which will be taking in implementation 2004 until 1993 and
422 DAVID WINTERS: Offers amendments to HB 2029 (EXHIBIT H)

TAPE 48, SIDE B

035 WINTERS: Disagrees with CSD interpretation of exposure of genitals -In response to Rep. Meek: most important part of his amendment
075 MARSHA GARRETT: Draws attention to technical changes -Need to make sure that local commissions have control
107 CHAIR MEEK: Explains that entire budget of CSD and the State Commission
are being addressed -Local commissions will be addressed under the State Commission
124 GARRETT: Referring to page 4, problem with wording "child may or has experienced sex abuse" -Referring to page 5, who is going to s
164 CHAIR MEEK: Addresses concerns on mention of court order within the bill
169 GARRETT: Responds to Rep. Uherbelau's concerns about child remaining within the home until allegations are verified
198 CHAIR MEEK: Explains why her terminology would not work in this case
GARRETT: Discusses language on page 14 -- doesn't see where it states that
family can obtain information as to why they children have been removed
244 CHAIR MEEK: That might need to be further clarified
GARRETT: Why is language about the court order being removed on page 15?

CHAIR MEEK: Responds

300 GARRETT: Further areas of concern

CHAIR MEEK: It is my understanding that this legislation is dealing with residential placement (line 23, page 16 of Exhibit I) -after check

400 MILLER: CSD has authority to choose family placement - court gives type
of placement but without court custody they can't determine which family -there is legislation on the house side that will change that
UHERBELAU: Clarifies

TAPE 49, SIDE A

MILLER: Court cannot say where to place but can say specifically where not
to place

CHAIR MEEK: We need to clarify that then

MILLER: Will provide bill to you

030 FISHER: People are spending their life savings in trying to untangle these messes, usually unsuccessfully

GARRETT: Continues -agrees that the disabled need to have rights

140 JEFFREY MILLS, AMERICAN FATHERS COALITION: Testifies on HB 20029 and HB

3180 -CSD is one of the issues that our group is interested in -page 11 lines 13 and 14 of Exhibit I -California statutes -religious matter
Members discuss definitions with Nancy Miller

298 MILLS: Discusses case plans -permanent placements -in response to Fisher, discusses parental rights -reasonable efforts

TAPE 50, SIDE A

FISHER: Concerned about switching the burden of proof to the parents after
the end of one year

MILLS: Offers amendments

140 Will provide copy of California's law review of "reasonable efforts"

151 FLORENCE BROWN: Submits written testimony on HB 2029 and HB 3180 (EXHIBIT J)

250 JEANIE FORD: Testifies on HB 2029 and HB 3180 -advocate for families -foster mother since 1972 -quit being a foster parent for CSD
administrator -tells of emotional abuse the entire family went through after the removal of their child -thanks this committee for work well

TAPE 49, SIDE B

Testimony submitted for the record from: -Terald Austin (EXHIBIT K) -Susan Garren and Jack Miller (EXHIBIT L) -Robert Cooley (EXHIBIT M) -Bo

CHAIR MEEK: Changes will be made to Exhibit I -talks about schedule change -adjourns the meeting at 7:00 p.m.

Submitted by, Reviewed by,

Pamela Berger Tom Mann Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - HB 2029 & HB 3180 - Testimony - Bolton - 3 pp B - HB 2029 & HB 3180 - Testimony - M. Rodgers - 3 pp C - HB 2029 & HB 3180 - Testimony -

- HB 2029 & HB 3180 - Testimony - Brown - 2 ppK - HB 2029 & HB 3180 - Testimony from Austin - staff - 44 pp L - HB 2029 & HB 3180 - Testimon
3 ppO - HB 2029 & HB 3180 - Testimony - Woods - 2 pp P - HB 2029 & HB 3180 - Testimony from Corbin - staff - 2 pp Q - HB 2029 & HB 3180 - T