

HOUSE JUDICIARY
SUBCOMMITTEE ON
JUVENILE JUSTICE

Hearing Room
Tapes - 28

MEMBERS PRESENT:

Rep. Del Parks, Chair
Rep. Lisa Naito, Vice-Chair
Rep. Kate Brown
Rep. Floyd Prozanski
Rep. Eileen Qutub
Rep. Veral Tarno

STAFF PRESENT:

Holly Robinson, Committee Counsel
Janet Ellingsworth, Committee Assistant

MEASURES HEARD: Public hearing on HB 2700
 Public hearing on HB 3291
 Work session on HB 2214

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , A

004 VICE-CHAIR NAITO: Convenes meeting at 8:33 A.M.

OPENS the PUBLIC HEARING on HB 2700

006 VICE -CHAIR NAITO: I'd like to limit testimony to 3 or 4 minutes.

010 LANE BARLOW, OREGON MEN'S POLITICAL ACTION COMMITTEE (PAC):
 Testimony in support of HB 2700. [EXHIBIT A]

045 REP. BROWN: Oregon law provides that custody determination is gender neutral. Custody is determined for the child's best interest, do you agree or disagree with that?

050 BARLOW: The law says that but it's not practiced that way in Oregon.

083 REP. PROZASNKI: You stated that one of the reasons for joint custody is because there is a higher percentage in payment of child support. In those situations where joint custody has occurred, is it or is it not true that that is something consensual between the two parents rather than forced upon one that's not consenting?

090 BARLOW: It's usually indicative that the parents are getting along. Joint custody awards nationally are only about 7 percent of all custody awards.

090 RICHARD KOENIG: The statistics he is drawing on did not break that out in the U.S. census bureau survey.

099 REP. BROWN: Expresses concerns regarding visitation. I would like you to comment on whether or not you think this bill would help these problems regarding visitation.

108 BARLOW: I think it would because there would be more of a friendly environment created.

117 KOENIG: Gives example of joint custody case.

131 REP. QUTUB: Are there any other states that have this presumption of joint custody?

136 BARLOW: I have that in a report I failed to bring, I can provide that to you later. I know California has, or until recently had the presumption.

138 KOENIG: I can give you a guess that may be a couple of years old. The last time I prepared for this meeting, thirty seven states had some form of joint custody. I don't know the number of states that had "presumption".

144 REP. PROZANSKI: Mr. Barlow, you stated earlier that where you have presumptive joint custody it would make it more friendly, and I guess it would seem the reason two individuals are having a legal process of splitting their marriage is because they are not getting along.

150 BARLOW: This was addressed by the Supreme Court of Vermont.

165 KOENIG: Under the language of HB 2700, the court can find that an unwillingness to cooperate is a disability on the part of a parent, or something that the children should not be exposed to.

247 STEVE LITTRELL, DIVORCED MEN'S CLUB: Testimony in support of HB 2700.

[EXHIBIT B]

350 DAVID NEBEL, OREGON LEGAL SERVICES: Testimony in opposition to HB 2700. [EXHIBIT C]

411 REP. QUTUB: If a father was perpetrating violence on the mother or the child but particularly the child, do you believe the judge would find him a fit parent and presume joint custody should take place?

423 NEBEL: It's not in a list of factors that is in the bill on section 1, subsection 2.

435 REP. QUTUB: If there were something in the bill, would that make it more satisfactory to you?

438 NEBEL: That would be an improvement, but I don't think that would save the bill from the problems that are inherent in it.

444 REP. QUTUB: Actually it is not "ordering" joint custody, it's presuming.

TAPE 27, A

024 NEBEL: I think joint custody is presumed, but the effect is that it's going to be ordered in most cases.

029 REP. QUTUB: This is not for the parents to get along, this is for parents to get along with their children.

037 NEBEL: The factor that the bill favors the parent who will inherence contact with the other parent, I think the problem with that is that's something that's easily said, but that is a factor that could be manipulated in bad faith.

053 RUSS LIPETSKY, LEGISLATIVE CHAIR, OREGON STATE BAR: Testimony in opposition to HB 2700. [EXHIBIT D]

110 REP. NAITO: If there is a study you think the committee should have a copy of, I am sure the committee would welcome that.

113 LAURIE WIMMER, COMMISSION for WOMEN: Testimony in opposition to HB 2700.

155 REP. BROWN: Do you think we have a problem or an issue within the system in terms of enforcement of visitation? Do you think there are problems with the current system?

163 LIPETSKY: Yes there are. Expresses concerns.

175 CARRIE JANZEN: Testimony in support of HB 2700. [EXHIBIT H]

233 JIM WHINSTON, NATIONAL CENTER for MEN: Testimony in support of HB 2700. [EXHIBIT E & F]

302 JEFF FOSSON: Testimony in support of HB 2700.

370 REP. BROWN: Where did you get your abuse statistic's from and can you provide us with a copy?

373 FOSSON: From Children's Services Division, every child abuse report for the last 10 years. [EXHIBIT G]

375 REP. QUTUB: I want to ask Carrie a question. You said you have joint custody, can you give us an idea for the kind of arrangement you have for your children?

386 JANZEN: Explains custody arrangement.

440 MARY ELLEN BOWERS: Testimony on HB 2700. [EXHIBIT I]

TAPE 26, B

066 KEVIN SCHAUMLEFFLE: Testimony in support of HB 2700. [EXHIBIT K]

114 REP. BROWN: Did you say child abduction, like custodial interference?

116 SCHAUMLEFFLE: Yes.

118 REP. BROWN: You know about that issue, don't you.

119 SCHAUMLEFFLE: Yes I do.

120 REP. BROWN: You have been convicted of custodial interference.

122 SCHAUMLEFFLE: Yes I have. Continues testimony.

132 DIANNE ROSS: Testimony in support of HB 2700. [EXHIBIT J]

189 REP. BROWN: One of the things we've talked about doing in terms of visitation enforcement is either creating a system where the district attorney's or the state assists

folks with visitation enforcement. As a tax payer would you support creating something like that?

193 ROSS: That's a good band-aide fix, but I don't think it's the right answer in the long term.

CLOSES the PUBLIC HEARING on HB 2700
OPENS the WORK SESSION on HB 2214

215 ROBINSON: Gives brief overview of HB 2214. [EXHIBIT L]

253 REP. TARNO: Do we want to kick this bill out?

255 ROBINSON: I think the Chair would like to do that.

256 REP. NAITO: Where does it differ from the other bill?

257 ROBINSON: The only difference is that there are some additional criteria that the juvenile departments have in there bill that deal with juvenile regional facilities. It is more narrow in scope.

267 MOTION: REP. TARNO: Moves -2 amendments to HB 2214.

270 VICE-CHAIR NAITO: The motion CARRIES.

271 MOTION: REP. TARNO: Moves HB 2214 as amended to the full committee with a do pass recommendation.

273 VOTE: In a roll call vote all members are present and vote AYE.

275 VICE-CHAIR NAITO: The motion CARRIES.

CLOSES the WORK SESSION on HB 2214

278 VICE-CHAIR NAITO: I will recess the Juvenile Subcommittee until 10:30 A.M.

OPENS the PUBLIC HEARING on HB 2700

300 RICK SHEETZ, CHAIRMAN, FAMILIES ALLIANCE to HAVE EQUAL RIGHTS, PORTLAND: Testimony in support of HB 2700. [EXHIBIT M]

344 JULIA MCCALLUM: Testimony on HB 2700. [EXHIBIT X]

393 DR. GREGORY HAMILTON, ASSOCIATE PROFESSOR, OREGON HEALTH SCIENCES UNIVERSITY: Testimony in support of HB 2700. [EXHIBIT N]

TAPE 27, B

030 SHEETZ: Refers to page 2 of [EXHIBIT M].

060 MCCALLUM: I know I would have to deal with a very spiteful and controlling ex spouse, but I think that joint custody would force us to put our differences aside and not put our children through any more emotional stress than they already have to go through.

075 PHILIP DEBOUT: Testimony in support of HB 3291 and HB 2700. [EXHIBIT

DD]

106 JOHN YOUNGBLUTT: Testimony in support of HB 2700.

125 STEVE M. YOUNG: Testimony in support of HB 2700. [EXHIBIT O]

155 REP. TARNO: Is it your perception that HB 2700 would help the state in

the collection of past
child support payments?

164 YOUNG: Refers to [EXHIBIT O].

180 JACK STRATTON, MEN AGAINST SEXISM: Testimony in support HB 2700.
[EXHIBIT P]

213 LAWRENCE PHILLIPS: Testimony in support of HB 2700. [EXHIBIT R]

254 DAN RANDLE: Testimony in support of HB 2700. [EXHIBIT Q]

315 HOSSEIN ROJHANTELAB: Testimony in support of HB 2700.

378 LARRY PLUMB: Testimony in support of HB 2700.

431 BILL PATRICK: Testimony in opposition to HB 2700. [EXHIBIT S]

TAPE 28, A

048 PETER QUALLIOTINE, MEN'S CACAUS: Testimony in opposition to HB 2700.
[EXHIBIT T]

CLOSES the PUBLIC HEARING on HB 2700
OPENS the PUBLIC HEARING on HB 3291

082 VICE-CHAIR NAITO: I'm going to limit testimony and ask the Mr.
Lipetsky and Mr. Nebel
to submit written testimony.

087 RUDY LUQUE: Testimony in support of HB 3291. [EXHIBIT CC]

132 GINNY VAN LOO, LEGISLATIVE ASSISTANT: Testimony in support of HB 3291.

[EXHIBIT EE & FF]

145 REP. PROZANSKI: It's a mandatory sentence of seven days, I assume your

looking for a
sanction that is above and beyond what is being done today?

148 VAN LOO: There is nothing being done today, that is the problem.

156 REP. PROZANSKI: Would you be opposed to this being modified to
something besides 7 days
of confinement?

160 VAN LOO: No, if we can come up with something workable.

162 REP. TARNO: Do you think we can change that by saying "up to 7 days"?

163 VAN LOO: Yes.

165 JIM WHINSTON, NATIONAL CENTER for MEN: Testimony in support of HB
3291.
Refers to [EXHIBIT F].

196 VAN LOO: Refers to [EXHIBIT FF].
202 RICK SCHEETZ, CHAIRMAN, FAMILIES ALLIANCE to HAVE EQUAL RIGHTS,
PORTLAND: Testimony in support of HB 3291. [EXHIBIT GG]
221 JEFF FOSSUM: Testimony on HB 3291.
253 MICHAEL MORRISSEY: Testimony on HB 3291.
309 LAWRENCE PHILLIPS: Testimony in support of HB 3291.
330 JEFF EDWARDS, DAD'S AGAINST DISCRIMINATION: Testimony in support of
HB 3291. [EXHIBIT HH]
354 MICHAEL FOGAL: Testimony in support of HB 3291. [EXHIBIT II]

CLOSES the PUBLIC HEARING on HB 3291

391 REP. NAITO: With nothing further from the committee, the meeting is
adjourned.

Submitted by, Reviewed by,

Janet Ellingsworth Debra Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

A - Testimony to HB 2700 - Barlow - 12 pages
B - Testimony to HB 2700 - Littrell - 13 pages
C - Testimony to HB 2700 - Nebel - 2 pages
D - Testimony to HB - Lipetsky - 1 page
E - Testimony to HB 2700 - Whinston - 1 page
F - Testimony to HB 2700 - Whinston - 1 page
G - Child abuse report - HB 2700 - Fosson - 11 pages
H - Testimony to HB 2700 - Janzen - 3 pages
I - Testimony to HB 2700 - Bowers - 7 pages
J - Testimony to HB 2700 - Ross - 3 pages
K - Testimony to HB 2700 - Schaumleffle - 5 pages
L - Proposed amendments to HB 2214 - Staff - 8 pages
M - Testimony to HB 2700 - Sheetz - 10 pages
N - Testimony to HB 2700 - Hamilton - 3 pages
O - Testimony to HB 2700 - Young - 3 pages

P - Testimony to HB 2700 - Straton - 4 pages
Q - Testimony to HB 2700 - Randall - 8 pages
R - Testimony to HB 2700 - Phillips - 2 pages
S - Testimony to HB 2700 - Patrick - 2 pages
T - Testimony to HB 2700 - Qualliotine - 3 pages
U - Testimony to HB 2700 - Kingston - 2 pages
V - Testimony to HB 2700 - Kingston - 1 page
W - Testimony to HB 2700 - BoothHB y - 1 page
X - Testimony to HB 2700- McCallum - 4 pages
Y - Testimony to HB 2700 - Unknown - 1 page
Z - Testimony to HB 2700 - Unknown - 1 page
AA - Testimony to HB 3291 - Nebel - 2 pages
BB - No Exhibit
CC - Testimony to HB 3291 - Luque - 3 pages
DD - Testimony to HB 3291 - DeBout - 1 page
EE - Testimony to HB 3291 - Van Loo - 1 page
FF - Testimony to HB 33291 - Bartlet-Hines
GG - Testimony to HB 3291 - Sheetz - 5 pages
HH - Testimony to HB 3291 - Edwards - 2 pages
II - Testimony to HB 3291 - Fogle - 2 pages
JJ - Testimony to HB 3291 - Wimmer - 2 pages
KK - Testimony to HB 3291 - Barlow - 2 pages