

SENATE COMMITTEE ON
LABOR AND GOVERNMENT OPERATIONS

May 1, 1995 Hearing Room B
8:00 AM Tapes 152 - 159

MEMBERS PRESENT:

Sen. Gene Derfler, Chair
Sen. Bob Kintigh
Sen. Neil Bryant
Sen. Bill McCoy
Sen. Randy Leonard

MEMBER EXCUSED:

STAFF PRESENT:

Rita Thomas, Committee Counsel
Glenda Fields, Committee Assistant

MEASURES HEARD:

SB 153 WORK SESSION
HB 2188 WORK SESSION
SB 35 PUBLIC HEARING
SB 954 PUBLIC HEARING
SB 956 PUBLIC HEARING
HB 3180 PUBLIC HEARING

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 152, A

004 CHAIR DERFLER: Calling meeting to order at 8:05 AM.

005 CHAIR DERFLER: Opening WORK SESSION on HB 2188.

MOTION: SEN. BRYANT moves that the vote to move HB 2188 as amended to the Senate floor be reconsidered.

VOTE: 3-0

AYE: Bryant, Kintigh, Derfler

NO: None

CHAIR DERFLER: Motion carries and the vote on HB 2188 has been reconsidered.

MOTION: SEN. BRYANT moves that HB 2188 be TABLED.

VOTE: 3-0
AYE: Bryant, Kintigh, Derfler
NO: None

012 CHAIR DERFLER: Closing WORK SESSION on HB 2188.

013 CHAIR DERFLER: Opening WORK SESSION on SB 153.

015 RITA THOMAS: Explaining bill.

MOTION: SEN. KINTIGH moves that the Committee ACCEPT the SB 153-1 AMENDMENTS.

HEARING NO OBJECTIONS the SB 153-1 AMENDMENT is ACCEPTED by the Committee.

MOTION: SEN. KINTIGH: Moves that SB 153 AS AMENDED be moved to the subsequent referral - the WAYS and MEANS Committee with a DO PASS recommendation.

VOTE: 3-0
AYE: Bryant, Kintigh, Derfler
NO: None

022 CHAIR DERFLER: Closing WORK SESSION on SB 153.

024 CHAIR DERFLER: Opening PUBLIC HEARING on SB 35.

030 RITA THOMAS: Explaining amendments.

070 SEN. BRYANT: How are they going to determine that? Who determines that?

076 FRED VAN ATTA: Testifying on SB 35.

100 SEN. BRYANT: Are the cities and counties in agreement with this? Do you have something you want us to gut and stuff into this?

112 CHAIR DERFLER: Are you going to submit that language today?

119 SEN. KINTIGH: Can you find the language that was in the earlier version?

135 JOHN GERVAIS: Testifying on SB 35.

170 JOHN GERVAIS: We have dedicated fees in the Electrical fund.

200 John Gervais: When they find a violation, they turn it over to the State of Oregon for the Compliance Division to review.

210 SEN. KINTIGH: Is it limited to the Building Codes?

227 GARY WRIGHT: Testifying on concerns with SB 35.

250 JOHN GERVAIS: I would appreciate a commitment from the chair to hold this working group's agreement together as it moves through the process.

252 SEN. LEONARD: Gary, do you support SB 35?

270 GORDON FULTZ: Testifying on SB 35.

300 JANE CUMMINS: Testifying SB 35.

325 SEN. KINTIGH: Is there anything in the -8 amendment that would prevent the small cities from continuing their current programs?

330 JANE CUMMINS: There is no restriction on contracting and there is nothing in the -8 amendments that would preclude a city such as Cottage Grove.

350 CHAIR DERFLER: Closing PUBLIC HEARING on SB 35.

355 CHAIR DERFLER: Opening PUBLIC HEARING on SB 954.

360 RITA THOMAS: Explaining amendment SB 954.

369 RAY KERRIDGE: Testifying on SB 954.

394 VICKIE MCLEAN: Building Codes, testifying on SB 954 (EXHIBIT A).

414 SEN. BRYANT: Wouldn't the city still be responsible if they sub-contracted and the contractor did a poor job?

436 GARY WRIGHT: Testifying on SB 954.

TAPE 153, A

040 GARY WRIGHT: I do not understand the need for 3rd party inspections.

044 CHAIR DERFLER: Are you saying, you do not feel this bill is necessary?

051 JOHN GERVAIS: Testifying on SB 954.

071 BOB SHIPRACK: Testifying on SB 954. I am not sure what these amendments are suppose to do.

075 RAY KERRIDGE: Explaining need for SB 954.

077 CHAIR DERFLER: Closing PUBLIC HEARING on SB 954.

105 CHAIR DERFLER: Opening PUBLIC HEARING on SB 956.

110 RITA THOMAS: Explaining amendments to SB 956.

125 VICKIE MCLEAN: Building Codes, testifying on SB 956 (EXHIBIT B).

136 CHAIR DERFLER: What issues have not been addressed?

155 JOHN GERVAIS: Testifying on SB 956. Discussing the -5 amendment.

177 GARY WRIGHT: Testifying on SB 956.

189 BILL CROSS: Testifying on SB 956.

203 RAY KERRIDGE: Testifying on SB 956. We support the direction that the bill is going.

211 CHAIR DERFLER: Do you think the length of training is adequate?

217 BILL CROSS: The Board would have to come up with criteria.

235 CHAIR DERFLER: Did you meet with the people in the trades?

250 CHAIR DERFLER: I would like to have you work with the trades and come back Wednesday with an agreement.

255 SEN. LEONARD: That would be my recommendation as well.

260 CHAIR DERFLER: Closing PUBLIC HEARING on SB 956.

265 CHAIR DERFLER: Opening PUBLIC HEARING on HB 3180.

270 CAROL CHISM: Testifying on HB 3180 (EXHIBIT C).

300 CAROL CHISM: Continuing testimony.

340 CHAIR DERFLER: The only thing that is added is that you have added a Family Coordinator position to work with the family to try and get the family back together again.

375 PAM PATTON: I think the confusion is occurring here because of the difference between the Child Protective Services and Family Preservation and Support Services.

405 CHAIR DERFLER: How do you see the changes this bill would cause?

430 CAROL CHISM: Giving example of a family that she is currently working with.

461 PAM PATTON: Discussing Section 13 of the bill, it talks about any case that is not abuse shall be referred to the local Commission on Children and Family.

TAPE 152, B

040 CHAIR DERFLER: Explaining his understanding of the family coordinator.

045 PAM PATTON: Explaining the New Zealand model.

070 CHAIR DERFLER: Of the 26,000 calls a year reporting abuse, 8,000 are confirmed.

084 CAROL CHISM: Explaining the family unity model.

106 PAM PATTON: Discussing the change in the -7 amendment on the Commission on Children and Family.

115 SEN. BRYANT: Where did the -7 amendment originate from?

130 GAIL SCHULTZ: Washington County CCF, testifying against HB 3180 (EXHIBIT D).

175 GAIL SCHULTZ: We urge you to consider amendments which would allow counties to request the transfer of new responsibilities.

216 CHAIR DERFLER: Has Washington County developed any family resource

centers? What do you see as a reasonable timeline for Washington County to implement these programs?

240 GAIL SCHULTZ: I think support services should be provided locally but that the protective side should remain with the state.

255 KIM KATSION: Testifying on HB 3180.

265 JIM LONG: Testifying on HB 3180. Would like to review the -7 amendments and come back Wednesday to testify.

284 JIM DYER: Foster parent, testifying on HB 3180 (EXHIBIT E).

330 JIM DYER: Testifying that many counties are not prepared to deal with the additional responsibilities that this bill would require.

370 JIM DYER: Discussing the problems with locating parents for immediate notification.

405 CHAIR DERFLER: There are some cases where the child should be removed immediately or the perpetrator should be removed. I don't believe this has changed with HB 3180.

TAPE 153, B

020 JIM DYER: Discussing "reason to believe" there is abuse. I have to stand in line to get mental health help my foster children now.

040 CHAIR DERFLER: I do not see this in HB 3180. We do have the concern about Federal dollars.

050 JIM DYER: Discussing the cost of Family Coordinators.

065 SEN. LEONARD: Carol ChiSMvoiced a concern about children falling through the cracks. Page 12 of the -7 deals with abuse.

090 CHAIR DERFLER: Rep. Meek would you like to go through the bill for us.

100 REP. MEEK: Going through the HB 3180-A7 Amendments.

128 SEN. LEONARD: Is the definition regarding emotional abuse a change from current language?

140 REP. MEEK: This language was taken out of the current rules.

162 SEN. LEONARD: What is a lack of basic care in this bill?

190 REP. MEEK: Discussing Section 8 of the HB 3180- A7 Amendments.

200 CHAIR DERFLER: There are Federal laws that deal with Indian children.

225 REP. MEEK: Discussing Section 9.

230 CHAIR DERFLER: Are you talking about a situation where there is not abuse?

270 REP. MEEK: Continuing explanation of Section 9.

315 REP. MEEK: Discussing Section 11.

360 CHAIR DERFLER: Is this the 8000 families where abuse has occurred?

377 SEN. LEONARD: If you have a case a neglect against small children, and CSD takes that to Juvenile Court, will it be necessary to consult the parents about their schedule?

412 REP. MEEK: This is current language from CPS rules.

445 CHAIR DERFLER: We can't write a law that tells when a child should be taken out of the home.

TAPE 154, A

040 SEN. LEONARD: When the Juvenile Court has determined that the child should be removed from the home, should the parents still have rights?

060 REP. MEEK: A great deal of effort was made in drafting this section with the help of the Southern Maine report.

085 REP. MEEK: Discussing Section 12.

125 CHAIR DERFLER: At the top on line 13 the case is not defined as abuse.

Is that where the not was left out?

130 REP. MEEK: Discussing the removal of the word "not".

154 SEN. LEONARD: Questioning referral to a service agency.

180 REP. MEEK: Discussing Section 13 (2).

220 SEN. LEONARD: Does this section allow children to fall through the cracks?

245 SEN. LEONARD: Is there a requirement in this bill for information sharing between the agencies?

260 CHAIR DERFLER: What group of people is affected by the requirement of a court order?

275 CHAIR DERFLER: What does the present system do?

300 REP. MEEK: There are only a few counties that feel they are ready to take the next step.

315 SEN. LEONARD: How can I tell my constituents that this bill is not just forming another layer of government?

335 REP. MEEK: Discussing Section 14, 15 & 16.

390 CHAIR DERFLER: Would the case worker be working with the Court rather than CSD?

410 REP. MEEK: Discussing Section 17.

450 REP. MEEK: Explaining phase three of the family plan.

TAPE 155, A

030 CHAIR DERFLER: What happens when the plan is not successful?

040 REP. MEEK: Section 17 (5-11) deals with this.

075 SEN. LEONARD: Is the Coordinator allowed to testify in criminal matters?

107 CHAIR DERFLER: We are putting a lot of confidence in the Court.

132 REP. MEEK: Discussing Section 18.

155 CHAIR DERFLER: If there is not an acceptable plan, is the child placed in foster care?

165 REP. MEEK: Explaining Section 22.

200 REP. MEEK: Discusses section 31, state commission's role.

238 CHAIR DERFLER: The plan changes the case worker's role.

240 REP. MEEK: Speaks to the role of the case worker from Child Protective Services.

280 SEN. LEONARD: Could the Judicial Department be at odds with CSD?

320 RICH PEPPER: OPEU, testifying on HB 3180 (EXHIBIT F).

370 RICH PEPPER: Discussing the Southern Maine study.

400 WES SMITH: Yamhill County CCF, testifying in favor HB 3180.

450 WES SMITH: There is a lot of excitement for services being provided at a local level.

TAPE 154, B

040 WES SMITH: We are not intimidated by assuming the responsibilities that HB 3180 would require of our county.

065 WES SMITH: Giving example of Yamhill County dealing with level 7 children.

083 SEN. LEONARD: Are you set up to take over the responsibilities?

088 WES SMITH: We feel that it would be a challenge that we would like to embrace.

120 WES SMITH: Explaining role of Community Teams.

140 SEN. LEONARD: I still feel that services will be duplicated and another

layer of bureaucracy will be created.

170 WES SMITH: I am more worried about the lack of help for families now.

183 CHRIS GARDNER: Testifying on HB 3180 (EXHIBIT H).

205 CHAIR DERFLER: Do you contract with CSD? How do you get paid?

225 CHRIS GARDNER: Explaining funding from private and public sources.

250 CHRIS GARDNER: Defining problem. The problem is not that a child is removed to soon or returned to soon from their home. The problem is the huge number of children that are being abused and the results of this abuse as these children reach adulthood.

300 CHRIS GARDNER: Encouraging legislation for prevention. Discussing assessment, management and treatment services that belong to Protective Services.

350 CHRIS GARDNER: Explaining how Deschutes County handles reports of abuse.

400 CHRIS GARDNER: CSD places children with family, friends or neighbors without certification as a foster home or criminal checks.

450 CHAIR DERFLER: The things you are suggesting seem to be dealt with in HB 3180.

TAPE 155, B

035 CHRIS GARDNER: We do not want to see our services fragmented.

050 CHRIS GARDNER: Explaining threat of harm.

075 CHRIS GARDNER: We have a system in Deschutes County that is working better than ever now and we do not need a massive change.

125 CHRIS GARDNER: The Governor's amendments reflect a lot of the changes I would like to see.

144 SEN. LEONARD: Requesting fiscal impact.

168 SEN. LEONARD: The critical part of this bill is the cost. Will there be 36 different county agencies created by this bill?

185 CHAIR DERFLER: Explaining the role of Family Coordinator.

205 CHRIS GARDNER: At the Kid's Center, we don't vote on decisions but we talk about things that are going to affect the children under our protection.

260 CHRIS GARDNER: We need the case management that CSD provides.

275 SEN. LEONARD: How do you see Section 13 working?

280 CHAIR DERFLER: The process would go to the local commission to be decided.

320 CHRIS GARDNER: When I read this, I am confused about the order of removal.

350 SEN. LEONARD: Are you saying that the family coordinator could not divulge information at the jurisdiction hearing regarding a child's future?

380 SEN. KINTIGH: The original bill has been around a couple of months.

385 NANCY MILLER: Citizen Revue Board. I offered to explain the fiscal impact on the family group coordinator section of the bill.

420 NANCY MILLER: Some wanted the Family Group Coordinator to be standardized throughout the state.

450 SEN. LEONARD: 5000 Petitions filed for what?

TAPE 156, A

045 BETTY BRUNETTE: Eastern Oregon Alcoholism Foundation, testifying on HB 3180. CSD works well in our community with the other agencies.

065 BETTY BRUNETTE: We do not want to see the CPS responsibilities being divided up.

100 BETTY BRUNETTE: There is a need for monitoring of substance abuse parents.

110 CHAIR DERFLER: If this was done on a local level, do you think that the family would be monitored more effectively?

120 BETTY BRUNETTE: I don't think the agency providing the services is as important as the funding. It is important that the services are not fragmented.

150 CHAIR DERFLER: Adjourning meeting until 1:00 PM.

155 CHAIR DERFLER: Calling meeting to order at 1:15 PM in Hearing Room 170.

161 ALBERT CHRISTMAN: Testifying on HB 3180. CSD has too much power and can not be held accountable.

190 ALBERT CHRISTMAN: CSD has destroyed my step-daughter's life. We need local control.

230 ALBERT CHRISTMAN: With local control we could have received the help we needed.

275 TOM HART: Marion Co. Dist. Atty, testifying on HB 3180.

285 CHARLENE WOODS: Mult. Co. DA, testifying on HB 3180.

300 TOM HART: Most crimes committed against children are by family members.

340 TOM HART: I am here on behalf of prosecutors. We see the worst cases and HB 3180 is going to hamper us.

390 TOM HART: Suzanne Bennett allowed a child to starve. CSD was never allowed to see that child in that home.

430 TOM HART: This legislation has been promoted as preserving the family. Some families are not worth preserving.

TAPE 157, A

020 TOM HART: Alternative family placement should be a priority.

044 CHAIR DERFLER: Tell me what is wrong with the bill rather than just criticizing the bill.

050 TOM HART: Number 1 is to get a Child Protection Order. What constitutes imminent danger? This bill is inadequate in total.

090 TOM HART: Explaining problems with definition of what is "sexual abuse".

120 CHAIR DERFLER: I don't think so, it says here that if there is imminent danger you can remove the child.

127 SEN. BRYANT: Does this bill have a subsequent referral to Ways and Means?

150 TOM HART: This bill will lessen the accountability for the people who are committing crimes. This will make my job much more difficult.

190 TOM HART: It is hard to convince ordinary people that a parent could take the life or sexually abuse their own children.

211 SEN. LEONARD: Would this bill increase the rights of the offending parent?

240 TOM HART: The family will have more protection under HB 3180. This bill does not protect the children.

260 CHAIR DERFLER: Who is going to make the determination?

295 SEN. LEONARD: Is the language regarding the affidavit of the Juvenile Court in the current rules.

325 TOM HART: The parent would deny that anything occurred.

360 TOM HART: The family coordinator can initiate a family conference before the investigation has been completed.

400 TOM HART: When a child is told that sexual abuse is love, they believe it.

420 SEN. LEONARD: Are juvenile procedures civil or criminal? Then the family coordinator could not disclose information in a juvenile procedure?

445 CHARLENE WOODS: Mult. County DA, focusing on areas where this bill will reduces the protection for children.

TAPE 156, B

040 CHARLENE WOODS: Explaining threat of harm. This bill stops intervention before permanent damage is done. When one child in the family is abused under the current system we can intervene with other siblings. The threat of harm needs to be added back into the bill.

090 CHARLENE WOODS: Discussing family group conferences. This is a mandate in HB 3180. This does not increase safety but adds additional costs.

130 CHARLENE WOODS: The list of people who can be involved in the Family Conference in this bill does not allow for any flexibility.

160 CHARLENE WOODS: I would eliminate the mandated family group conference. If this is kept in the bill, the confidentiality clause has to be taken out.

190 CHARLENE WOODS: The information obtained in Family Conference needs to be brought out in Juvenile Court.

225 CHARLENE WOODS: Discusses current family unity meetings.

275 CHARLENE WOODS: Questions the clarity of consistency for children's care.

300 CHAIR DERFLER: I think that families are bounced around under the current system.

315 CHARLENE WOODS: I do not understand how this bill will increase local control.

335 GORDON FULTZ: Association of Oregon Counties, testifying on HB 3180 (EXHIBIT I).

340 JANICE YEATON: Testifying for Randy Frankee, Marion County Commissioner, on HB 3180.

375 GORDON FULTZ: I would like to bring up the things that we think will improve the bill in terms of process.

420 GORDON FULTZ: CPS does not seem to be included in the plan for services.

TAPE 157, B

030 GORDON FULTZ: Explaining chart in Exhibit I.

045 GORDON FULTZ: Discussing timelines in HB 3180.

085 CHAIR DERFLER: I think 2204 did not allow for local commission to provide any services. They had to contract them out.

100 MONA K. HINDS: Polk Commission for Children & Families, testifying in favor of HB 3180 with the AOC amendments.

140 CHAIR DERFLER: What about eliminating Family Conferences?

145 GORDON FULTZ: I think that process should be left for counties to review options.

166 SEN. LEONARD: Since the commission in Polk County is working so well, why are you in favor of HB 3180?

185 MONA K. HINDS: I think each county should have the option of taking on more responsibility.

190 GORDON FULTZ: In some counties, the communication with CSD may not be as good as it could be.

248 ELLEN LOWE: Ecumenical Ministries of Oregon, testifying on HB 3180 (EXHIBIT J).

300 ELLEN LOWE: Stating policy of the Ecumenical Ministries of Oregon.

330 ELLEN LOWE: Our reading of HB 3180 has left us uncertain about the protection for children.

410 MARK CAMPBELL, Christian Science, testifying on HB 3180 (EXHIBIT K).

TAPE 158, A

030 MARK CAMPBELL: I would suggest a restoration of the religious protection wording that is now in Oregon law.

060 Aileen Cord: Testifying on HB 3180 (EXHIBIT L).

100 AILEEN CORD: Telling the story of healing of her adopted son.

150 AILEEN CORD: Continuing testimony.

178 SEN. LEONARD: Are you testifying in favor or against HB 3180?

180 AILEEN CORD: I am only testifying in regards to the amendment recommended by Mark Campbell.

196 MARK CAMPBELL: We would like to add an amendment on Page 2 line 26.

240 MARK CAMPBELL: The deletion of this from the bill does not add protection for children.

251 ROBERT MOULTON: Testifying against HB 3180 (EXHIBIT N).

300 ROBERT MOULTON: Continuing testimony.

350 ROBERT MOULTON: The Oregon child abuse law adopted in 1971 gave Christian Scientists protection.

390 SEN. LEONARD: Would it be possible to summarize your testimony, because I am going to have to leave shortly?

415 ROBERT MOULTON: My amendment is on page 7 of my written testimony.

435 CHAIR DERFLER: You are recommending the current language?

TAPE 159, A

020 SEN. LEONARD: Why are you changing the wording?

030 ROBERT MOULTON: It is to conform with the Governor's amendment.

050 ROBERT MOULTON: Explaining how a child of Christian Science parents could be removed from the home because of their refusal of medical treatment.

075 STEVEN MOULTON: Testifying on HB 3180 (EXHIBIT M).

110 STEVEN MOULTON: The accommodation for spiritual healing for children is consistent with Oregon law.

160 STEVEN MOULTON: Adoption of the new language in HB 3180 would create more than one anomaly.

195 CHRISTINE CLEMENTS: Testifying in favor of HB 3180. Telling her story in dealing with CSD.

240 CHRISTINE CLEMENTS: CSD needs to be held accountable for their actions.

280 CHRISTINE CLEMENTS: The police created a false case against me and CSD does not want to hear the truth.

310 CHAIR DERFLER: Was there ever a family conference scheduled?

350 CHRISTINE CLEMENTS: My children have been mistreated by CSD. They have been moved to different foster homes.

380 SEN. LEONARD: Have you been in front of a Judge during this time?

390 CHRISTINE CLEMENTS: I was convicted in criminal court of child abuse.

430 CHRISTINE CLEMENTS: When my children were taken, CSD removed the case worker that had been on my case for two years.

TAPE 158, B

030 CHRISTINE CLEMENTS: It really frightens me that CSD has so much power.

070 CHRISTINE CLEMENTS: My children were healthy and doing well before CSD removed them.

080 JOANNE DERR: Testifying on HB 3180.

105 CHAIR DERFLER: Grandparents cannot request Family Conferences?

129 JOANNE DERR: CSD will not even let us have visitation with our grandchildren.

180 CLAUDE DERR: Testifying on HB 3180 (EXHIBIT 0).

220 CLAUDE DERR: We have started out with some good legislation but it always gets watered down.

270 CHAIR DERFLER: Closing PUBLIC HEARING on HB 3180.

Submitted by, Reviewed by,

Glenda Fields Rita Thomas
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

- A - Testimony on SB 954 - Victoria McLean - 1 page
- B - Testimony on SB 956 - Victoria McLean - 1 page
- C - Testimony on HB 3180 - Carol Chism, Center for Community Mental Health - 3 pages
- D - Testimony on HB 3180 - Gail Schultz, Washington County CCF - 2 pages
- E - Testimony on HB 3180 - Jim Dyer, Foster Parent - 4 pages
- F - Testimony on HB 3180 - Rich Peppers, OPEU - 2 pages
- G - Testimony on HB 3180 - Michael Ransom, CSD - 2 pages
- H - Testimony on HB 3180 - Chris Gardner, Kids Center - 4 pages
- I - Testimony on HB 3180 - Gordon Fultz, AOC - 3 pages
- J - Testimony on HB 3180 - Ellen Lowe, Ecumenical Ministries - 43 pages
- K - Testimony on HB 3180 - Mark Campbell, Christian Science - 2 pages
- L - Testimony on HB 3180 - Aileen Cord, Christian Science - 3 pages
- M - Testimony on HB 3180 - Steven Moulton, Christian Science - 4 pages
- N - Testimony on HB 3180 - Robert Moulton, Christian Science - 8 pages
- O - Testimony on HB 3180 - Claude Derr, Grandparent - 14 pages