HOUSE COMMITTEE ON CHILDREN AND FAMILIES

May 3, 1993 Hearing Room 137 1:30 p.m. Tapes 70 - 73

MEMBERS PRESENT: Rep. John Meek, Chair Rep. Lisa Naito, Vice-Chair Rep. Ron Adams (Alternate) Rep. Larry Campbell Rep. Patti Milne Rep. Gail Shibley

STAFF PRESENT: Annette Price, Committee Administrator Edward C. Klein, Committee Assistant

WORK SESSION: HB 2004 - Creates State Commission on Children and Families.

PUBLIC HEARING: HB 2319 - Requires that all Children's Services

Division interviews of child during preparation of

abuse report be videotaped. HB 2323 - Prohibits child-caring agency providing

residential care and foster home caring for child from denying parent or guardian right to visit child based solely on behavior of child.

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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. [--- Unable To Translate Graphic ---]

TAPE 70, SIDE A

003 CHAIRMAN MEEK: Calls the committee to order at 1:43 p.m.

WORK SESSION ON HB 2004 -- EXHIBIT A

CHAIRMAN MEEK: Opens the work session. -He presents Hand Engrossed HB 2004-13, Proposed Amendments. (EXHIBIT A). -He would like the committee to move the amendments so we can bring this back in one week.

033 REP. CAMPBELL: There are some areas where we're working on language. Do we want that done before we have this A-Engrossed?

CHAIR MEEK: The Chair would be willing to take some amendments now. There are a few that staff does need to clarify. Doesn't section 39 need to be moved?

040 ANNETTE PRICE, Committee Administrator: Yes.

REP CAMPBELL: Are we scheduled for a meeting on Wednesday? PRICE: Yes.

REP. CAMPBELL: Suggests that we work on any changes and move the A-engrossed amendment on Wednesday. -That would give us an opportunity to get some input before we adopt the amendments and then do your final work on Monday of next week as you

planned?

043 REP. NAITO: Some of the sentences aren't structured very well. Some different words could be substituted. -She supports moving the amendment on Wednesday after we have some time to fine-tune the language.

052 CHAIR MEEK: That would be fine.

REP CAMPBELL: Suggests that we discuss some of the things that we're

talking in terms--

CHAIRMAN MEEK: Would like to have more time to go through it. -We can come back Wednesday and have an extended hand engrossed

amendment. -There will probably be a -14 amendment that we would be working with

Wednesday.

061 REP. CAMPBELL: Would like to spend some time going over sections 40 to 51. He thinks he understands the direction. -Before we have an A-engrossed version, we really should have a clear

understanding of sections 40 - 51. -Maybe we could even go through that today?

CHAIR MEEK: How much time do you have?

REP. CAMPBELL: I'll take as much time as is necessary. -This is the second most important piece of legislation this session,

the most important is sine die.

077 REP. ADAMS: Would like to talk about the places where the -13 hand engrossed is different from the -13. -Somebody mentioned section 17 earlier. He'd like to at least have an

opportunity to discuss it today.

087 CHAIRMAN MEEK: Why don't we have staff go through the hand engrossed quickly and then we'll step back and go through a couple of the new

sections.

REP. ADAMS: Agrees that we really ought to understand what all this stuff in the back is trying to do.

PRICE: In section 1, some word changes are needed to make the language

flow a little bit better. -Section 1 (1) reflects Rep. Naito's concerns. -Section 1 is the overall statement of intent of the legislation.

099 REP. SHIBLEY: Would it be helpful if any of us have a different idea or a concern or a question that we just flag that for discussion later or

how did you want to proceed?

CHAIRMAN MEEK: I think we should flag it right now, but instead of

debating--

REP. SHIBLEY: But not necessarily discuss it now.

110 CHAIRMAN MEEK: Would appreciate it if you could identify those areas, work on them, and then bring the language back Wednesday.

REP. SHIBLEY: HB 2004-12, Proposed Amendment (EXHIBIT B), is my

personal preference for subsection (1). -The first sentence in the -13 says that it's our intent to replace all current planning and delivery systems for children youth and families in this state. -That's not my intent and is why I like the -12 better.

127 CHAIRMAN MEEK: What does the -12 say?

REP SHIBLEY: Reads page 1, lines 6 through 13 of the -12 amendments.

CHAIRMAN MEEK: You brought that up before, we might take a look at that.

135 REP. NAITO: Flags that section. -She has problems with the way the sentence was phrased. -We have other delivery systems, health, education that we might

ultimately get integrated. -It is her understanding that with this piece of legislation we are

talking about social services for the most part. -She thinks it's a little premature to talk about all planning for kids. -She also has a question on line 22, using "placing". She'll look into it; the sentence reads funny.

147 REP. SHIBLEY: Agrees.

CHAIRMAN MEEK: It's worded differently in the Care Team report.

REP. NAITO: "Placing child safety..." makes sense, but the sentence just reads funny.

150 REP. SHIBLEY: Has something else on subsection (2).

CHAIRMAN MEEK: Section 1 subsection (2)?

REP. SHIBLEY: Yes. Everything through subsection (a) is the same and

then add a new subsection (b) and then move what's currently (b) down to (c), etc. -The new subsection (b) would read, "A commitment to reducing the number of Oregon children and families living in poverty." That's from the -12 amendment.

CHAIRMAN MEEK: In the -13, page 1, line 19, is "A commitment to reduce...." REP. CAMPBELL: Section 1 might be a good place to take care of section 17, if we can figure out a sentence to fit in there, because it identifies all the same--

REP. SHIBLEY: You're talking about the values?

REP. CAMPBELL: Yes.

164 REP. SHIBLEY: Offers a conceptual amendment to section 1 (2) to list several of the values, "That the following values shall guide the design and implementation of the system."

CHAIRMAN MEEK: Do you want staff to take a look at section 17?

REP. SHIBLEY: Yes. -Then add, "shall assure that funding and services are available equitably to both boys and girls around the state."

REP. CAMPBELL: Good language.

173 REP. ADAMS: What does "assure" mean? -We can encourage, he doesn't know if we can assure.

178 REP. SHIBLEY: You can either approve a plan or not. -At first, she thought section 5, in terms of the specifics of what the state commission shall do, might be a place. But we may want to raise it a little bit differently in terms of the values of the system that values both girls and boys and assures that both boys and girls have access to services that they need. Something like that.

196 REP. CAMPBELL: That doesn't take the responsibility of the commission away from them in defining what has to be done. -We're not defining it for them. By putting it in #1, we're saying these are the things you've got to keep in mind.

REP. SHIBLEY: These are the values of the system.

CHAIRMAN MEEK: We'll get that taken care of. -There's nothing new in section 2. -Section 3, we insert "exclusive" instead of "sole". -There's nothing in 4.

REP. CAMPBELL: In 4, we're back to the old language on the commission. -In order to take care of the Juvenile Commission problem, we've added two additional public members. -That's where we've put the language, "consideration be given to a youth member and persons from...."

208 REP. SHIBLEY: Refers to -12, page 3, lines 28 through 31 and page 5, lines 1 through 13. -Subsection (3), page 4, lines 15 through 17, is a little different. -She thinks that's what it ought to say in

terms of the accountability, but is not sure it needs to say that in terms of a legal, statutory

standpoint. -Maybe staff can help me out if there's a difference between the -12 and the -13 in subsection (3). -She's not sure there is a difference.

CHAIRMAN MEEK: Doesn't think there is.

236 REP. CAMPBELL: This is one place where we have a difference of opinion. -He believes that we should stay with the original recommendations of

the Care Team on the makeup of the committee and Rep. Shibley feels

differently.

241 REP. SHIBLEY: There was a lot of discussion on the Care Team about who will be on the commission. -She is concerned about not having anyone from the health care

providers, public and private policy makers, and social service

consumers on the state commission that's making the decisions for all of the services for children, youth and families throughout the state. -She feels that the basis for the commission in subsection (1) of both

the [-12] and [-13] is whether or not the commission will have 13

members or whether or not it will have the Superintendent of Public

Instruction and 12 members. -For accountability's sake, either you want somebody to be in charge or you don't, but don't tell them they are and not make them. -She appreciates the Speaker pointing that out, it's simply her best

attempt to make this as simple as possible.

265 REP. NAITO: Some of the members of OCCYSC felt the commission could be overwhelmed if the Superintendent of Public Instruction was there as a

decision maker. -That is a concern. You're talking about a group with one person who is very powerful and influential.

277 REP. CAMPBELL: If the Governor does the job, this will be a powerful committee and the Superintendent of Public Instruction will not stand

out. -Of all the commissions that we have in state government, this will be

one of the most important. Their responsibilities will be important.

Their overview and their key approach to the problem will be very

important. -One of the things we spent a lot of time discussing was the involvement of the education community. -It was very clear through the task force that it was imperative that

the Superintendent of Public Instruction be part of this process,

because schools are going to be an intricate part of this if it's to be successful. -We spent a lot of time discussing it. -The task force did a good job of providing balance, we've given the

Governor a lot of latitude with six public members. -From my perspective, this is one we ought to stay with.

300 CHAIRMAN MEEK: Encourages the committee to read through the -12 and -13 to see which one represents the intent of the Children's Care Team. -The -13 is pretty verbatim, but if there's any change, we'll look at

it. -There's one change in section 5.

317 REP. ADAMS: Refers to page 5, line 9, HB 2004-13. -He has talked to at least one county commissioner who is very concerned about liability. -If the state commission is responsible and doing the funding, etc--the county commissioners are concerned, because of fund flow, that they are still going to be liable.

333 REP. CAMPBELL: Some of the county commissioners initially indicated they wanted to be an intricate part and have some control. That's why

several things happened: -1. The local commission is appointed by the county commissioners. -2. The county commissioners select the head staff person that will be

working for the local commission, with advice and counsel from the local commission. -3. The county commission has the final sign-off on the plan. -4. The money goes through the county commission. -If there are other concerns, they ought to be shared with us in

writing.

347 REP. ADAMS: He might of misunderstood the dollar flow. He didn't know for sure that it was going through them. -That's apparent from the -13.

REP. CAMPBELL: When the dollar flow goes through them, they are

accountable.

356 REP. NAITO: Refers to Section 5 subsection (1). Did this come out of the work group on the state commission? -Does that mean the Attorney General doesn't represent the state? -Is this just for funding programs? -Where did this language come from?

CHAIRMAN MEEK: I think it came from the original bill. -It primarily says the state commission shall represent the state in all responsibilities for the funding for all programs. -The legislature will appropriate the dollars through the state

commission. And the state commission will be responsible for how those

dollars get doled out to the local commissions or grants directly to the counties or ESDs or wherever they are. -The intent is that the state commission will be accountable for the

dollars that they distribute. -They are going to be the representative for the state and responsible

for funding the programs that they deliver dollars to.

379 REP. ADAMS: "Provide no direct program services" is from the original bill.

REP. NAITO: We need to take a look at that second sentence.

CHAIRMAN MEEK: We can ask LC to clarify that.

389 REP. SHIBLEY: Thinks subsection (2) is necessary language. Where did it come from? -Is it part of the original bill? CHAIRMAN MEEK: This wasn't part of the original bill; it came from

letters and comments from local groups. -Part of it has to do with equity. Making sure there are minimum

grants. Making sure there are programs that they feel are absolutely

necessary to be funded and that there's equity in the distribution. -Equity is also mentioned in another part of the bill.

414 REP. SHIBLEY: Refers to page 5, line 23, of the -13. The -12 includes "standards". -Arnie Green and others talked about the need for providing some

standards of service, not just goals and priorities.

CHAIRMAN MEEK: Standards are in another section.

425 REP. SHIBLEY: Wants that flagged, that's an important piece to add. -Could someone explain what line 24 means?

CHAIRMAN MEEK: You have funding that is allocated to those.

REP. SHIBLEY: Funding for state programs?

CHAIRMAN MEEK: Yes.

436 REP. SHIBLEY: Reads page 5, lines 24 through 27, HB 2004-13. -We're talking about the programs and the funding? -This is a horrible clause. -Anytime we use "program(s)" we should use "service(s)." -She doesn't care about programs, but cares about services.

TAPE 71, SIDE A

014 CHAIRMAN MEEK: We could say "services that are programs funding."

REP. SHIBLEY: "Services and the funding for those services."

REP. ADAMS: Or "which state programs and which state funding." That

makes it very apparent that we're talking about state--

REP. SHIBLEY: There's a lot of federal.

REP. CAMPBELL: There's local too.

019 REP. NAITO: She doesn't just want to see a transfer of existing programs to the county level. -We want to see the ability of the local commission to invent a whole

new way of doing it. -They'll need funding. What we care about is the service that is

provided by that and the goals, the standards and the outcomes that go

around that. -You don't want to shift just one program to be suddenly--

CHAIRMAN MEEK: That line of direction is good, it will help staff.

025 REP. CAMPBELL: Refers to page 5, line 23 and page 6, lines 18 through 21. -The difference is that one is the responsibility of the state

commission and the other is the responsibility of the two commissions

working together. -There should be no change on page 5, line 23.

040 REP. NAITO: There are two outcome standards that need to be addressed. -1. Outcomes that the local plan would be expected to achieve. Those

standards should be set by the state commission. -2. The outcomes for the individual service providers providing

programs at the local level. -She agrees those outcomes and standards should be adopted by the local commission or jointly with the state commission. -There may be some state outcome standards that should be adopted by the state commission, minimum levels that the local commission must meet.

REP. SHIBLEY: Including in-home postnatal visits, for example.

REP. NAITO: Whatever we decide are a state level or the commission

decides are minimum standards that all the local plans must meet. -There should be some minimum standards.

CHAIRMAN MEEK: Thinks we'll come across them.

055 REP. CAMPBELL: Page 5, lines 24 to 27 ties into what Rep. Naito just said. It should read "which state program's funding shall be

transferred...." -We're not, in most cases, moving the program, we're moving the funding. -Then it doesn't make any difference whether it's programs or services.

063 REP. SHIBLEY: Appreciates the clarification of page 6, line 18. -Page 5 talks about what the state commission will do on its own. -We're either building the structure from the bottom up or from the top down. -We should either say that everything this commission does shall be done in consultation, negotiation with the local commissions, if we're

talking about community empowerment. -Or we're going to say there are

certain specific things you must meet

and beyond that there's an option package you can select from.

078 REP. NAITO: If a local jurisdiction says they're not going to serve any girls or anyone over 15, you don't think those would be minimum

standards that any plan must meet?

REP. SHIBLEY: We need to be clear on what we're constructing. -We need to say you can make any animal you want as long as it has four legs and a tail. -Or you can say this is what it's going to look like. -Or, here's the clay, you get to shape it however you want.

086 REP. NAITO: The values could be the standards themselves. -There's a minimum level of service based on the values that should be

in here. REP. SHIBLEY: Agrees. That fundamental decision will affect numerable

sections in the bill. -That's the decision we need to make up front.

097 CHAIRMAN MEEK: We'll come back to that. -If we don't find standards later on we'll come back to it. -There's another change on page 6, line 16.

110 REP. ADAMS: Page 6, line 13 seems awkward. It could be phrased more cleanly.

119 REP. SHIBLEY: Is not sure what it means to "encourage." It ought to be a minimum standard. We ought to do one or the other. -That means absolutely no mandatory type of service to anyone in local

government. -Either that's okay or it's not.

128 REP. CAMPBELL: The local commissions will have to start someplace. -This language encourages them to start with crises nurseries, healthy

start, etc. -There's nothing here that requires them to, but it says here's a place you ought to look at the local commission level. -The commission itself will come up with a list of priorities. -If we went with our original idea, we wouldn't of had any of this, we

would have left it up to the state commission. -This encourages the state commission to look at some of these as

starters. -He has no problem if you don't want them there.

REP. SHIBLEY: Why not make it mandatory.

141 REP. NAITO: Short of making Healthy Start mandatory, we should have it in there and provide the funding for it. -If the funds were available, she would think the local commissions

would be happy to implement it.

150 REP. CAMPBELL: We have other legislation where, if the funding were provided, there's no question they would go that way. -Some Healthy

Start, in certain areas, can be developed and done without the funding source. -He'd hate to cut off the recommendation or suggestion they look at that just because the funding hasn't been dedicated. -He'd like to see it funded.

CHAIRMAN MEEK: The Chair's open to any suggestions on how to word this.

159 REP. ADAMS: On page 6, lines 13 and 14, we could delete "on children and families," we know what the local commission is.

REP. SHIBLEY: Maybe that should go under the sections that talk about

local commissions? -"The local commissions shall assess the need for pre and postnatal

screening, assessment and referral." -If she understands this language, we're telling them to look at that as a priority. -Why not put it where we're telling local commission what to do?

CHAIRMAN MEEK: We'll take a look at that.

181 REP. MILNE: Refers to page 10, line 26, "The plan shall include prenatal...."

CHAIRMAN MEEK: There was a suggestion to make sure home visits were put in there. -Home visits and crises nurseries could be added to section 13 and we

could delete section 5 subsection (4).

196 REP. NAITO: The risk you run by having it stand alone in this section is that it sends mixed messages. -We want a range of services and this could be a priority.

204 REP. SHIBLEY: The issue of equitable distribution of monies and services to both boys and girls might be addressed on page 6, line 7. -There could be specific language about developing an equitable

distribution formula for both boys and girls.

REP. CAMPBELL: It doesn't make any difference where we put it, but it

ought to stand alone.

219 CHAIRMAN MEEK: One of the concerns, as we get into equity, there's a section that deals with our current service delivery system. -There's fairly strong language that it's the intent of the Children's

Care Team and this legislation that we don't stop any services that are currently being delivered. -Sometimes when we get into equitable, we're dealing with additional new revenue or something of that nature, and that's why we stayed away from the mandating type language and have the state commission look and make recommendations on how they can carry that equitability and make sure

that people aren't being dropped from the current system. -There weren't any changes on page 7.

235 REP. SHIBLEY: Which changes?

CHAIRMAN MEEK: No changes in the -13 amendments that were distributed to you over the weekend.

255 REP. ADAMS: Would it be worthwhile to put into section 6 subsection (3) that the Superintendent of Public Instruction shall be a permanent member?

REP. CAMPBELL: That's not necessary. This only refers to those that receive first appointments.

266 CHAIRMAN MEEK: The next change is in section 11, page 9, line 24.

270 REP. ADAMS: Does it make sense to have something labeled Oregon Benchmarks X years from now? -Why not just stick with outcome standards or some other phrase? CHAIRMAN MEEK: The benchmarks are in constant review.

REP. ADAMS: It should be a capital "B".

289 REP. NAITO: Which work group recommended Section 9a? -What about agencies that don't provide any services to children? Or agencies that provide some service to families, but their priorities might be somebody else? -What if you provide drug and alcohol services? Some of those are directed for kids. Would their whole mission be adopted to serve kids? -She doesn't understand what this means.

300 CHAIRMAN MEEK: The state commission is to adopt a mission. -The programs and services that are under it, it's going to be one of their statements that they will follow.

REP. NAITO: Anyone providing services under the state commission? -That's not the way this reads. -You may be an agency providing incidental services to kids.

CHAIRMAN MEEK: We'll clarify that. It should be programs under their guidance.

319 REP. SHIBLEY: Refers to section 10. -The -12 amendments do not establish a state office. That may or may not be resolved. -The -12 has several subsections for section 5 which outlines some calendar for transferring services or responsibility of services to the local level from what is now the state level, and to also provide state agencies with a date certain beyond which they know that they would continue to serve the consumers that they do. -There was a lot of

discussion whether or not we needed a state office. -If we did, what services ought to be provided, etc? -That's a pretty big piece of this bill.

346 REP. NAITO: Does not disagree that a state office will be necessary at some future time. -There were concerns about the length of some of those programs with DHR central, not knowing what the commission in it's inception will do. -She recommends that the commission get up and running and then let them report back to the next Legislative Session on what might be in a state office.

361 CHAIRMAN MEEK: Section 32 does the transferring and responsibilities for the state commission and the state office. -There is some clarifying language of those responsibilities.

REP. NAITO: It may be a bit premature. We don't know what are high

cost, low incidence. -Maybe the commission will be able to do all those things. -She suggests the state commission study it during the interim and make recommendation next session.

377 REP. CAMPBELL: Later on the amendments talk about the commission establishing policy for the state office. -What subcommittee did that come out of?

CHAIRMAN MEEK: That was part of the notes and suggestions about the

state office.

REP. NAITO: It did not come out of the state office work group. -The commission should recommend to the Legislative Assembly what should be in the state office. -That should be something that's under Legislative review, under

executive control.

396 REP. CAMPBELL: Are you saying the commission shouldn't have the authority to move things to the local level? That would be legislative? -Or are you talking about the state office?

REP. NAITO: Is talking about the state office.

REP. CAMPBELL: One of the early questions was whether or not we needed

a state office or whether those responsibilities should remain with DHR. -We need to make a basic decision on which direction to go. -Where do we get the greatest cooperation for the commission? -We may get it out of the existing DHR.

410 REP. NAITO: We've reached the decision because of the difficulty of setting up a whole new office. -How you transfer things from a new office to the commissions is a can

of worms. -Why not leave the existing system in place. -Let the commissions have the authority to transfer a certain number of things and then in the interim--once things have been transferred and

there are things the state commission may decide they don't want to

do--you can talk about what should be in a state office -Things that

happen on a high cost, low incidence basis; perhaps child

protective services (CPS). -When we got into the discussion of CPS, there's all the related things around CPS that should be in the state office. -Maybe those things should be in the commission; foster care, etc. -Why don't we leave our options open and leave them where they are? -We can make those kinds of decisions down the road, once the

commissions are up and running.

TAPE 70, SIDE B

009 CHAIRMAN MEEK: This is spelled out later on in this draft. -It's a matter of whether we concur or don't concur and whether or not

there's concurrence to keep things under DHR.

REP. CAMPBELL: Section 10 is in question?

CHAIRMAN MEEK: Yes. Whether or not we have a state office.

017 REP. ADAMS: One concern has been the ability of the state commission to cause a separate department to work successfully with them if there is

no control whatsoever. -There are some counties that think they're ready to go. -He is concerned to have all of this on hold until the Legislature has a chance to come back and review the recommendations. -Some local jurisdictions are ready to begin work now. -He would shift it over and have a state office.

032 REP. NAITO: Section 10 provides a state office as the recommendation of the Care Team report. -The Care Team recommended a separate office, not answerable to the state commission, to do child protective services. -You raise a valid concern, but it's separate from the state office issue.

044 CHAIRMAN MEEK: Points out the correction on pages 18 and 19.

REP. CAMPBELL: What if there is no state office?

CHAIRMAN MEEK: Then we'll have some major changes. -He thinks that is something we'll need. -The next changes are in section 32.

055 REP. ADAMS: To him, this section means active operation.

CHAIRMAN MEEK: This would be two years from now.

REP. ADAMS: What does this mean?

CHAIRMAN MEEK: Just what it says, the state office will take over the delivery of services to those programs. -If you recall, the director of the state office is appointed by the

Governor. -In January the state office will be up and running. -There is a transition period before the state commission actually takes over.

REP. CAMPBELL: What you've done is put everything under the commission.

CHAIRMAN MEEK: Other than child protective services, which is the recommendation of the Children's Care Team.

080 REP. SHIBLEY: Does the language in section 32 mean mental health and developmental disabilities relating to children and families will move

to the state commission?

CHAIRMAN MEEK: The services won't move but the direction and the

setting of the goals, priorities and standards--

REP. SHIBLEY: The operating responsibility will transfer.

091 REP. CAMPBELL: Refers to the new language on page 27, after line 7. -That should cover the question just raised.

REP. SHIBLEY: Inherent in the structure of this language is that

neither money nor programmatic responsibility shall be transferred to

the local level until all local levels are ready to take it. I don't

see that clear in hear.

105 REP. CAMPBELL: Refers to page 25, lines 23 to 27. We might need to work on the language. -If we had the money to allocate healthy start you could start it with

this language. -If you didn't have the money you could start it in those areas that

have the ability to take it on. -That is why we set up an interagency agreement to contract with existing agencies to provide those services we're not able to move. -In the case of CSD, you'd use the local office to work with the local commission, if the local commission was ready to take on that responsibility.

123 CHAIRMAN MEEK: We had a discussion earlier on page 5, lines 24 to 27. -This is blanket language for all the services that fall under the state commission. -Programs and services may be carried out at the state and the local

level. They have the option of transferring programs or portions

thereof. -Sections 32 to 38 are the implementing language.

137 REP. ADAMS: Refers to page 26, line 3. -Shouldn't this say, "If the state commission approves the plan it shall transfer the responsibility"? -We do have an approval process.

147 CHAIRMAN MEEK: Thanks for catching that. -It emphasizes the separation of protective services and the program services for children and families.

150 REP. ADAMS: He doesn't know what page 26, line 18 means.

CHAIRMAN MEEK: It is the assessment of risk to the child for the purpose of determining the need for the appropriate service. -The intent is,

they're going to do an assessment and outline some services that a child needs.

REP. ADAMS: What if we change it to, "the need for the appropriate service"?

CHAIRMAN MEEK: Thinks he's right; "appropriate services."

167 REP. CAMPBELL: If we're going to have the state office some of this makes sense, if we don't we're going to have to do a lot of revisions. -This would eliminate the CSD regional and state administration. -That's where we'd get the people and the money for the state office. -Does this language eliminate the state and regional operations of CSD and provide for local CSD offices to work directly with local-- CHAIRMAN MEEK: It provides the locals to work directly with both the

local commission and the state office, because they are linked together in providing services to the children that either come into custody of

the state office or are referred to the local commissions.

183 REP. CAMPBELL: Are we protected from federal funding with this type of arrangement?

PRICE: We need to have firmer language and be more clear as far as the

federal funding is concerned.

194 REP. NAITO: Has concerns about this issue and doesn't know where this language came from. -We need more work. -The commission should study this issue to see what should be in the state office. -We need to study the federal funding issue.

CHAIRMAN MEEK: Refers to section 42, page 29. -This came up in how we monitor Title IV-E funds.

223 REP. SHIBLEY: The letter from Region 10 of the Department of Health and Human Services (EXHIBIT C), raises several concerns about federal

funding. -If they have problems, we need to address them.

236 CHAIRMAN MEEK: Page 7, lines 26 through 29 makes the state responsible for meeting federal requirements. -That's when we get back to section 42, in regards to oversight and the administration of the fiscal analysis staff.

248 REP. ADAMS: Page 7, lines 30 and 31 and page 8, line 1, need clarification.

CHAIRMAN MEEK: We'll have LC look at that.

265 REP. CAMPBELL: The letter from Region 10 was based on the original bill. We need to send them an updated bill.

REP. SHIBLEY: Suggests we send a copy to them.

278 REP. NAITO: Refers to page 11, lines 26 through 28. -If there are no requirements or standards of the local commission, why do

we need a process to waive requirements?

CHAIRMAN MEEK: We'll make sure the standards are there. -Rep. Naito's referring to the state commission's oversight as far as the standards are concerned. -If there were no standards, why would they need a waiver?

REP. NAITO: She's putting it forth as an argument in favor of it.

REP. CAMPBELL: That's an inconsistency we should look at. 294 REP. ADAMS: For Wednesday he would like staff to prepare a chart of what the state office and the state commission do organizationally and

what the dollar flow is.

REP. NAITO: Is not sure where some of this language comes from. -Some of it goes along with the Care Team report, but some doesn't seem to. -She would like to know where some of this language came from.

315 REP. ADAMS: After the article regarding CSD came out he declared there was no move to abolish anything and then discovered some hand grenades. -We need to understand the rationale.

CHAIRMAN MEEK: You need to go through the CCT report and compare it to

the bill. -Some of this came from your notes, the work groups and other comments

and concerns.

342 REP. CAMPBELL: Almost anything in here has come in as a recommendation from Children's First, subgroups, and members' concerns. -He asked, how do we get the service area of CSD at the local level? You turn the local offices of CSD over to the local commissions. -That language is in here and if that's unacceptable, we need to deal

with that. -The question is, do they fit the package? If they don't, we ought to challenge them. -If they don't fit, we ought to take them out. -We shouldn't take any more amendments, unless they're from the committee.

370 CHAIRMAN MEEK: There might be changes in names or structure; service is there.

378 REP. ADAMS: He has no problem with this. -This was not included in the previous amendments. -Now its there and he has no problem.

REP. CAMPBELL: It's time we got 2003, 2004, and 2005 in one bill. -When we first submitted 2004 we left a lot of unanswered questions by having three different bills.

400 CHAIRMAN MEEK: As the committee has gone through this, things start opening up.

REP. NAITO: What does section 13a do?

422 CHAIRMAN MEEK: One of the concerns is that as these programs get transferred or the state commission starts allocating dollars to the

local level, there needs to be an assurance that the local governments

continue their appropriated funding. -The state commission, through the plan approval process, will look at

the operating dollars of local governments for services to children and families and make sure those dollars are not being diminished or

reallocated. -Subsection (2) makes sure the children and family services are getting the appropriate dollars they had been getting and also looks at property tax problems the counties may have.

TAPE 71, SIDE B

011 REP. SHIBLEY: Does page 12, line 9, mean from the year prior?

CHAIRMAN MEEK: Without preemptive language directing the state

commission to set those parameters, the state commission would make the determination of what they justify and also to work in coordination with the local commission to identify what do they feel is justified, whether or not there has been a reduction. -It would be up to the state commission to set the standard in the plan approval process.

028 REP. SHIBLEY: If Deschutes County spends $1.2 million on children and families and they want to take on more in different types of services,

their local share shall not fall below the $1.2 million number. Is that what we are trying to get at?

CHAIRMAN MEEK: That's the premise of section 13a, subsection (1) and

would be balanced out in subsection (2).

034 REP. SHIBLEY: Then what if part of that $1.2 million goes for something or other and then they decide they should spend that money on

inoculations. So they are still spending $1.2 million, but all of a

sudden they are funding for--

CHAIRMAN MEEK: It would have to be in their plan and be approved by the state commission.

REP. SHIBLEY: We're talking about an aggregate amount. -This is only state funding we're talking about. Would that include federal grants or other federal funds?

CHAIRMAN MEEK: The intent of the language deals with the local.

REP. SHIBLEY: What if they get some foundation funds?

048 REP. CAMPBELL: That's a good question. We need something in here that would at least recognize that as a problem area.

CHAIRMAN MEEK: We'll get that clarified.

058 REP. ADAMS: Could someone explain subsections (2) and (3) on

page 12, line 26?

CHAIRMAN MEEK: Section 14 is if the local government or consortium of governments want to form an alternative to the legislatively outlined structure. -This gives the commission some direction.

069 CRAIG CAMPBELL, Chief of Staff, Speaker of the House: The Care Team identified two keys in coming up with the local delivery system: -1. Fund appropriation had to be separate from delivery. -2. Management had to be separate from policy in any structure. -Those were the requirements for any local commission structure that was created separate from the one identified in the bill.

073 REP. SHIBLEY: Refers to page 4, paragraph 2 of the letter from DHHS (EXHIBIT C). -She is concerned how this meets federal requirements.

CHAIRMAN MEEK: Will ask LC how they wrote this language and compare it to the federal response.

086 REP. ADAMS: Is this timeline in section 15 too quick to effectively manage or is that fairly reasonable?

094 REP. CAMPBELL: There's the emergency clause.

REP. ADAMS: Knew it was a month and a half. But we are also asking the Governor to get input from certain groups and to choose carefully and well.

REP. CAMPBELL: What would you recommend?

REP. ADAMS: Doesn't know. The question was honest; is it too quick?

CHAIRMAN MEEK: The Governor is reviewing that. We'll find out.

105 REP. NAITO: What's section 22 refer to?

MOTION: REP. SHIBLEY: Moves to strike section 17 to ensure the language we discussed earlier stands on its own in an appropriate earlier section of the bill.

PRICE: ORS 326 is the Department of Education section, it is clarification language.

118 REP. NAITO: Thinks section 24 ties in with our conversation on the state office and state commission. -It may be cleared up if we have a graph.

CHAIRMAN MEEK: This language is current law that creates CSD under the Department of Human Resources. -Now that function will be transferred to the state office and the state office will carry out those laws.

129 REP. SHIBLEY: Page 19, line 7, should be the state office, not the commission.

REP. CAMPBELL: That would be the local commission.

REP. ADAMS: The state office through the local branch office.

CHAIRMAN MEEK: We'll clarify this.

149 REP. SHIBLEY: Was there any interest in requiring the state commission to report information to either an appropriate interim committee--

CHAIRMAN MEEK: It's in section 16.

168 REP. ADAMS: On page 14, line 12, leave in "the". -To reenforce section 17, on page 2, line 21, add "or gender" after "age group"; it would help us begin to move toward the points that we want to make.

183 REP. SHIBLEY: That would be fine. -We pass a lot of legislative policy and intent language. -She encourages the committee to ensure that it is part of an implementing section.

197 REP. NAITO: Why do we have section 39?

CHAIRMAN MEEK: That will be worked on.

REP. CAMPBELL: They should be able to do that under the general guidelines. -If it doesn't fit they have the opportunity for a waiver. -We should make some effort in determining what direction we are going

to go on this state office question. -We could shift the state office into a division concept under DHR. -We can't proceed unless we have something.

223 REP. ADAMS: Has no problem with it, but he needs to see it laid out and have a discussion on Wednesday.

230 REP. SHIBLEY: Section 62 is series of repealed ORS. -She questions the inclusion of ORS 409.630. -Who went through this, do we have everything here that needs to be repealed? -Everything in Chapter 417 was repealed except for ORS 417.415.

251 CHAIRMAN MEEK: Those are good questions. We'll have someone from LC here Wednesday. -We have superseding and repealing language.

261 REP. NAITO: Is section 40 a funding stream provision for the state commission? -These grants would be tied with local plans.

CHAIRMAN MEEK: This comes from OCCYSC, where they receive grant money

for student retention initiative funds. -We needed to make sure those federal dollars continue. -It is a separate allocation of dollars.

277 REP. CAMPBELL: In regards to section 62, we have to make sure we have the revenue streams adjusted as a result of these. -We have to make sure there's no loss when staff is moved from one place to another. -If we eliminate something and we haven't made arrangements for that from a budgetary standpoint, then we have got a real problem. -He asks staff to work with Legislative Fiscal on this.

290 REP. SHIBLEY: What's the idea behind sections 41 to 43?

CHAIRMAN MEEK: In section 41, the regional offices become branch

offices under the state commission and then the local commissions would take over. -We've covered section 42, . -Section 43 transfers child protective services from CSD to the state office.

313 REP. SHIBLEY: Wants to be clear who we're talking about on page 29, line 12. -Does it make sense to clarify or amend, improve, evolve the statutory

mission of CSD? -It seems we ought to address their mission in statute.

336 CHAIRMAN MEEK: We'll have a discussion on that. -Appropriations needs to take a look at the fiscal impact.

344 REP. ADAMS: If we include CSD under the state commission, wouldn't they automatically have the new mission of the state commission?

REP. SHIBLEY: Every agency that provides services to children ought to

have this as their overall mission. -We're giving CSD some pretty specific roles.

363 CHAIRMAN MEEK: You've raised some good points.

382 REP. NAITO: We have not addressed whether the state office be low incidence, high cost. -We may want to talk about it on Wednesday.

390 REP. CAMPBELL: In essence we are placing CSD in two operative areas: -One is the state office, which is child protective services. -The other is services to clients, which is at local level. -We need to deal with that agency statutorily. -That's another argument for the state office unless we make it a division within DHR.

406 REP. SHIBLEY: We need to spend money more wisely. -We're so busy trying to put out fires, we don't do any forest management. -We will be kidding ourselves that this new structure will save us any money. -If we are to make a real commitment to some long-term investment strategy that will pay some financial and societal dividends; we need to spend additional time, money and other resources if we are to successfully make that transition. -There's a critical juncture between the way we have operated in the past and the way we hope to operate in the future.

TAPE 72, SIDE A

013 REP. NAITO: We may want to consider, as a committee, linking up a funding package and perhaps other services for kids' health and

education.

CHAIRMAN MEEK: We will discuss this further on Wednesday. -He closes the Work Session. -He recess at 3:41 p.m. -He calls the committee back to order at 3:54 p.m.

PUBLIC HEARING ON HB 2319 AND 2323

Witnesses: Rep. Mary Alice Ford, District 8 Lorraine O'Connor Anglemier, Deputy District Attorney, Marion County and

representing Oregon District Attorney's Association Dee Tucker, Advocate Linda Erickson, Private Citizen Rosemary Adamski, Parent's Advocate Andrew Lukcik Nancy Bethurem, Family Advocate

CHAIRMAN MEEK: Opens the Public Hearing on HB 2319 and HB 2323.

048 REP. MARY ALICE FORD, District 8: Presents HB 2319-1, Proposed Amendments to HB 2319 (EXHIBIT D). -She testifies in support of HB 2319. -She discusses the amendments.

100 REP. SHIBLEY: Would it make sense to include language to encourage or require each CSD branch office to advertise the opportunity to donate

money or equipment? -That would help those local communities get the kind of equipment they need.

116 REP. FORD: Has no objection, but it may add to the fiscal impact.

REP. NAITO: What would be the penalty for a failure to comply? -What would be an appropriate sanction?

REP. FORD: That would be taken care of by rule. -She testifies in support of HB 2323. -She presents HB 2323-1, Proposed Amendments to HB 2323 (EXHIBIT E).

164 REP. MILNE: Likes the bill, but still sees the possibility of limits being placed on visits.

REP. FORD: Agrees, but doesn't feel five minutes is reasonable. -If a family is to be denied the visitation, there should be at least 24 hours notice prior to the time that visitation is to take place. -In some cases 24 hour notice may be too short a time. -This amendment is a compromise.

199 LORRAINE O'CONNOR ANGLEMIER, Deputy District Attorney, Marion County, Representing Oregon District Attorney's Association: In some ways the

amendments aggravate our concerns with HB 2319. -The bill doesn't go far enough in helping the children. -If implemented, the bill might actually victimize children. -She has concerns the language provides for no exceptions. -We have a concern that any sanction for a videotape which was not made or was lost or destroyed might be taken out against the prosecution? -We are also concerned that the bill gives a child no choice to refuse

to be videotaped. -We also have concerns about the meaning of "evidentiary interview".

256 REP. SHIBLEY: Your comment about the current statutory language prohibiting unlawful videotaping is in the section on child pornography, correct?

265 ANGLEMIER: Correct. -Her concern is that a child who has been a victim in a crime that

involves them being photographed or videotaped might be further

victimized if they were further videotaped. -She hopes that in those kind of situations, at least, the child would

have the opportunity to refuse being videotaped.

276 REP. ADAMS: Another reality is that some people have a great deal of difficulty speaking in front of a camera.

288 ANGLEMIER: Is concerned that a child's nervousness while being videotaped, may hurt the child down the line.

299 REP. MILNE: Is there any legal reason that a camera could be hidden or obscured?

ANGLEMIER: Offhand she doesn't know of any legal prohibition. -She isn't comfortable saying that's appropriate. -She thinks these victims have a right to know they're being videotaped.

326 REP. SHIBLEY: Some CSD evaluations in Multnomah County are videotaped at Emanuel Hospital. Is there anything similar in Marion County?

ANGLEMIER: As far as she knows it's not standard practice. -She is more familiar with the CARES Program.

REP. SHIBLEY: That's done at the request of CSD.

ANGLEMIER: We're not currently utilizing that procedure in Marion

County.

366 REP. SHIBLEY: You agree that the videotapes done by the CARES unit are utilized at trial for the prosecution and defense?

ANGLEMIER: Doesn't know how much attorneys use the tapes for trial. -Children are still going to be called as a witness at a trial. -They'll have to be prepared for trial. -The greatest use of a tape may be in the discovery process. -She's not sure how often the tapes are being admitted as evidence. -She'd be happy to look into that.

365 REP. SHIBLEY: It's her understanding that tapes are frequently used in cases that culminate in trial. -She appreciates her question about evidentiary evidence. -She would like someone to expound on that. -It seems that in ensuring due process, that information ought to be

available to everyone. -She understands the concern about the vagueness, but it seems that if

you talk to a child, whether or not it's videotaped, the other side

ought to know about it.

408 ANGLEMIER: Agrees. That's the current law now. -Her concern is that this language is construed to mean that anytime a child is interviewed and you want to submit that interview as evidence, than the interview must be videotaped. -The exclusionary rule may not necessarily operate, but she has a

concern that ultimately there would be a requirement that would mean if an interview wasn't videotaped it wouldn't be permitted.

TAPE 73, SIDE A

009 DEE TUCKER, Advocate: Testifies in support of HB 2319.

036 LINDA ERICKSON, Private Citizen: Testifies in support of HB 2319.

142 ROSEMARY ADAMSKI, Parent's Advocate: Presents testimony in support of HB 2323 (EXHIBIT F) and HB 2319 (EXHIBIT G).

196 ANDREW LUKCIK: Testifies in support of HB 2323.

369 NANCY BETHUREM, Family Advocate: Testifies in support of HB 2323.

010 VICE-CHAIR NAITO: We'll be scheduling other hearings on these bills. -She closes the Public Hearing on HB 2319 and 2323.

PUBLIC HEARING ON HB 3297

VICE-CHAIR NAITO: Opens the Public Hearing on HB 3297.

025 MARK CAMPBELL, Christian Science Committee on Publication for the State of Oregon: This is a complex issue and he'd be willing to testify at a

later date.

VICE-CHAIR NAITO: Thanks everyone for taking the time to come to the

hearing. -She adjourns at 4:53 p.m.

Submitted by, Reviewed by,

Edward C. Klein, Annette Price, Committee Assistant
Committee Administrator

EXHIBIT LOG:

A - Hand Engrossed HB 2004-13, Proposed Amendments - Staff - 40 pages B - HB 2004-12, Proposed Amendments - Rep. Shibley - 26 pages C - Letter from Region 10, Department of Health & Human Services - Staff - 39 pages D - Amendments to HB 2319 - Rep. Ford - 1 page E - Amendments to HB 2323 - Rep. Ford - 1 page F - Testimony on HB 2323 - Rosemary Adamski - 2 pages G - Testimony on HB 2319 - Rosemary Adamski - 2 pages