

HOUSE COMMITTEE ON CHILDREN AND FAMILIES

May 24, 1993  
90 - 91

Hearing Room 137 1:30 p.m.

Tapes

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 2008 - Establishes pilot program to assist  
children in achieving healthy start. HB 2657 - Requires all persons  
providing day care for compensation to obtain certificate of approval  
from Children's Services Division.

PUBLIC HEARING & WORK SESSION: HB 3657 - Authorizes Oregon  
Community Children and Youth Services Commission to provide programs and  
moneys to counties for creation of programs to employ and train male and  
female youth who are gang involved, gang affected or at risk of becoming  
gang affected. HB 3469 - Establishes Task Force on Girls and Young  
Women. HB 3576 - Acknowledges that females under 18 years of age, when  
compared with males under 18 years of age,

do not have equal access to facilities, services and

treatment available through human services and corrections programs  
provided by or funded by state.

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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  
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TAPE 90, SIDE A

003 CHAIRMAN MEEK: Calls the committee to order at 1:36 p.m.

WORK SESSION ON HB 2008 -- EXHIBIT A

CHAIRMAN MEEK: Opens the work session on HB 2008.

009 JOHN BALL, OCCYSC: Has reviewed HB 2008-2 amendments (EXHIBIT  
A). -They are consistent with what most of the players believe it would  
take to begin a Healthy Start program in this state. -On page 2, line  
30, switch "identify" and "describe". -The major point is that there are  
a variety of services throughout the state that contribute to outcomes  
of Healthy Start programs. -A critical piece of the success of the  
program is building on those existing resources in the communities. -The  
amendments describe how the process might work at the local level.  
-There has been some discussion whether it was appropriate for the state

to prescribe the primary contractor. -Babies First, through the Health Division, is the logical vehicle to move Healthy Start forward for the first biennium. -We have to report back to the Legislature on the program's progress after the first biennium. -The Health Division and health departments are willing to take this challenge. -There is a need to do some community planning to continue parent support and home visit programs. -Before we ask for additional funding for that we need to sort out those services. -Together for Children was budgeted by the House at about 80% of existing services. -That program is operating in three locations in the state and we view

that as an important component in terms of direct services and the lessons we're learning from those three pilot projects.

067 CHAIRMAN MEEK: Reiterates John Ball's amendment, page 2, line 30.

073 REP. CAMPBELL: The way he reads page 3, line 16, is that it sets up the requirement that the health departments would always provide these services unless otherwise determined--it gives the county commissioners a choice.

BALL: That's true. The county board or if the health department, for some reason, was short of the capacity to deliver those services; we wanted to leave them that option as well. -The preference is that the health departments undertake that responsibility, but there might be extenuating circumstances.

084 REP. CAMPBELL: Understood your comments to be that the health departments would handle this for the first time period, but this doesn't say that.

BALL: We expect the health departments will continue to handle it. -There are some communities that are not totally supportive of that approach. -The first biennium would give us the opportunity to prove the health departments can adequately fulfill that role.

REP. CAMPBELL: Who would do the evaluation to determine whether the family was at risk?

091 BALL: The health departments' role would be as a professional corps;

health nurses, paraprofessionals and volunteers, wherever possible. -There is also a myriad of arrangements with private and public hospitals around the state where health department or hospital employees are involved in that original screening. -The local health departments and commissions would devise the plan how those allegiances and interactions would take place at the local level. -It would be up to the health departments and the professional health nurse to manage that system, be available for the most critical interventions and also be available for technical assistance and backup.

105 REP. CAMPBELL: How does that particular activity happen in Hawaii? -Are you suggesting the health departments take on the responsibilities that the paraprofessionals do in Hawaii?

BALL: We'd be relying on the health departments to staff and support the system that would include the paraprofessionals. -The

paraprofessional would continue to have the role of navigating the spectrum of services at the community level, which might include the health department, CSD, the local hospitals, volunteer groups, individual physicians. -He doesn't think the final process will be significantly different than Hawaii's. -The health departments will be the coordinating mechanism of the system.

131 REP. SHIBLEY: What percentage of children born in Oregon still live here at ages 18 or 25?

BALL: Will get her that information.

REP. SHIBLEY: Refers to page 3, line 7, HB 2008-2. -Do you know what percentage that is?

143 BALL: Out of about 42,000 births, between 16,500 and 17,000 are first births, which would be the first gradient of risk. -The next gradient would be about 9500; first births to parents 24 and

under. -The next target would be 5,000 first births to parents 19 or younger.

REP. SHIBLEY: That's a statewide average?

BALL: That's the total state number.

REP. SHIBLEY: Different counties will account for different amounts of that.

BALL: And in different proportion to their percentage of the state population.

160 REP. NAITO: You're going to target the first birth in the family?

BALL: The best strategic investment is with parents who are having their first birth. -The eventual goal is to have these services available for all births in the state.

174 REP. CAMPBELL: If we contract paraprofessionals, as they are in Hawaii, we end up not increasing our state employment level. -If we use an existing department of state government we are able to maintain about the same level. -What are the advantages of not contracting the paraprofessional services outside of the department?

183 BALL: Sees no restrictions keeping us from contracting for paraprofessionals.

REP. CAMPBELL: Those would be non-professional services. -In Hawaii they are the supply sergeants; they find the services for the clients. -Is that arrangement available in this proposal?

196 BALL: Without dictating the exact arrangement in each county, the measure calls for a local planning process that requires the local health department to collaborate with the local commission to identify

how those services are going to be delivered. -The contracting of the services at the local level could take place in a variety of fashions.

209 REP. CAMPBELL: If we want to encourage that how do we do it with

this bill?

BALL: We could add the language. -He'll bring it back to the committee.

217 CHAIRMAN MEEK: Refers to page 3, line 19.

230 BALL: The health department is the provider of first resort, but if either the health department or county board prefer that piece not be located in the health department, the commission would contract with other entities identified in the community. -Line 14 calls for the maximization of the paraprofessional; that's the language we would look to strengthen.

243 REP. CAMPBELL: The thing that confused him was that he was talking about the prenatal service component. The health departments currently provide prenatal services.

BALL: To a varying degree, depending on the counties.

REP. CAMPBELL: Depending on availability; but if it's provided it's provided by the health department.

BALL: Yes; and by a variety of other players.

REP. CAMPBELL: A number of other services need to be identified. -Those are where the paraprofessionals come in.

BALL: The paraprofessionals would be a navigator who would have access to all of the services identified in the local comprehensive planning process. -While the system is managed by the health departments, all the services are not provided by the health departments.

261 CHAIRMAN MEEK: We need to adopt HB 2008-2.

270 MOTION: REP. NAITO: Moves to adopt HB 2008-2 Amendments as amended.

CHAIRMAN MEEK: Hearing no objection the motion is adopted.

CHAIRMAN MEEK: Closes the Work Session.

REP. SHIBLEY: Is there a subsequent referral?

CHAIRMAN MEEK: Believes it needs to go to Appropriations.

WORK ON SESSION ON HB 2657 -- EXHIBITS B & C

296 CHAIRMAN MEEK: Opens the Work Session on HB 2657. -We have HB 2657-6 Amendments (EXHIBIT B).

305 ANNETTE PRICE: Describes HB 2657-6 Amendments.

383 CHAIRMAN MEEK: These need to be redrafted before they're adopted, but we can give some direction to LC. -We also need to get a fiscal impact. -We may need to have another Public Hearing and Work Session before we

move it.

402 REP. NAITO: This proposal addresses some of the concerns.

- "Developmentally appropriate practices" is an area that is still vague and it's better to leave that out. - She was concerned that people would be subject to a misdemeanor for non-compliance. - A civil penalty is appropriate. - It's important to make sure that the people who do this important work have a criminal background check and have some minimal training.

430 CHAIRMAN MEEK: We'll conceptually get these -6 amendments drafted. - We'll also include clarification and language on section 13. - We have some preliminary language dealing with non-compliance.

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004 REP. ADAMS: Refers to page 5, line 27; what does a criminal records check cost?

REP. NAITO: \$12

CHAIRMAN MEEK: between \$10 and \$15 has been the norm. - The fee will not exceed \$25. 015 REP. NAITO: The hope is that the fee could be kept under \$25.

CHAIRMAN MEEK: Closes the Work Session.

024 REP. NAITO: The fee in this is only for group child care center certificates.

CHAIRMAN MEEK: Reopens the Work Session.

REP. NAITO: Is it the intent of the Chair to include the ability to charge a fee for the certificate without inspection? That is not provided for.

CHAIRMAN MEEK: That needs to be clarified. - There has to be a way to pay for that registration and criminal records check.

034 REP. SHIBLEY: Refers to the day care registration forms and rules (EXHIBIT C). - She refers to the criminal record check section on "Application for Family Child Care Registration". - She doesn't know what a crime of immoral conduct is.

047 REP. NAITO: This is by administrative rule.

REP. SHIBLEY: She didn't know about the statutes they have on this.

CHAIRMAN MEEK: That's why he was going to bring this back. - We'll get that clarified. - We'll make sure CSD can answer those questions.

CHAIRMAN MEEK: Closes the Work Session.

PUBLIC HEARING ON HB 3657 -- EXHIBITS D & E

Witness: Ed Fleming, Legislative Assistant, Rep. Dave McTeague

CHAIRMAN MEEK: Opens the Public Hearing on HB 3657.

070 ED FLEMING, Legislative Assistant, Rep. Dave McTeague: The Proposed Amendments are what we agreed on at the last hearing (HB 3657-1 (EXHIBIT D) and HB 3657-2 (EXHIBIT E)).

CHAIRMAN MEEK: Closes the Public Hearing.

WORK SESSION ON HB 3657 -- EXHIBITS F & G

080 CHAIRMAN MEEK: Opens the Work Session on HB 3657. -HB 3657-2 is a rewrite of the bill and adds some clarifying language. -HB 3657-1 is a definition of gangs.

090 REP. NAITO: HB 3657-1 Amendments speak to the difficulty of the issue. -She knows of young people who've been stopped by the police for wearing certain clothing. -She does not agree with the -1 language. -She has a problem with defining what a gang member is, especially someone who may associate with gang members, but who hasn't done anything wrong.

104 CHAIRMAN MEEK: Went through those same concerns when he had this drafted by LC.

110 REP. MILNE: We have defined gangs in our community; it corresponds to terminology that's accepted by law enforcement. -It may be helpful to find that language.

121 CHAIRMAN MEEK: We were given that definition from a handout.

124 REP. NAITO: Why do we need to define gangs at all? -We could trust local communities to identify the gangs without having

to label them. -We don't need to define gangs for the purpose of this legislation.

134 CHAIRMAN MEEK: That's fine. -He refers to Hand Engrossed HB 3657 (EXHIBIT F), page 2, lines 4 and 5. -The locale can identify those activities under this legislation.

REP. NAITO: Suggests we adopt the -2 amendments and leave it up to the local community.

147 REP. ADAMS: Is the concern that we don't want to distribute funds based on identification, so it's to everybody's advantage to identify as many as they can? -In the Income Tax Subcommittee, we've been talking about another gang

related jobs bill. -There's some language in that about identification and at-risk.

186 FLEMING: You are thinking of HB 3451, a tax credit bill, which has similar language. -HB 3657 was originally part of 3451.

175 REP. ADAMS: Are the words in 3451 similar to the -1 amendments?

FLEMING: It's similar. -We gave Rep. Meek some information this morning that's broader than this.

REP. ADAMS: It would be helpful to have the same descriptions in both bills.

189 REP. SHIBLEY: Agrees with Rep. Adams. -She has two concerns: -1. We use language that's as consistent as possible. -2. How to define the term in such a way that it's understandable, useable and non-stigmatizing. -According to the NERPAC definition, there is nothing

inherently wrong

being a member of a gang. -We all want to belong and participate and feel like we're cared for and have some hope for the future. -She would hate to see us define gangs in such a way that has a stigma

that is unnecessary, and unhealthy.

220 FLEMING: Agrees. -You can't take any one or two of those things from the NERPAC list. -You would need to take at least four. -There are two groups; gang involved and gang affected.

REP. SHIBLEY: By and large, the way you define someone is to define the population you help. -The way it's defined we will help boys and young men over young women. -She doesn't intend to take anything away from those young males' needs, but part of the definition problem is that young women are equally at risk.

250 CHAIRMAN MEEK: You've just crafted the definition. -That's the problem LC had.

REP. SHIBLEY: Whoever we're trying to get at we're defining. -We forget that it's also defining a lot of other people.

260 REP. NAITO: We're presuming them guilty before they've done anything

wrong. -It would be different if we said, "a gang that's been known to commit

serious crimes."

272 CHAIRMAN MEEK: The bill targets two groups; those who are heavily involved in criminal activity and those who show a belief system, and a distinction and behavior that would lead them into criminal activity. -We don't want to wait until they get involved.

282 REP. NAITO: We don't have to define them before we provide the supports.

290 REP. MILNE: Agrees with all the comments. -Our community had a problem because we didn't have a definition. -We need job opportunities for all young people. -How do we identify unless we have a definition? -There are some definitions that are more clearly defined than the -1 amendments.

CHAIRMAN MEEK: We'll have LC work on this.

317 REP. SHIBLEY: Gov. Goldschmidt put a target on gang related activity. -Is there any definition in statute or in administrative rules?

329 CHAIRMAN MEEK: There's nothing in statute, this language came out of

the Children and Youth Services Commission. -We can expound on it. -The question for committee is, do we want a definition in statute? 354

REP. SHIBLEY: Wants to move the bill; this is important and we don't want to lose site of it in the process of getting this definition right.

CHAIRMAN MEEK: It's the Chair's intention to move this.

366 REP. DAVE McTEAGUE, District 25: Submits definitions of gangs (EXHIBIT G). -He is concerned about unique appearance; appearance does not denote a

gang member. -These definitions are close to the ones being used in the field. -Gang involved is pretty specific. -He has no objection to adding some specific things in the measure. -He is comfortable with the work that has produced these definitions. -He was reading a report that discusses the involvement of females in gang activity.

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016 REP. NAITO: Is it important or desirable to add a definition into statute?

REP. McTEAGUE: Is comfortable with the definition from the people working in the area. -There does have to be a process for defining gangs. -The question is, should it be up to the rule making process, or should we define it for the statute? -He'll defer to the committee's judgement.

043 REP. SHIBLEY: Four of the at risk factors refer to herself. -"Family" is defined four times in four different ways in the statutes. -What does gang mean? We need to understand what we're doing and need

to have some foresight. -Maybe we shouldn't define it in statute, maybe this committee should ask whoever defines it to notify us what the definition is.

065 REP. ADAMS: Suggests in HB 3657-1, in line 2, after "gang" insert "will be identified by the participating agencies, including the Department of Employment, OCCYSC,..." and others and let them create it for their use. -We should do the same thing in HB 3451.

075 CHAIRMAN MEEK: HB 3657, section 3 (4) does that. -Most communities could define it to meet their needs.

087 REP. NAITO: That's true, the nature of gangs may change over time. -Gang affected could be someone who is at risk, but has committed no crime, and then have gang affected on their record, which could have a

snowballing affect. -The intent is to provide support and not label. -We should leave it up to the communities.

101 REP. ADAMS: OCCYSC will end up with some kind of definition. -He would let them do that and let it change over time. -They'll come up with something more equitable than if we tried to do it for them. 115

MOTION: REP. NAITO: Moves to adopt HB 3657-2 Amendments.

CHAIRMAN MEEK: An emergency clause has been added.

REP. SHIBLEY: Good work.

128 ROLL CALL: AYE: Rep. Milne, Rep. Shibley, Rep. Adams, Rep. Naito, Chairman Meek.



The motion is adopted unanimously 5 to 0.

143 MOTION: REP. NAITO: Moves HB 3657 as amended to the Speakers Desk to be referred to Appropriations with a do pass recommendation.

ROLL CALL: AYE: Rep. Adams, Rep. Milne, Rep. Shibley, Rep. Naito, Chairman Meek.

The motion passes unanimously 5 to 0.

PUBLIC HEARING ON HB 3469 and HB 3576 -- EXHIBITS H to K

Witnesses: Heide Anderson, Oregon Alliance of Children's Programs Bill Weisman, Executive Director, Children First for Oregon Pam Patton, Legislative Chair, Oregon Alliance of Children's

Programs Gina Wood, Juvenile Justice Programs, OCCYSC

CHAIRMAN MEEK: Opens the Public Hearing on HB 3469 and HB 3576.

160 HEIDE ANDERSON, Oregon Alliance of Children's Programs: Presents HB 3576-2 (EXHIBIT H).

197 BILL WEISMAN, Executive Director, Children First for Oregon: We supports either version of HB 3469 or HB 3576-2.

214 REP. NAITO: Looks at this to say that any state agency will look at services they provide. -Different programs can work for different genders. -Young men and young women have different needs. -We don't want to suggest one size fits all, we want program funding to be equitable.

227 PAM PATTON, Legislative Chair, Oregon Alliance of Children's Programs: We tried to make sure the amendments to HB 3576 talked about appropriate services for young girls.

WEISMAN: HB 3576, line 11, speaks to appropriate services and treatment.

REP. NAITO: Wanted to get that intent on the record. -She was asked to support boot camps and asked how many girls were in the program. -She doesn't know if girls would benefit from such a program, but there should be something effective for young women.

243 CHAIRMAN MEEK: Are we talking about more of an equality?

PATTON: We're looking at the service needs and the funding of current services and are trying to develop a service system that meets the needs of girls. -We're not trying to take away services to boys, but look at their needs and plan the appropriate services.

258 CHAIRMAN MEEK: Refers to page 1, lines 24 and 25, Hand Engrossed HB 3576 (EXHIBIT H). -That's not equal proportion and concerns him. -To him, equal access means we'll have one facility for 50 boys and another for 50 girls.

278 PATTON: Thought we had a proposed amendment that changed that line which deleted "equal access to facilities" and inserted "equal access to appropriate services".

287 CHAIRMAN MEEK: That wasn't adopted, we need to combine these.

PATTON: One other change in HB 3576-2, line 12; we didn't just want to look at services for females under 18 who were involved in gangs and who were delinquent. -We wanted, "girls involved in gangs and other delinquent activities".

308 REP. SHIBLEY: Is disappointed, she thought we had an agreement on HB

3469. -Please let me know what we work out.

CHAIRMAN MEEK: We would need to combine HB 3576-1 and HB 3576-2 amendments.

331 WEISMAN: Children First worked in support of HB 3469. -They are different ways of implementing the goals of either bill. -We support HB 3469-1 or 3469-2. -Our concern is that the policy move forward.

354 CHAIRMAN MEEK: Are there any comments on 3469?

362 ANDERSON: Our intent is to address the policy issue. -We believe we get to the policy sooner with HB 3576.

376 CHAIRMAN MEEK: The intent was for the committee to decide on which direction we should go.

383 GINA WOOD, Juvenile Justice Programs, OCCYSC: Has reviewed HB 3469-1

and HB 3469-2 -We support Rep. Shibley's recommendations. -We need clarification in section 4 (2). -In line 15, we're not sure what the intent of the public and private funding sources and studying the equity of services. -Is the intent that the task force go after public and private funding

to accomplish their task or is the task force looking at all public and private funding sources for at risk children?

428 REP. NAITO: Is it possible to look at the private funding sources when they are added to the public funds?

437 WOOD: If we we're looking at just private agencies, it would be difficult for us to know. -That was not what was in our original bill.

448 REP. NAITO: On page 5, section 4 (2), HB 3469-1 Hand Engrossed (EXHIBIT J), what if we delete "or private".

TAPE 91, SIDE B

011 WOOD: Is working off of HB 3469-1, Proposed Amendments (EXHIBIT K).

REP. NAITO: Page 3, line 15, HB 3469-1, delete "or private". -There are all sorts of groups providing services that it would be hard to document them. -There's a move to integrate services through the nonprofit community. -She doesn't know if this is in the realm of possibility for the task force to undertake.

WOOD: That subsection also refers to section 3 (2). -She takes that to mean any private program.

037 CHAIRMAN MEEK: If you had a preference would it be to take action or to study?

WOOD: The commission has not taken a position on HB 3576. -There is support for HB 3469. -The state commission has never commissioned a study or report on equity of services for girls. -Our intent in requesting HB 3469 was not to request another study, but to take information that we had gathered from the local communities and to find out what was going on in relation with those issues. -It was not to come back with a study, but to come back with a clearer

picture of what's going on in the state. -There have been other studies done across the country. -There have been studies on specific issues; like teen pregnancy. -Our intent was to look at girls in a comprehensive way. -We were hoping to come back to the Legislature in 1995 with some specific recommendations.

076 REP. NAITO: We've identified problems young women face. -You could identify key strategies that may help young women.

083 WOOD: Doesn't feel there has been enough good information for the Legislature to make a good decision on what needs to be done to respond to the needs of girls in our state. -We've gathered information in our original assessment. -These were an assessment of peoples' perceptions and what the service

providers felt the needs were. -We feel that was not enough information for you to make policy.

099 REP. NAITO: Do the bills conflict?

WOOD: Rep. Shibley incorporated 3576 into 3469.

116 PATTON: Recommends in HB 3469-2, page 2, line 29, to amend it with the language we propose in HB 3576-1.

140 REP. NAITO: What's the difference between HB 3469-1 and HB 3469-2?

CHAIRMAN MEEK: HB 3469-1 calls for the establishment of a task force. -HB 3469-2 eliminates the 14 member task force, but establishes an interim subcommittee to study the issue. -HB 3469 and HB 3576 have different relating clauses. -Implementing HB 3469 would mean establishing a task force.

163 REP. NAITO: Did Legislative Council express concerns about adding language with respect to state agencies to HB 3469?

PRICE: There's no problem if we create a task force.

172 WEISMAN: HB 3469-1 reflects a merger of the two bills. -HB 3469-2 has the interim committee creating the task force. -Either amendment achieves the intent of both bills and we support either.

194 CHAIRMAN MEEK: Will talk to Rep. Shibley. -He was trying to open the discussion by having both bills . -He closes the Public Hearing.

WORK SESSION ON HB 3469 AND HB 3576

CHAIRMAN MEEK: Opens the Work Session on HB 3469 and HB 3576. -He would like direction from the committee. -He doesn't believe it's necessary to have a task force as it's created in HB 3469-1. -If it's the intent of the committee to have some interim work done looking at the issue, HB 3469-2 accomplishes that. -If we want to develop plans and implement access, HB 3576-1 and -2 need to be redrafted and brought together. -The bills get at same problem in different ways. -What direction would the committee like to go? -We'll need to check on the fiscal implications. -We can bring them back on Wednesday.

244 REP. NAITO: Supports the concepts. -She would like to move with Rep. Shibley's bill.

256 CHAIRMAN MEEK: We'll need to pull everyone together to see which direction to go. -He'll talk to Rep. Shibley. -He will visit with the Speaker on how to handle HB 3469.

273 REP. MILNE: The issue needs to be addressed, let's do it without too

many steps or too much time taken.

CHAIRMAN MEEK: Closes the Work Session. -He adjourns at 3:25 p.m.

Submitted by,

Reviewed by,

Edward C. Klein,

Annette Price, Committee Assistant  
Committee Administrator

EXHIBIT LOG:

A - Amendments to HB 2008 - Staff - 4 pages B - Amendments to HB 2657 - Staff - 12 pages C - Child Care Registration forms - Kim Parker - 10 pages D - -1 Amendments to HB 3657 - Staff - 1 page E - -2 Amendments to HB 3657 - Staff - 2 pages F - Hand Engrossed HB 3657 - Staff - 2 pages G - Definition of Gang Involved/Affected - Rep. McTeague - 1 page H - Amendments to HB 3576 - Heide Anderson - 1 page I - Hand Engrossed HB 3576 - Staff - 2 pages J - Hand Engrossed HB 3469 - Staff - 7 pages K - Amendments to HB 3469 - Staff - 5 pages