

HOUSE COMMITTEE ON CHILDREN AND FAMILIES

May 26, 1993  
92 - 93

Hearing Room 137 1:30 p.m.

Tapes

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

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

PUBLIC HEARING: HB 3648 - Authorizes Children's Services  
Division to subsidize guardianship of child by making payments to family  
on behalf of child in custody of division to create more stable home  
environment and permanent living arrangement.

PUBLIC HEARING & WORK SESSION: 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.

WORK SESSION: HB 3469 - Establishes Task Force on Girls and  
Young

Women. HB 2657 - Requires all persons providing day care for  
compensation to obtain certificate of approval from Children's Services  
Division.

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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 92, SIDE A

003 CHAIRMAN MEEK: Calls the committee to order at 1:44 p.m.

PUBLIC HEARING ON HB 3648 -- EXHIBITS A

Witnesses: Rep. Mary Alice Ford, District 8 Betty Uchytel, Assistant  
Administrator, CSD Nancy Miller, Administrator, CRB Rosemary Adamski,  
Advocate

CHAIRMAN MEEK: Opens the Public Hearing on HB 3648.

008 REP. MARY ALICE FORD, District 8: Presents testimony in support  
of HB 2296 and 2297 (EXHIBIT A), other approaches to the same issue.  
-She lends the committee a video tape, three spots from KGW TV. -She  
testifies in support of HB 3648. -She describes HB 2296 and HB 2297.  
-She describes HB 3648. -Page 1 line 28, the one year requirement,  
defeats the whole purpose of the bill. -She has submitted language to  
rectify this. -Page 2, line 12 is important language. -A family wouldn't  
have to meet a lot of the foster home requirements.

114 CHAIRMAN MEEK: He understands the point she raised. -Couldn't you just delete this 1 year requirement or put a tie that there be a blood relative?

126 REP. FORD: For the child's sake she would like to state that the person seeking this has a bonding with the child. -That's very important.

CHAIRMAN MEEK: Would like to work with her on language. -He doesn't think bonding is defined in statute.

REP. FORD: Maybe it's not needed. -CSD would have to decide whether or not this was an appropriate placement. -One year defeats the purpose of continuity of care and concern for a child.

142 REP. ADAMS: Could it be a time less than one year, like 90 days?

REP. FORD: Would like no time limit.

REP. ADAMS: Is okay with page 1, lines 25 through 29 and page 2 lines 1 through 4. -He has a problem with lines 5 through 8 and with subsection (3). -Does that mean it must meet one or the other of those requirements? -It seems to be all encompassing, he doesn't think that's the intent.

REP. FORD: Thinks it's one or the other, but you'll have to ask Betty Uchyttil.

REP. ADAMS: Subsections (2) and (3) seem like absolutes the way they are written.

REP. FORD: If there is more than one child in the family and the child is under 10 and another child is placed somewhere else, they could be placed together; you'll have to ask Betty.

174 REP. SHIBLEY: Is there anything else in section 4 you want to change or delete?

REP. FORD: She'd ask the same questions about section 4 (2) and (3). -She thinks Betty has a fiscal.

REP. SHIBLEY: What does page 2, line 8 mean?

190 BETTY UCHYTIL, Assistant Administrator, CSD: We modeled this after rules established in Alaska. -Their intent is to serve children 10 or over, except if those children are part of a sibling group or if a child is disabled and the relative

home is the most appropriate placement for that child. -"Healthy attachment" is a phrase from Alaska.

205 REP. SHIBLEY: Has a problem with that language. -Maybe you have a suggestion that could get us out of that?

213 UCHYTIL: If we look at the one year issue and come up with language that meets Rep. Ford's intent of a strong relationship, perhaps we could apply that language here as well, that would meet our needs; that's our intent.

REP. FORD: They wanted to define family more, but she does not. -It could be a family friend, or a grandparent not related by blood. They could also be family.

237 REP. SHIBLEY: Agrees. -She wants to make the definition of family consistent throughout statute. -If we define it here, we ought to base it on the definition in HB 356 5 (1991).

245 REP. FORD: Oregon is one of a handful of states that does not pay for kinship care.

252 REP. ADAMS: You alluded to HB 2296 or 2297 failing because of the amount?

REP. FORD: It was a \$10 million fiscal. -Betty has the fiscal. -CSD was putting forth a worse case scenario; she elaborates.

269 CHAIRMAN MEEK: How could there be a fiscal when a child is being removed from a home and put in foster care where money is allocated for that child and that money is expended. -If a child goes under guardianship and is put under the assistance of a family member and you negotiate where that rate could actually be less, it seems that could be a wash in your total dollars. -Or are you referring to the eligibility of federal dollars?

285 UCHYTIL: That's correct. -This issue is one the State of Oregon has been working on a number of

time. -She presents some history of the issue. -She describes those who are eligible under the bill. -She describes the Title IV-E federal funding requirements. -She describes one of the other bills Rep. Ford introduced (HB 2296/2297). -We should be able to reimburse families the same as we do for strangers. -We can only certify as foster parents only those who are not related by blood or marriage. -Rep. Shibley, this is the opposite side of the foster care statute and would allow us to move money payments to people we cannot move money payments to now. -It has nothing to do with the concept of a family. -This is a major national issue. -Her Testimony in support of the bill is filed as EXHIBIT B.

409 CHAIRMAN MEEK: We need to eliminate or clarify page 2, lines 5 through 12. -Why does it need to be in here? -How much more review do we need?

UCHYTIL: Some of this language would be more appropriate in rules.

CHAIRMAN MEEK: Please look at that.

TAPE 93, SIDE A

010 UCHYTIL: Discusses the fiscal impact. -The more expansive the program becomes, the more expensive the program costs.

027 REP. ADAMS: Every eligibility adds \$12,000 to \$13,000 per biennium?

UCHYTIL: Correct.

REP. ADAMS: Is page 2, lines 5 through 12 meant to be inclusive of one or exclusive of one? -It looks like every child 10 years or younger is

either under subsections (2) (a) or (2) (b).

041 UCHYTIL: Every child will be either a member of a sibling group or will be disabled and have a significant bonding relationship with a family.

REP. ADAMS: The only ones over 10 would be part of subsection (3)?

UCHYTIL: Correct.

049 REP. ADAMS: This is too narrow, it removes what we're trying to accomplish.

UCHYTIL: We could remove some of the criteria. -When we remove criteria it will add to the cost. -The criteria are here, because Alaska found these children were most likely to be appropriate for relative guardianship. -Children can be adopted by their relatives and very readily qualify for an adoption subsidy. -If adoption is appropriate, that's an alternative. -For some families, for a variety of reasons, adoption is not an option.

071 REP. ADAMS: We could revisit this next session.

UCHYTIL: This is a first step.

CHAIRMAN MEEK: We will hear this bill next Wednesday.

084 NANCY MILLER, Administrator, CRB: Presents testimony in support of HB 3648 (EXHIBIT C).

140 CHAIRMAN MEEK: We could put the definition of family in there, but we don't necessarily need a time line.

147 MILLER: There's another piece. -These are children in CSD's custody. -CSD bears some responsibility for some period of time to work towards

reuniting the children with their parents. -She would be a little nervous with having no timeline. -We may be looking at kids coming in to care and services not being offered to the parents, because the easy way out would be to do a subsidized guardianship; had some services been offered to the parent for some specified period of time, a child may be returned home.

CHAIRMAN MEEK: Please talk with me about that later.

MILLER: Kathryn Weit had to leave and said she wants to support the bill.

166 ROSEMARY ADAMSKI: Presents testimony in support of HB 3648 (EXHIBIT D).

CHAIRMAN MEEK: Closes the Public Hearing on HB 3648.

PUBLIC HEARING ON HB 2323 -- EXHIBITS E to G

Witnesses: Betty Uchytel, CSD Laurie Mario, Parent Janine Ford, Parent Marcia Johnson, Parent

CHAIRMAN MEEK: Opens the Public Hearing on HB 2323.

186 BETTY UCHYTIL, CSD: Presents testimony in support (EXHIBIT E).  
-As written, the bill may preclude us from limiting visits when a child  
is afraid of their parents. -We would like the language to be clearer:  
When it's in the child's best interests, visits can be restricted.

213 LAURIE MARIO, Parent: Testifies in support of HB 2323.

247 JANINE FORD, Parent: Testifies in support of HB 2323. -If a  
worker feels there is danger to a child, the visitation should be done  
in a controlled setting.

309 MARCIA JOHNSON, Parent: Presents testimony in support of HB 2323  
(EXHIBIT F). Testimony in support of HB 2323, submitted by Shelley  
Miller (EXHIBIT G).

391 CHAIRMAN MEEK: Closes the Public Hearing.

WORK SESSION ON HB 2323

CHAIRMAN MEEK: Opens the Work Session on HB 2323. -He describes HB  
2323-1 Amendments ((EXHIBIT E), 5-3-93) -He would like to adopt the -1  
amendments and have it back Wednesday with a fiscal impact.

410 MOTION: REP. NAITO: Moves to adopt HB 2323-1 Amendments.

CHAIRMAN MEEK: Hearing no objection the motion is adopted.

CHAIRMAN MEEK: Closes the Work Session. -Betty, bring back some  
language for us to consider.

TAPE 92, SIDE B

WORK SESSION ON HB 3469 -- EXHIBIT H

CHAIRMAN MEEK: Opens the Work Session on HB 3469. -We have HB 3469-3  
Amendments (EXHIBIT H), which incorporate HB 3576.

021 REP. SHIBLEY: Has several concerns about HB 3469-3. -If a motion  
to move HB 3469-3 would be in order, perhaps we could make any  
amendments we desire.

MOTION: REP. SHIBLEY: Moves to adopt HB 3469-3, Proposed Amendments.

CHAIRMAN MEEK: He wants to cleanup line 29.

CHAIRMAN MEEK: Hearing no objection the motion is adopted.

037 REP. SHIBLEY: On page 1, line 15, delete "including being a  
runaway"

and insert "status offenses".

046 REP. NAITO: Would delete "including being a runaway" and  
substitute "homelessness". -We might want to insert that earlier.

CHAIRMAN MEEK: That's already in there.

055 MOTION: REP. SHIBLEY: On page 1, line 15, delete ",

including

being a runaway,".

CHAIRMAN MEEK: Hearing no objection the motion is adopted. REP.

SHIBLEY: In line 22, delete "that consists" and insert "consisting".  
-She doesn't know what "interested and informed members of the public"

means. -Who appoints those people and what's the size of the group?

CHAIRMAN MEEK: The Speaker of the House and President of the Senate.

REP. SHIBLEY: All they do is direct the interim committee to set up the task force.

ANNETTE PRICE: The chair of the interim committee appoints this task force.

REP. SHIBLEY: Thought we specified the task force (from HB 3469-1).

083 CHAIRMAN MEEK: We'll have trouble moving the bill through the process.

REP. SHIBLEY: How big is this task force, who's on it?

CHAIRMAN MEEK: The task force implements section 3 on. -The amendments incorporate HB 3576 in directing the agencies to do some specific aspects in lieu of doing more studies and reporting.

095 REP. SHIBLEY: It's not clear that the administrative, human services or juvenile corrections agencies shall provide that information to the task force. -A major concern is that section 3 only says that when the agencies submit their budgets they need to specify the percentages of the money. -Section 2 empowers the task force to study the matters described in section 3 (2), not to come up with some recommendations. -It doesn't specify the state agencies provide any information to the task force or interim committee. -On page 2, line 7, delete ", the two separate groups,". -In line 8, after the second "age" insert ", and an estimated percentage of identified need each allocation represents". -What we're talking about is not spending \$50 on males and \$50 on females. Rather, we have a need for 100 males and we're able to provide services for 50% of them and we're also able to provide for 50% of the

females' need -- Even though the actual dollar amount might be different, we're still providing equal access. -She thought that's what we were trying to get at. -Identifying what the need is and identify what percentage we're serving is important. -She has some other things, but doesn't know how far he wants to go on

it.

CHAIRMAN MEEK: Let's get together later.

REP. SHIBLEY: Doesn't know where the language came from.

CHAIRMAN MEEK: He was trying to get a bill we could move and was working on HB 3576 and this together and didn't do a good enough job. -We'll work on it again. -He closes the Work Session on HB 3469 WORK SESSION ON HB 2657 -- EXHIBIT I

CHAIRMAN MEEK: Opens the Work Session on HB 2657.

145 REP. NAITO: Will we meet on Friday?

CHAIRMAN MEEK: Hasn't determined that yet.

REP. NAITO: Will be willing to work on this if we meet on Friday?

REP. SHIBLEY: Will be unable to be here.

CHAIRMAN MEEK: Rep. Milne has some concerns.

159 REP. NAITO: Let's go through HB 2657-9 Amendments (EXHIBIT I).

CHAIRMAN MEEK: Okay.

REP. NAITO: The existing day care certification is put into one place in statute. -Today we have no registration for those who provide for six children and under. -She describes section 1, HB 2657-9.

176 REP. ADAMS: Page 1, line 19; "with or without compensation"?

CHAIRMAN MEEK: That's current law. -Section 3 deals with the three types of certificates.

REP. NAITO: Right. -She describes section 3. -She describes section 4. -Section 8 is a new section at the request of the Chair; it provides for a two hour training on child abuse for renewal of a license. -It's the intent of the committee that this be a video course that can

be provided in the home, we don't want to make it an onerous condition.

224 REP. SHIBLEY: Given the turnover rate of employees, are those the employees on staff at the time renewal is requested?

REP. NAITO: The certificate goes to the provider.

233 CHAIRMAN MEEK: It doesn't matter who's employed. -Prior to renewal all employees would have to complete the two hour course. -The amount of time someone is employed isn't relevant. -Every two year period every employee has to demonstrate they've completed the two hours.

REP. SHIBLEY: It's a wonderful provision, but she's trying to play out how it works. -Different people may be working for a provider by the time they get their renewal and some of them may not have seen the video.

REP. NAITO: Doesn't have the answer to that.

261 PAT CONOVER-MICKIEWICZ, Child Care Commission: That could be easily taken care of. -It's as of the date of the application and it's part of the application of the renewal that they'd self-certify. -There wouldn't be an inspection or a test.

CHAIRMAN MEEK: It could be a matter of having them view the video when they first come to work. -Three things have to be met for the registration without inspection: -1. The application form. -2. A

demonstration that health and safety procedures are in place. -3. Upon renewal, they do the child abuse training.

282 REP. NAITO: In section 13 the penalty provision has changed. -We did not want to take a punitive approach. -For the certificate without inspection, a civil penalty not to exceed

\$100 would be the only sanction. -This is a very minimal penalty. -The operative date is July 1, 1994.

301 REP. SHIBLEY: What's the period of time for the penalty?

CHAIRMAN MEEK: There's a 90 requirement to get registered.

REP. SHIBLEY: Every 90 days they could be subject to no more than a \$100 civil fine.

309 CHAIRMAN MEEK: Section 3 (2) stipulates the number and ages of children permitted in a facility holding a certificate without inspection. -The division may waive the requirements.

319 REP. MILNE: Would a facility possibly incur a penalty every 90 days? -For what reasons would the penalty be assessed?

REP. NAITO: It would only be assessed against someone who would not seek a certificate of registration without inspection. -The division would work with the people to help them comply. -They only need to do the application and have the background check. -There is also the waiver provision.

349 REP. MILNE: At this point in time there are more who aren't registering than who are registering. -This is effective a year from July.

REP. NAITO: It becomes effective July 1, 1994 and 90 days after would be the--

REP. MILNE: How would these thousands of providers be notified?

REP. NAITO: Could we have someone reply?

359 BOBBIE WEBER, Linn-Benton Community College: We've built up a system

for reaching parents and providers, which covers 80% of the state. -The food program covers 100% of the state and works with providers. -The providers have their own networks and we could use all of those mechanisms. -The purpose of the bill is not to penalize anyone, but to get support

to family child care providers who are now isolated and are not aware there are support systems out there. -The purpose is to bring people into the support system and to improve

the quality of care.

CHAIRMAN MEEK: We need to move this bill.

387 REP. MILNE: Likes to hear this is to provide services and keep

people on top of the information they need. -She has concerns about the government intrusion that some people are perceiving. -She's gone over this information. -She's concerned about the people who are uncomfortable about this. -She has heard far more opposition than support. -This is imposing rules and regulations on the stay at home mother who

wants to help friends and neighbors with child care. -We have to set some guidelines. -There is concern when the government tells people they are not capable of doing the job and making a decision on their own. -There appears to be places where the commission can adopt rules, we have no control over those types of things. -To register and making sure there's a line of communication is good. -The comment has been that this is the first step; what's the next step? -Where are we headed?

TAPE 93, SIDE B

011 CHAIRMAN MEEK: The next step would be the 1995 session. -CSD is given guidelines on rules they can promulgate in subsections (6) (a), (b), (c) and (d). -The balance of the rules deal with current group child care certification and child care center certificates. -We want the folks registered. -He refers to Page 5, lines 12 through 15.

036 REP. NAITO: Respects Rep. Milne's concerns. -These amendments are supported by the provider community.

MOTION: REP. NAITO: Moves to adopt HB 2657-9 Amendments.

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

NAY: Rep. Adams, Rep. Milne.

The motion is adopted 3 to 2.

CHAIRMAN MEEK: He would like to work out the concerns. -He adjourns at 3:16 p.m.

Submitted by,

Reviewed by,

Edward C. Klein,

Annette Price, Committee Assistant  
Committee Administrator

EXHIBIT LOG:

A - Testimony on HB 3648 - Rep. Ford - 8 pages B - Testimony on HB 3648 - Betty Uchytel - 2 pages C - Testimony on HB 3648 - Nancy Miller - 2 pages D - Testimony on HB 3648 - Rosemary Adamski - 1 page E - Testimony on HB 3648 - Betty Uchytel - 1 page F - Testimony on HB 2323 - Marcia Johnson - 2 pages G - Testimony on HB 2323 - Shelley Miller - 2 pages H - Amendments to HB 3469 - Staff - 3 pages I - Amendments to HB 2657 - Rep. Naito - 12 pages