

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL
ADMINISTRATION

February 18, 1993

Hearing Room 357 1:00 p.m.

Tapes 25 - 26

MEMBERS PRESENT: Rep. Tom Brian, Chair Rep. Ken Baker Rep. Jim
Edmunson Rep. Tom Mason VISITING MEMBERS: Rep. Kate Bro~vn STAFF
PRESENT: Holly Robinson, Committee Counsel Bryan Boehringer,
Committee Clerk MEASURES CONSIDERED: HB 2143 - Relating to children
HB 2144 - Relating to juveniles HB 2785 - Relating to abuse prevention .

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation
marks report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes.

TAPE 25, SIDE A Public Hearing on B 2143 Witnesses: William Carey,
Children s Services Department Betty Uchyttil, Children s Services
Department Rosemary Adamsky, Constituent of Rep. Gail Shibley, District
12 Phyllis White

002 CHAIR BRIAN: Opens the PUBLIC HEARING ON HB 2143 at 1:00 p.m.

004 HOLLY ROBINSON, COMMITTEE COUNSEL: Gives summary of the bill.

009 WILLIAM CAREY, CHILDREN'S SERVICES DEPARTMENT: Introduces Betty
Uchyttil, and gives background on the bill. 032 BETTY UCHYTIL,
CHILDREN'S SERVICES DEPARTMENT: (exhibit A) Submits and reviews
testimony in favor of the bill.

052 REP. BROWN: Questions counsel about a proposal. House Committee on
Judiciary Subcommittee on Civil Law ~d Judicial Admini~ation February
18, 1993 - Page 2

061 HOLLY ROBINSON, COMMITTEE COUNSEL: Addresses Rep. Brown's
concerns with custody issues. 078 REP. BROWN: Discusses custody
concerns. 103 ROSEMARY ADAMSKY, CONSTITUENT OF REP. SHIBLEY:
Testifies in support of the bill. 152 PHYLLIS WHITE: Testifies in
support of the bill.

WORK SESSION ON HB 2143

201 MOTION: REP. EDMUNSON: Moves HB 2143 to the full committee with a
DO PASS recommendation. 202 REP. MASON: Discusses concerns with CSD's
performance. Suggests completely reworking the agency. Notifies CSD
representatives that he will be a no vote on CSD legislation until there
are improvements. 247 REP. BAKER: Comments on the bill's limiting of
CSD's power. Discusses clarifying the guardianship issue. 281 REP.
MASON: Comments on the performance of the agency. 302 VOTE: 3-1
Motion passes AYE: Baker, Edmunson, Brian NO: Mason

PUBLIC HEARING ON HB 2144 Witnesses: Bill Carey, Children's Services
Division Betty Uchyttil, Children's Services Division David Nebel, Oregon
Legal Services Fred Avera, Oregon District Attorney's Association Tim
Travis, Juvenile Rights Project

331 BILL CAREY, CHILDREN'S SERVICES DIVISION: Provides brief
background of bill. Supports passage of the bill 349 BETTY UCHYTIL,
CHILDREN'S SERVICES DIVISION: (exhibit B) Submits and reviews testimony
in favor of the bill. 377 REP. EDMUNSON: Discusses possible
allegation's of abuse. 399 UCHYTIL: Explains when the alleged's
hearing would take place. 415 REP. EDMUNSON: Discusses counsel

opportunities for the indigent.

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- Page 3

TAPE 26, SIDE B

444 HOLLY ROBINSON, COMMITTEE COUNSEL: Provides background information concerning the bill. Clarifies the hearing process after a petition is filed.

TAPE 25, SIDE B

032 HOLLY ROBINSON, COMMITTEE COUNSEL: Continues with clarifications.

086 REP. EDMUNSON: Discusses concerns about due process.

109 CHAIR BRIAN: Discusses the restraining provision.

114 REP. BAKER: Voices concerns with the lack of evidence.

124 HOLLY ROBINSON, COMMITTEE COUNSEL: Discusses established procedures that are currently in existence.

135 REP. BROWN: Comments on the amount of authority juvenile court should possess.

146 HOLLY ROBINSON, COMMITTEE COUNSEL: Clarifies existing Legislation that deals with juvenile jurisdiction over adults.

156 DAVID NEBEL, OREGON LEGAL SERVICES: (Exhibit B) Submits and explains testimony in favor of HB 2144.

211 REP. EDMUNSON: Discusses similarities in SB 198.

239 TIMOTHY TRAVIS, JUVENILE RIGHTS PROJECT: (Exhibit C) Submits and reviews testimony.

241 CHAIR BRIAN: Discusses scope of abuse. 251 TRAVIS: Suggests problem could be solved if the bill is put into ORS 419 577. Placing that statute there mandates a hearing. This suggestion clarifies the due process questions. 282 REP. BAKER: Discusses the family act section. 287 TRAVIS: Discusses case review issues. 320 REP. BROWN: Discusses juvenile court concerns and authority issues. 327 TRAVIS: Discusses cut backs and the power of the juvenile Court. 356 REP. EDMUNSON: Discusses Ex Parte hearings. 415 FRED AVERA, OREGON DISTRICT ATTORNEY'S ASSOCIATION: Testifies on concerns with the bill.

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- Page 4

TAPE 26, SIDE A

025 AVERA: Continues. Discusses concerns with some of the provisions of the bill (Page One, Line 22 and Page Two, Line 4). Discusses due process concerns. 065 REP. BAKER: Discusses concerns with due process requirements. 075 NEBEL: Discusses use and abuse of the Family Abuse and Prevention Act. Opposes putting children into FAPA coverage. 091 TRAVIS: Proposes area to amend restraining order provision (ORS 419577 Section 3b, C).

100 REP. EDMUNSON: Asks other witnesses to respond to Travis' proposed changes.

105 NEBEL: Responds that he is not familiar with the above statute, but would be willing to work with Travis.

107 AVERA: Issues a similar response.

116 HOLLY ROBINSON: Discusses fiscal impact.

130 CHAIR BRIAN: Asks counsel to bring back a revised version.

PUBLIC HEARING ON HB 2785 Witnesses: Marnae Halter, Special Counsel for Criminal Justice David Nebel, Oregon Legal Services

148 MARNAE HALTER, SPECIAL COUNSEL FOR CRIMINAL JUSTICE: Gives testimony in favor of HB 2785 on behalf of Rep. Mannix.

178 REP. EDMUNSON: Asks about the intent of bill.

193 REP. BAKER: Discusses different ages of filers.

196 HALTER: Explains the jurisdiction of juvenile court.

206 HOLLY ROBINSON, COMMITTEE COUNSEL: Clarifies minor status issue.

216 HALTER: The intent of the bill was to cover technical juveniles in adult situations.

225 DAVID NEBEL, OREGON LEGAL SERVICES: (Exhibit A) Submits and reviews testimony against the bill. Discusses Mannix's legal counsel's description of the bill. If changes were made he would not have any objections to the bill. Suggests inserting the reference to ORS 107.705 paragraph 2 in line 7.

WORK SESSION ON HB 278S

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245 MOTION: REP. EDMUNSON: Moves to amend the bill by inserting on line 2, after the word member, "as defined in ORS 107.705 paragraph 2;" VOTE: CHAIR BRIAN: Hearing no objection, the amendments are ADOPTED. All members are present. 269HOLLY ROBINSON, COMMITTEE COUNSEL: Do we need line 8? 289MARNAE HALTER, SPECIAL COUNSEL FOR CRIMINAL JUSTICE: The intent of the bill is to cover these gaps, Rep. Mannix would probably be in favor of removing that line. 296 REP. EDMUNSON:

Suggests a conceptual amendment. 306 HOLLY ROBINSON, COMMITTEE COUNSEL: Suggests to Legislative Counsel that the amendment be worded, "A person under eighteen may petition the court for relief under 107.710 if the person and the respondent are defined by or in a relationship that is..."

335 MOTION: REP. EDMUNSON: Moves to ADOPT the conceptual amendments.

VOTE: CHAIR BRIAN: Hearing no objection, the amendments are ADOPTED. All members are present.

342 MOTION: REP. EDMUNSON: Moves HB 2785, as AMENDED, to the full committee with a DO PASS recommendation. 346 REP. BAKER: Discusses the restraining order issue. 362HOLLY ROBINSON, COMMITTEE COUNSEL: Clarifies cohabitation issue. VOTE: 4-0 Motion passes AYE: Baker, Edmundson, Mason, Brian NO: None 417 CHAIR BRIAN: Closes the meeting.

Submitted by: Reviewed by: Bryan Boehringer Anne May Committee Clerk Committee Coordinator

EXHIBIT LOG:

A - Testimony on HB 2143 - William Carey - 2 pages B - Testimony on HB 2143 - Tim Travis - 4 pages

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C - Testimony on HB 2144 - William Carey - 2 pages D - Testimony on HB 2144 - David Nebel - 2 pages E - Testimony on HB 2144 - Tim Travis - 4 pages F - Testimony on HB 2785 - David Nebel - 1 page

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