

HOUSE COMMITTEE ON JUDICIARY, SUBCOMMITTEE ON CIVIL LAW

March 4, 1993 Hearing Room 357 1:00 p.m. Tapes 38 - 39

MEMBERS PRESENT: Rep. Tom Brian, Chair Rep. Tom Mason Rep. Ken Baker
Rep. Jim Edmunson

STAFF PRESENT: Katy Yetter, Committee Clerk Holly Robinson,
Legislative Counsel

MEASURES CONSIDERED: HB 2287 - Relating to child support HB
2288 - Related to suspension of child support pay HB 2291 -
Revises procedure regarding health benefits for children HB
2292 - Reduces penalty for disclosures of
confidential information HB 2144 - Relating to juvenile court HB 2392 -
Relating to juvenile tobacco possession

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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 38, SIDE A

001 CHAIR BRIAN calls the meeting to order at 1:10 p.m.

PUBLIC HEARING ON HB 2392

WITNESSES: NONE

WORK SESSION ON HB 2144

WITNESSES: Timothy Travis, Juvenile Rights Department

032 HOLLY ROBINSON, COMMITTEE COUNSEL: Provides Staff Measure
Summary -Juvenile court can remove abuse perpetrator from the household
rather

than the child.

071 MOTION: REP. BAKER: Moves to ADOPT the -1 amendments to HB
2144.

072 VOTE: CHAIR BRIAN: Hearing no objection, the motion
CARRIES. All members are present.

082 MOTION: CHAIR BRIAN: Moves to AMEND HB 2144 on Line 7,
changing the A to a B.

090 VOTE: CHAIR BRIAN: Hearing no objection, the motion
CARREIS.

113 MOTION: REP. BAKER: Moves to AMEND HB 2144 by omitting language on Lines 4, 5 and 6 from Subsection 5 of -1 and substitute similar language from ORS 107.720.

125 VOTE: CHAIR BRIAN: Hearing no objection, the motion CARRIES.

137 HOLLY ROBINSON, COMMITTEE COUNSEL: Reviews amendments proposed by Oregon Legal Services (EXHIBIT B).

158 MOTION: CHAIR BRIAN: Moves to ADOPT the OLS amendments to HB 2144-1.

165 VOTE: CHAIR BRIAN: Hearing no objection, the motion CARRIES.

175 HOLLY ROBINSON, COMMITTEE COUNSEL: States there is not an anticipated indigent defense fiscal impact.

183 REP. BAKER: Expresses concern over OLS amendments. -Could be a perpetrator who is not actually living in the household.

213 HOLLY ROBINSON, COMMITTEE COUNSEL: Responds by stating that it may be possible to add language in the bill that requires the summons to

include applicable consequences.

248 TIMOTHY TRAVIS, JUVENILE RIGHTS DEPARTMENT: States additional language may not be necessary.

270 MOTION: REP. BAKER: Moves conceptual amendment regarding the service of summons to a third party perpetrator.

278 VOTE: CHAIR BRIAN: Hearing no objection, the motion CARRIES.

296 MOTION: REP. BAKER: Moves HB 2144 AS AMENDED to the full committee with DO PASS recommendation.

314 VOTE: In a roll call vote, all members vote AYE. REP. MASON is EXCUSED.

316 CHAIR BRIAN: The motion CARRIES.

WORK SESSION ON HB 2287

WITNESSES: John Ellis, Support Enforcement Division, Department of Justice (SED) Maureen McKnight, Oregon Legal Services (OLS) Phil Yarnell, Director, Oregon Child Support Program

330 HOLLY ROBINSON, COMMITTEE COUNSEL: Presents Staff Measure Summary. -Proposes amendments (EXHIBIT C). -The bill relates to financial hardship and child support.

TAPE 39, SIDE A

009 MOTION: REP. BAKER: Moves to ADOPT the -2 amendments to HB 2287.

VOTE: CHAIR BRIAN: Hearing no objection, the motion CARRIES.

019 HOLLY ROBINSON, COMMITTEE COUNSEL: Comments on language on Page 6 Line 1; delete "may" and add "shall."

030 MOTION: REP. BAKER: Moves to AMEND Page 6 Line 1 of HB 2287 by deleting the word "may" and adding the word "shall."

034 VOTE: CHAIR BRIAN: Hearing no objection, the motion CARRIES.

060 JOHN ELLIS, SUPPORT ENFORCEMENT DIVISION: Comments on financial hardship and how it may affect child support payment.

100 MAUREEN MCKNIGHT, OREGON LEGAL SERVICES: Reviews the amendments proposed by the Division (EXHIBIT D).

118 HOLLY ROBINSON, COMMITTEE COUNSEL: These amendments are a replacement for Section 13?

119 MCKNIGHT: Replies the amendments are to replace Section 13 in toto.

155 ELLIS: States interest on child support is automated with differing percentages for each case.

240 HOLLY ROBINSON, COMMITTEE COUNSEL: States that on Line 10, there is some language that may violate federal law.

260 MCKNIGHT: Federal law states that a private obligees can not contract away the federal mandate that imposes immediate withholding. -The Legislative Counsel's draft violates this federal regulation.

290 ELLIS: Private parties may make arrangements outside the scope of the bill.

300 REP. BAKER: Asks Ellis if the law states that inducing the obligee to provide a full payment can no longer be used as a negotiating tool.

350 MCKNIGHT: LC version, with minor changes in Section 13 can be made to comply with federal regulations.

370 REP. MASON: Asks McKnight if -2 amendments are nonapplicable.

380 MCKNIGHT: Indicates there are some discrepancies between the two amendments. -Contracting for wage withholding may or may not be allowed according to the kind of system the obligee is within.

445 PHIL YARNELL, OREGON CHILD SUPPORT PROGRAM: States penalties for not entering with compliance legislation.

TAPE 38, SIDE B

020 MOTION: REP. BAKER: Moves to AMEND HB 2287 by deleting Section 13 from the -2 amendments and substituting language in

EXHIBIT D dated 3-4-93.

033 VOTE: CHAIR BRIAN: Hearing no objection, the motion CARRIES.

045 MOTION: REP. BAKER: Moves HB 2287 AS AMENDED to the full committee with a DO PASS recommendation.

048 VOTE: In a roll call vote, all members vote NO with the exception of REP. BAKER who votes AYE. REP. EDMUNSON is EXCUSED.

CHAIR BRIAN: The motion FAILS.

WORK SESSION ON HB 2291

060 HOLLY ROBINSON, COMMITTEE COUNSEL: Provides Staff Measure Summary. -The bill involves children on insurance policies if it is available. -Reviews -2 amendments (EXHIBIT E).

097 CHAIR BRIAN: Asks Counsel if there is a requirement in the bill that refers to affordability.

105 HOLLY ROBINSON, COMMITTEE COUNSEL: Replies there exists language in the bill that does refer to custodial parents and their ability to afford

health insurance.

139 REP. BAKER: Asks Counsel to clarify that it is a statute and not administrative rule that allows to set up guidelines for computing

eligibility.

141 HOLLY ROBINSON, COMMITTEE COUNSEL: The bill provides for proportionality in determining eligibility which can be determined

through administrative rule.

170 JOHN ELLIS, SED: Relief must be applied for subject to procedure as stated in the bill.

190 REP. BAKER: Asks Ellis if action must be initiated by the obligee.

191 ELLIS: Replies that the action may be requested by either party.

230 REP. MASON: Asks Ellis if the bill is essentially instating a requirement to purchase health insurance.

270 ELLIS: States that the purchase and provision of health insurance to children under child support is a problem, hence the bill provides

adjustment to the insured party.

320 CHAIR BRIAN: Closes the work session in order to have the committee meet with the Department of Justice.

WORK SESSION ON HB 2292

WITNESSES: Debbie Wilson, Department of Justice Larry Thompson,
Administrative Support, Department of

Justice

345 HOLLY ROBINSON, COMMITTEE COUNSEL: Provides Staff Measure
Summary. -Reduces penalty for certain disclosures of confidential
information. -Clarifies issues of paternity and child support.

TAPE 39, SIDE B

007 CHAIR BRIAN: Asks Counsel if a minor, under the provisions of the
bill, could sign a filiation acknowledgement.

009 HOLLY ROBINSON, COMMITTEE COUNSEL: Replies that there must
be a guardian.

016 CHAIR BRIAN: Asks Counsel if the removal of Section 19 would
eliminate the need for a guardian.

017 HOLLY ROBINSON, COMMITTEE COUNSEL: To restore the guardian ad
litem requirement, Section 19 must be eliminated.

031 JOHN ELLIS, SUPPORT ENFORCEMENT DIVISION: Asks Wilson if the
courts prosecute a minor in a filiation case without a guardian ad
litem.

033 DEBBIE WILSON, DEPARTMENT OF JUSTICE: Replies that the courts
can not take action without a guardian ad litem. -Court appointed
attorneys generally can not serve as guardian ad litem.

064 REP. MASON: States a relative may not be the best individual
to be guardian ad litem.

080 ELLIS: The courts generally do not take action in minor paternity
case until the father is 18.

093 REP. MASON: Is there a concern with paying an unreasonable
wage to attorneys acting as guardian ad litem?

095 WILSON: Replies that a reasonable price would be equivalent
to the Attorney General's wages.

127 HOLLY ROBINSON, COMMITTEE COUNSEL: States changes in Section 15
that requires a filiation acknowledgement signed by a minor in a
hospital to be witnessed by an employee of the hospital.

172 MCKNIGHT: States there are not notaries in hospitals; the
signature of a witness was simply to be an uninvolved party, not
necessarily a

hospital employee.

190 REP. MASON: Asks McKnight about the statement in the bill
regarding the mother consenting to establishment of paternity.

213 LARRY THOMPSON, DEPARTMENT OF JUSTICE: Replies that there

may be discrepancies between the individual who is claiming to be the father

and who the mother affirms is the father.

325 MOTION: REP. BAKER: Moves to ADOPT OLS hand-engrossed amendments in Section 3 dated 2-11-93 to HB 2292.

330 VOTE: CHAIR BRIAN: Hearing no objection the motion CARRIES.

336 MOTION: REP. Moves to ADOPT OLS hand engrossed amendments in Section 10 dated 2-11-93 to HB 2292.

345 VOTE: CHAIR BRIAN: Hearing no objection, the motion CARRIES.

350 MOTION: REP. BAKER: Moves to ADOPT OLS hand-engrossed amendments on Line 12 Page 10 dated 2-11-93 to HB 2292.

364 VOTE: CHAIR BRIAN: Hearing no objection, the motion CARRIES.

390 MOTION: REP. BAKER: Moves to AMEND Page 14 Line 12 by deleting "25.287" and adding "the provisions of ORS 25.255."

395 VOTE: CHAIR BRIAN: Hearing no objection, the motion CARRIES.

400 MOTION: REP. BAKER: Moves to DELETE Section 23 from HB 2292.

405 VOTE: CHAIR BRIAN: Hearing no objection, the motion CARRIES.

427 CHAIR BRIAN adjourns meeting at 3:00 p.m.

Submitted by:

Reviewed by:

Katy Yetter
Committee Coordinator

Anne May Committee Clerk

EXHIBIT LOG:

A - Amendments to HB 2144-1 - Legislative Counsel - 1 page B - Amendments to HB 2144-1 - Oregon Legal Services - 1 page C - Amendments to HB 2287 - Legislative Counsel - 75 pages D - Amendments to HB 2287 - Oregon Legal Services - 1 page E - Amendments to HB 2291 - Legislative Counsel - 5 pages F - Testimony on HB 2291 - R. Johnson - 1 page G - Amendments to HB 2292 - Legislative Counsel - 18 pages H - Amendments to HB 2288 - J. Ellis - 2 pages