

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL  
ADMINISTRATION

April 15, 1993  
357 1:00 p.m.  
- 78

Hearing Room  
Tapes 77

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

STAFF PRESENT: Holly Robinson, Committee Counsel Melanie  
Thompson, Committee Clerk

MEASURES CONSIDERED: HB 2006 - Relating to certain  
counseling records; declaring an emergency HB 3577 - Custody of  
children HB 2976 - Domestic relations HB 3125 - Task Force on Family  
Law

[--- Unable To Translate Graphic ---] 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 77, SIDE A

001 CHAIR BRIAN: Calls the meeting to order at 1:14 p.m.

HB 2976 - WORK SESSION

003 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the -2 and -3  
amendments to HB 2976. (EXHIBITS A & B)

056 REP. BAKER: Comments on compromise, gives finality to title  
companies discussion on ex parte motions, addresses line 9.

074 MOTION: REP. BAKER: Moves to add "ex parte" between "on" and  
"motion" on line 9 of -3 amendments to HB 2976.

079 VOTE: Hearing no objection, the motion PASSES. All members are  
present.

081 MOTION: REP. BAKER: Moves to ADOPT HB 2976-3 AMENDMENTS. 082  
VOTE: Hearing no objection, the amendments are ADOPTED. All  
members are present.

083 MOTION: REP. BAKER: Moves HB 2976 AS AMENDED to the full  
committee

with a DO PASS recommendation.

085 REP. MASON: No necessity for this bill; unequal treatment of debtors. Sees no compelling argument for it.

130 REP. EDMUNSON: Edmunson agrees with Mason's comments, judgment not what is politically correct; bill shows distinction, as it should with children.

162 REP. BAKER: Fundamentally treat child support different than regular

judgments. Feels it is positive move of a practical nature.

178 VOTE: 3-1 Motion passes AYE: Baker, Edmunson, Brian NO: Mason

#### HB 2006 - PUBLIC HEARING

Witnesses: Rep. John Meek, District 5 Mark Nelson, NASW Barbara Ross, Dept. of Human Resources Bob Joondeph, Oregon Advocacy Center Burt Kaplan, Coos County Mental Health

186 REP. JOHN MEEK, DISTRICT 5: Testifies in support of HB 2006. (EXHIBIT D)

251 REP. EDMUNSON: Asks if bill has been compared to SB 500, the open public records bill.

256 REP. MEEK: Not in detail, common theme in each -- narrow theme regarding children.

271 REP. EDMUNSON: If SB 500 is enacted, will it take care of the problem?

273 REP. MEEK: No. Needs to be amended somehow to make it clear and direct.

282 CHAIR BRIAN: Asks when they receive a file from the child.

286 REP. MEEK: An advocate would be assigned to the family to assess their needs.

298 CHAIR BRIAN: State or county employee?

299 MEEK: Either one.

302 CHAIR BRIAN: Pilot project in last session. Each counselor would have access to files pertinent to that child?

333 REP. MEEK: Yes, in its broadest form.

365 CHAIR BRIAN: Finding the balance point between confidentiality and shared information so no one is hurt.

371 REP. MEEK: Children's care team puts major emphasis on strengthening

the family; reuniting high risk and fragmented families.

393 CHAIR BRIAN: Might be easier to construct that balance point once we

see the system we're trying to relate it to.

399 REP. MEEK: July 1 is implementation date of the reconfiguration of the Children and Family Services.

403 CHAIR BRIAN: Clarifies.

404 REP. MEEK: Reconfiguration will take place under current structure.

Non-sharing of those records needs to be dealt with either way.

423 REP. EDMUNSON: Asks for clarification on the bill; ability to disclose records currently.

430 MEEK: Do frequently now.

431 REP. EDMUNSON: Affects family members who do not voluntarily consent?

435 REP. MEEK: No, voluntary response is sought. Individual rights respected.

TAPE 78, SIDE A

004 REP. EDMUNSON: Uses Meek's example.

016 REP. MEEK: Gives answer.

028 REP. EDMUNSON: Private medical treatment, psychiatric treatment, alcohol/drug dependents type treatments--are they thrown into the mix, or does this deal only with public sector treatments?

032 REP. MEEK: All records included.

033 REP. EDMUNSON: Disclose what therapies used in past, discuss what counseling is going on. Could those records be accessed?

037 REP. MEEK: They would not become public, per se. Matter of communication.

042 REP. EDMUNSON: Currently there must be patient consent? 044  
REP. MEEK: Clarifies.

049 REP. EDMUNSON: Has the committee addressed that approach? Gives example of wife's teaching contact with needy families.

060 REP. MEEK: Need to grant authority to true professionals to deal with records. Bill looks to mediator that would have final say.

071 REP. EDMUNSON: Where in the bill is access to the court mentioned?

074 REP. MEEK: Points that out.

076 REP. EDMUNSON: Envision an open court proceeding?

077 REP. MEEK: Most likely a private proceeding.

084 REP. BAKER: Changing the burden, forcing individuals to protect their privacy. Why is that so critical?

106 REP. MEEK: Not trying to take records and make them public. Just needs to be a way to coordinate things.

110 REP. BAKER: Personal example.

120 REP. MEEK: Trying to go beyond what's being proposed.

122 REP. BAKER: Any member of the family. Presumptions of burdens are there. Questions emergency clause.

128 REP. MEEK: Emphasis on importance of the family. Need to start looking at family unity.

136 CHAIR BRIAN: Balance point more efficient, more helpful.

142 REP. MEEK: Need to have something that deals with inner files, coordinating efforts.

157 REP. BAKER: Agrees with Meek's initial idea. Needs common forms, information, etc.

167 REP. MEEK: Problem generally exists in the inner agencies, AFS, schools, juvenile restitution officers. Great waste of money also.

193 MARK NELSON, PUBLIC AFFAIRS COUNSEL, OREGON CHAPTER - NATIONAL ASSOCIATION OF SOCIAL WORKERS: Testifies in opposition to HB 2006.

219 CHAIR BRIAN: How do we get information shared without violating confidences?

229 NELSON: Can't speak for clinical social workers, etc.

255 BARBARA ROSS, SPECIAL PROJECTS DIRECTOR, DEPT. OF HUMAN RESOURCES: Testifies in opposition to 2006 as currently written. Points out concerns on bill. (EXHIBIT E)

349 REP. BAKER: Aware of any models working now, dealing with federal waivers, etc.?

354 ROSS: Not aware of any models working without permission of the family. Organizational merging serving as models: Kansas--Job Training and Employment Division. Talks of possible information sharing structures within Oregon government.

372 HOLLY ROBINSON, COMMITTEE COUNSEL: Asks about sample form, can parents designate who can and cannot receive information?

383 ROSS: That particular form, yes. There is a new form that allows for

authorization of shared information within government agencies.

404 CHAIR BRIAN: Support Enforcement Division (SED) has extremely

strong

sanctions regarding information being leaked.

423 ROSS: Always a difficulty for information to stay where it is designated to be. Need training, requiring interagency agreements.

TAPE 77, SIDE B

007 CHAIR BRIAN: Is there anything specific that would accomplish some things that need to be changed?

013 ROSS: Work on who has the burden of proof; that's very cumbersome. Working on amendments, need to talk with Linda Grintz in AG's office.

046 BOB JOONDEPH, DIRECTOR, OREGON ADVOCACY CENTER: Submits and reviews

testimony in opposition to HB 2006. Reference to ORS 179.505 - Confidentiality statute (EXHIBIT F).

093 REP. BAKER: Reference to ORS 179.505. Questions earlier references to agencies.

102 JOONDEPH: Within Mental Health Division they interpret the statute to mean records can move between community mental health centers and state hospitals.

105 REP. BAKER: Private psychiatric ward of a hospital?

108 JOONDEPH: Not necessarily. For records to be protected, person has to be receiving some sort of government funded service. Additional federal overlay, some limitations that override the state statute.

120 BURT KAPLAN, DIRECTOR, MENTAL HEALTH FOR COOS COUNTY: Testifies in opposition to HB 2006. Addresses issue for the bill to go forward.

182 REP. BAKER: Mentioned another bill that would allow the identity of different providers to be revealed to each other?

184 KAPLAN: Child care team concept; centralized service.

HB 3577 - PUBLIC HEARING

Witnesses: Rep. Kate Brown, District 13 Muriel Goldman, MHAO Gail Arkley, CSD Charlotte Duncan, ODDC Judy Rinken

198 REP. KATE BROWN, DISTRICT 13: Testifies in support of HB 3577.

215 MURIEL GOLDMAN, MENTAL HEALTH ASSOCIATION OF OREGON: Testifies in support of HB 3577 (EXHIBIT G). Offers housekeeping amendment to the bill, keeping in with line federal law.

316 CHAIR BRIAN: What about the current law already being better?

318 GOLDMAN: Haven't looked at it for awhile.

336 GAIL ARKLEY, CHILDREN'S SERVICES DIVISION: Testifies in support of HB 3577. Addresses some federal opinions regarding legal opinion, any fiscal impact. (EXHIBIT H)

394 CHAIR BRIAN: How many dollars at risk?

396 ARKLEY: Not sure of amount. It would only be those associated with eligible children; would not put full federal claim at risk.

407 CHAIR BRIAN: Are we talking some millions here?

409 ARKLEY: I can get some idea. Don't know of specific population; not a very large population of children.

418 CHAIR BRIAN: Any idea of how long it will take to get an opinion from the regional office?

420 ARKLEY: Regional office will work with them in timely manner once there is a legal opinion. Can't estimate a date.

428 CHAIR BRIAN: Does the division want us to pass this if it put those at jeopardy?

431 ARKLEY: Doesn't want it to pass if it results in a negative fiscal impact.

TAPE 78, SIDE B

003 CHARLOTTE DUNCAN, EXECUTIVE DIRECTOR, OREGON DEVELOPMENTAL DISABILITIES COUNCIL: Testifies in support of HB 3577. (EXHIBIT I)

030 REP. MASON: Comments.

058 DUNCAN: Opportunity for Oregon to lead the way in how things should be done.

066 JUDY RINKEN: Testifies in support of HB 3577.

106 CHAIR BRIAN: Difficulty understanding original statutory scheme...why give up custody for temporary help?

109 REP. MASON: Comments.

HB 3577 - WORK SESSION

117 REP. BROWN: Pending approval from Dept. of Health and Human Services, following or prior to the beginning of the bill. (EXHIBIT J)

127 REP. MASON: Don't wait for federal determination.

136 REP. BROWN: Don't have to send it to Appropriations.

146 CHAIR BRIAN: It would only go into effect if the federal government agreed with it, with the pending clause. Rep. Mason is saying put it into effect regardless of the potential impact to this part of the federal funds.

150 REP. EDMUNSON: Withdraw intent to make a motion if the wisdom of the

committee is not to go ahead.

154 CHAIR BRIAN: What's the time frame for federal response? Would having this without any qualification affect that conversation? Would it help

if we could say, we already passed the law?

162 ARKLEY: Region 10 has been responsive, willing to work with us. Hard-pressed to project when they might be able to give approval.

173 CHAIR BRIAN: House can leave out qualifier; Senate can insert it if we have been imprudent. Line 14, strike the word "after" and insert the word "within."

185 MOTION: REP. BAKER moves to strike the word "after" and insert the word "within" on Line 14 of HB 3577.

187 VOTE: Hearing no objection, so ordered. All members are present. 188 CHAIR BRIAN: We need to check lines 15, 16 and 17. Testimony was that possibly current law was better than the proposed language.

190 HOLLY ROBINSON, COMMITTEE COUNSEL: Current law requirements covered;

advises going along with CRB reviews (18 months). Advises replacing "annually" on Line 16 with "every 18 months."

203 MOTION: REP. BAKER moves to strike word "annually" on Line 16 of HB 3577 and insert words "every 18 months."

VOTE: Hearing no objection, so ordered. All members are present.

MOTION: REP. BAKER moves to AMEND HB 3577 by striking lines 18 and 19 and renumber the subsection.

VOTE: Hearing no objection, so ordered. All members are present.

MOTION: REP. BAKER moves HB 3577 AS AMENDED to the full committee with a DO PASS recommendation.

VOTE: 4-0 Motion passes AYE: Baker, Edmunson, Mason, Brian NO: None

HB 3125 - WORK SESSION

Witnesses: Rep. Beverly Stein, District 14

252 REP. BEVERLY STEIN, DISTRICT 14: Recommends adopting -2 and -3 amendments. (EXHIBITS L & M)

273 CHAIR BRIAN: What was the -1 amendment?

274 REP. STEIN: A different idea abandoned early on.

284 CHAIR BRIAN: Asks the committee to do so much without financial support. Wants the work to be credible, high quality. Can it be done with these amendments and without funds being built in?

304 STEIN: Not abandoning trying to get money; would like to do it through the Senate, in terms of timing.

307 REP. MASON: Bill is wonderful the way it is. Amendment builds in an

agenda. 325 CHAIR BRIAN: Asks Mason to elaborate on what the amendments do that cause concern.

327 REP. MASON: Explains the amendments. There are no sides when bringing in domestic violence side.

335 CHAIR BRIAN: Is that a problem?

337 REP. MASON: When you bring in domestic violence side, -3 amendments specifically, you are building a bias into the group.

342 CHAIR BRIAN: What about -2 amendments?

344 HOLLY ROBINSON, COMMITTEE COUNSEL: That's the rewrite, a hand-engrossed bill.

351 STEIN: Main concern: women's and men's safety still protected. Not advancing one area over another. Feels it is a good addition.

370 MOTION: REP. MASON: Moves to ADOPT HB 3125-2 AMENDMENTS.

VOTE: Hearing no objections the amendments are ADOPTED. All members are present.

374 MOTION: REP. BAKER moves to delete word "9" and insert word "12" in

Section 1, Line 15.

380 VOTE: Hearing no objections, AMENDMENTS are ADOPTED. All members are present.

394 MOTION: REP. MASON: Moves HB 3125 AS AMENDED TO FULL COMMITTEE with a DO PASS recommendation.

VOTE: 4-0 MOTION PASSES AYE: Baker, Edmunson, Mason, Brian NO: None

402 CHAIR BRIAN: Adjourns the meeting at 3:05.

Submitted by

Reviewed by:



Laurie Baird  
Committee Coordinator

Anne May Committee Clerk

EXHIBIT LOG:

A - Proposed Amendments to HB 2976 - Committee Counsel - 4 pages B  
- Proposed Amendments to HB 2976 - Committee Counsel - 4 pages C  
- Proposed Amendments to HB 2976 - Committee Counsel - 1 page D -  
Proposed Amendments to HB 2006 - Rep. Meek - 7 pages E - Testimony  
on HB 2006 - Department of Human Resources - 8 pages F - Testimony  
on HB 2006 - Oregon Advocacy Center - 1 page G - Testimony on HB  
3577 - Mental Health Association of Oregon - 3 pages H - Testimony  
on HB 3577 - Children Services Division - 6 pages I - Testimony on  
HB 3577 - Oregon Developmental Disabilities Council - 1 page J -  
Testimony on HB 3577 - Rep. Brown - 3 pages K - Testimony on HB  
3577 - Committee Counsel - 2 pages L - Proposed Amendments to HB  
3125 - Committee Counsel - 1 page M - Proposed Amendments to HB  
3125 - Committee Counsel - 1 page