HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL ADMINISTRATION

May 6, 1993 Hearing Room 357 1:00 p.m. Tapes 102 - 103

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

STAFF PRESENT: Holly Robinson, Committee Counsel Sarah May, Committee Clerk

MEASURES CONSIDERED: HB 2286 - Relating to children HB 2517 - Relating to domestic relations HB 3011 - Relating to juveniles HB 3018 - Enacts Uniform Interstate Family Support Act

[--- 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 102, SIDE A

003 CHAIR BRIAN: Calls the meeting to order at 1:17 P.M.

HB 3011 - PUBLIC HEARING

(HB 3011 Allows juvenile court to enter restraining order against alleged child abuser under certain circumstances. [EXHIBIT A, B])

Witnesses: Bill Carey, Children's Services Division Richard Avecedo, Children's Services Division

011 BILL CAREY, CHILDREN SERVICES DIVISION: Testifies and submits written testimony in support of HB 3011.(EXHIBIT C)

027 RICHARD AVECEDO, CHILDREN SERVICES DIVISION: Testifies and reads off of same testimony in support of HB 3011, EXHIBIT C.

(Reopens Public Hearing on HB 3011 on page 2)

HB 3018 - PUBLIC HEARING

(HB 3018 Enacts Uniform Interstate Family Support Act)

Witness: OgleSB y Young, Lawyer

050 OGLESB Y YOUNG, LAWYER: Testifies and submits written testimony in support of HB 3018.(EXHIBIT D) Not representing his law

firm, but

independently.

(Reopens Public Hearing on HB 3018 on page 3)

RE-OPENS HB 3011 - PUBLIC HEARING

Witnesses: Patricia Henrichs, Confederated Tribes Tim Simmons, Native American Project of Oregon Katharine English, Juvenile and Family Justice Carl Stecker, Oregon District Attorney Association

126 PATRICIA HENRICHS, CONFEDERATED TRIBES: Testifies in support of HB 3011. To forgo -2 inclusion places added burden on Indian tribes. The

Indian Child Welfare Act was intended to protect the rights of Indian children, as an Indian, and the rights of the Indian community, and tribe and in retaining it's children. Request that the committee approve the HB 3011-2 amendments as drafted.

- 146 TIM SIMMONS, LEGAL SERVICES FOR NATIVE AMERICAN PROJECT OF OREGON: Testifies in support of HB 3011.
- 161 CHAIR BRIAN: Are there any changes or any problems that you see with the -2 amendments?
- 163 SIMMONS: None.
- 164 REP. BAKER: Is the language in the -2 amendments, effectively the Indian Child Welfare Act, been incorporated into this? Is it federal

language?

- 166 SIMMONS: Yes. It's $\$ not all of $\$ the act itself, but $\$ portions of federal act.
- 169 REP. BAKER: Is this the same act that a judge ruled several years ago, that the State of Oregon had to comply with? Does the child or guardian of child, have the ability to waive Indian Child Welfare Act

jurisdiction and proceed under State law. Is it mandated?

181 KATHARINE ENGLISH, JUVENILE AND FAMILY JUSTICE: Testifies in support of HB 3011. The law itself provides that the parent may veto transfer to

the tribe. It is not framed in veto language. The Bureau of Indian Affairs (BIA) guidelines recommend that it be vetoed, but congress did not accept the BIA guidelines yet they put them in their guidelines anyway?

- 196 REP. BAKER: Would it be helpful in the language of this bill, to clarify the problem that you're addressing?
- 201 ENGLISH: No. The federal courts are going to be the ones to decide this issue. SB 1051 includes everything that we all want for the Native American community, which includes the Juvenile Justice Committee. We

support HB 3011 if SB 1051 fails. It is very hard to integrate the

federal law into the state law, but mandating that judges follow HB 301 1 is a benefit to the Native American community.

238 CARL STECKER, OREGON DISTRICT ATTORNEY ASSOCIATION: HB 301 1-2 amendments cure any concerns that we had about the original bill. No

position on bill.

- 250 REP. MASON: The Indian Child Welfare Act is unconstitutional.
- 271 REP. BAKER: Indians are a sovereign nation and can do the things that we don't normally agree to.
- 272 REP. MASON: Importance is children.

(Reopens Public Hearing on page 7)

RE-OPENS HB 3018 - PUBLIC HEARING

Witnesses: Robin Willten, Legislative Aid Larry Thomson, Department of Justice Deborah Wilson, Department of Justice John Ellis, Support Enforcement Division

310 ROBIN WILLTEN, LEGISLATIVE AID FOR REP. SCHOON: This act, which is included in HB 3018, would help solve the interstate child support

problem.

- 327 LARRY THOMSON, DEPARTMENT OF JUSTICE: Testifies in support of HB 301 8.
- 349 DEBORAH WILSON, DEPARTMENT OF JUSTICE: Testifies and submits written testimony in support of HB 3018. (EXHIBIT E)

TAPE 103, SIDE A

- 047 CHAIR BRIAN: Do you see any changes that could be made?
- 049 WILSON: No.
- 051 THOMSON: The Department of Justice has not recommended repeal of existing Uniform Reciprocal Enforcement of Support Act (URESA), but

might do that.

055 HOLLY ROBINSON, COMMITTEE COUNSEL: Is there an effective date on this?

- 057 THOMSON: Washington made July 1, 1994 their effective date. California has not yet made an effective date.
- 062 CHAIR BRIAN: Could it cause some legal entanglements not knowing when we would instate this?
- 067 WILSON: If another state doesn't adopt the Uniform Interstate Family Support Act (UIFSA), we can still go under their existing URESA law, so it shouldn't cause a problem.
- 073 CHAIR BRIAN: If this were to become effective, and cases occurred a day before this was instated would they still apply?
- 079 WILSON: Any cases filed before the effective date, would be handled under the old law.
- 083 CHAIR BRIAN: You would have to wait until 90 days after sine die, and then inform your staff that new law was now effective?
- 085 WILSON: Unless you put an effective date in the act itself.
- 086 THOMSON: A major advantage would be that we would only have to mail the withholding order to the employer in another state, and the employer

would be bound to follow it.

- 092 REP. BAKER: If we were to repeal URESA, could we still match up with other states that haven't installed the UIFSA?
- 096 WILSON: Yes.
- 100 REP. BAKER: Will all of the states have the same form?
- 102 THOMSON: The recommendation of the Interstate Child Support Commission was that Congress mandate that this be adopted verbatim.
- 106 REP. BAKER: It would be $% \left(1\right) =\left(1\right) +\left(1\right) =\left(1\right) =\left(1\right) +\left(1\right) =\left(1\right) =\left(1\right) +\left(1\right) =\left(1\right)$
- 111 THOMSON: That is anticipated, and would hopefully be a form that would be easily automated so that all the information in that form can be

exchanged electronically.

- 114 REP. BAKER: Are we also moving toward a uniform support schedule, because the schedules do have some variations?
- 119 THOMSON: That is a proposal in some of the legislation that is being considered by the Congress.
- 122 REP. BAKER: The initiating state can effectively do an order of garnishment to another state that has adopted the same act, and that $\frac{1}{2}$
- employer is required to follow that? What is the procedure for recipient employer if he questions that garnishment? What is the

liability factor, and what protection do they have, if they were to

honor that garnishment?

134 JOHN ELLIS, SUPPORT ENFORCEMENT DIVISION: The act that we are asking you to adopt, if the order of garnishment appears to be regular, will be honored. If there is a contest, the form for the objection is the

appropriate tribunal of the responding state. 141 REP. BAKER: Who would have to initiate it?

- 143 ELLIS: They both have standing to initiate a contest, it would depend on what problem was. If the employer had the problem, then the employer would initiate the action.
- 148 REP. BAKER: Currently, if there is a local court order, then you have some protection. In a state to state issue the forum could be a 1,000

miles away.

151 ELLIS: If we sent a garnishment to another state, the forum for the contest is the local court in that state. Testimony could be taken by

phone.

- 158 REP. BAKER: Does the initiating state under URESA provide a sworn affidavit, and require verification?
- 162 ELLIS: I don't believe it does.
- 166 THOMSON: Many states do this now without statutes, and many employers just comply.
- 169 REP. BAKER: Who keeps track of how much the obligor has paid?
- 180 ELLIS: The state with the forum that issued the order, if that state still has jurisdiction, they will keep the responsibility of the money.
- 189 REP. BAKER: Does this mandate that all payments would go through the support enforcement division, so that there is a central registry?
- 192 ELLIS: That is implicit in this act.
- 193 REP. BAKER: Someone can pay in several different ways, and trying to track those monies in future years could be contradictory.
- 196 ELLIS: As the issuing state, they should keep record.
- 200 REP. BAKER: What if there is competing orders? What if obligee accesses the system, might have dual orders to employer. How do they $\ \ \,$

solve that problem?

- 207 ELLIS: UIFSA tells the individual how to pick the forum that has jurisdiction, and how to pick the order that is in effect. The reason
- this act works, is because there is one order, and it tells you how to pick that order.
- 221 HOLLY ROBINSON, COMMITTEE COUNSEL: Concerned about not repealing URESA. What could the potential conflicts be if one could chose to proceed

under either act?

- 226 ELLIS: We have decided that URESA should be repealed. It would be the last section of this bill, and part of the model act.
- 235 WILSON: California as well as Washington have repealed their URESA law.
- 238 REP. EDMUNSON: Washington repealed and made UIFSA effective July 1, 1994?
- 239 ELLIS: Correct.
- 240 REP. EDMUNSON: California will repeal URESA when?
- 241 WILSON: Whenever the California law says.
- 243 CHAIR BRIAN: Do you have an opinion as to when we should let ours become law?
- 247 ELLIS: Wouldn't make big difference as to whether Jan. 1 or July 1. But would prefer January 1, 1994.
- 257 REP. EDMUNSON: Don't we have more interstate movement with Washington?
- 261 CHAIR BRIAN: Would it help the administration if the acts coincided?
- 265 ELLIS: July 1st, 1994 would be fine, it is important to be in sync with Washington.
- 270 CHAIR BRIAN: We want whatever works best for the administration of the act and possibly help minimize work load.
- 273 ELLIS: The largest number of cases are with Washington, so July 1st would be fine.
- 282 REP. BAKER: How does this effect the private attorney practice? Do private attorneys have access to this mechanism?
- 284 ELLIS: Yes.
- 292 MOTION: REP. EDMUNSON: Moves to AMEND HB 3018 by adding that this bill becomes effective July 1, 1994.
- VOTE: Hearing no objections the amendments are ADOPTED. REP. MASON is excused.

- 299 MOTION: REP. EDMUNSON: Moves to AMEND HB 3018 by repealing the current act, URESA.
- VOTE: Hearing no objections the amendments are ADOPTED. REP. MASON is excused.
- 313 MOTION: REP. EDMUNSON: Moves HB 3018 AS AMENDED TO FULL COMMITTEE with a DO PASS recommendation.
- VOTE: 3-0 MOTION PASSES AYE: Baker, Edmunson, Brian, NO: None EXCUSED: Mason RE-OPENS HB 3011 PUBLIC HEARING
- Witness: Doug Hutchinson, Commission on Indian Services
- 331 REP. BAKER: Pg. 2, line 31, and Pg. 3, line 1, is there a definition of who a member of an Indian tribe might be?
- 340 HOLLY ROBINSON, COMMITTEE COUNSEL: There are documentations that declare whether or not a person is or isn't.
- 349 DOUG HUTCHINSON, COMMISSION ON INDIAN SERVICES: The federal act defines "Indian tribes". There is a list of federally recognized Indian tribes
- that are referenced in the act. The bureau was concerned that social organizations would try to intrude into the process.
- 360 CHAIR BRIAN: Are we incorporating enough of the federal act to help make a definition?
- 364 REP. BAKER: The language is comprehensive regarding the federal language we adopted into HB 3011.
- 367 HUTCHINSON: Pg. 1, lines 18-20, states that by this act they incorporate the federal act in it's entirety.
- 378 HOLLY ROBINSON, COMMITTEE COUNSEL: SB 257, relating to juveniles, has been signed by the Governor.
- 384 REP. EDMUNSON: Pg. 7, line 25, what should the blank say that is in there?
- 388 HUTCHINSON: Children Services Division (CSD) should fit in that blank.
- 400 CHAIR BRIAN: On pg. 7, line 25, should "where the court shall order," be in there?
- 402 HUTCHINSON: Yes.
- 403 REP. BAKER: CSD is sub agency of Human Services?
- 410 HOLLY ROBINSON, COMMITTEE COUNSEL: The way that the code is now written, the agency that referenced is CSD.
- 414 MOTION: REP. EDMUNSON: Moves to AMEND HB 3011 by inserting on Pg. 7, line 25, "Children's Services Division", after "order".

- VOTE: Hearing no objections the amendments are ADOPTED. REP. MASON is excused.
- 436 REP. BAKER: SB 257, is that the rewrite of the juvenile code?
- 437 HOLLY ROBINSON, COMMITTEE COUNSEL: Yes.
- 451 MOTION: REP. EDMUNSON: Moves to ADOPT HB 3011-2 AMENDMENTS
- VOTE: Hearing no objections the amendments are ADOPTED. REP. MASON is excused.
- 455 MOTION: REP. EDMUNSON: Moves HB 3011 AS AMENDED TO FULL COMMITTEE with a DO PASS recommendation.

VOTE: 3-0 MOTION PASSES AYE: Baker, Edmunson, Brian NO: None EXCUSED: Mason

TAPE 102, SIDE B

HB 2286 - PUBLIC HEARING

Witnesses: Larry Thomson, Department of Justice Maureen McKnight, Oregon Legal Services Karen Berkowitz, Multnomah Legal Aid

- 025 HOLLY ROBINSON, COMMITTEE COUNSEL: Provides that obligee is party to any action to establish, enforce or modify child support obligations.
- 040 LARRY THOMSON, DEPARTMENT OF JUSTICE (DOJ): Testifies and submits written testimony in support of HB 2286. (EXHIBIT G)
- 083 REP. BAKER: On collection matters, who is your client?
- 085 THOMSON: The state of Oregon.
- 086 REP. BAKER: What relation do you have with the obligee then?
- ${\tt 087}$ THOMSON: We feel we have an obligation toward the integrity of the system.
- 090 REP. BAKER: Are you recognizing their role within your advocacy system?
- 093 THOMSON: Yes.
- 098 CHAIR BRIAN: Could you address the proposed amendments in your memo?
- 099 THOMSON: The public agency would be entirely responsible for those mailings.
- 108 REP. EDMUNSON: The obligee is served with first class mail, and the obligor?
- 110 THOMSON: If initiating something new we contact them by personal service. In other situations, they are notified by certified mail.

- 112 REP. EDMUNSON: A reduction from the obligor effects the obligee? What if mail is returned?
- 117 THOMSON: If first class mail comes back, we attempt to find another address, or serve papers in another way.
- 122 REP. EDMUNSON: Is the service perfected upon mailing or act of receipt?
- 123 THOMSON: Mailing as long as it doesn't come back.
- 139 MAUREEN MCKNIGHT, OREGON LEGAL SERVICES: Testifies and submits written testimony in support of HB 2286.(EXHIBIT H)
- 180 KAREN BERKOWITZ, MULTNOMAH LEGAL AID: Testifies in support of HB 228 6. Pg. 14, Section 21, lines 43-45, should be, "the state of Oregon".

Makes same suggestion for Section 23.

- 199 REP. BAKER: If obligee receives notice, but may or may not attend the hearing, and later there is a subsequent divorce action, can the parties of those hearings claim that they can't litigate that issue again?
- 210 MCKNIGHT: The bill does not specifically answer that. There is disagreement between legal services and the state of Oregon as to

whether or not issue preclusion would prevent an obligee or obligor from proceeding in a judicial proceeding.

- 222 REP. BAKER: There may be more support at the SED level because the recipient receives \$50 from welfare, plus the welfare grant. This could be a greater incentive.
- 226 MCKNIGHT: Whether or not issue preclusion applies, this bill provides deterrence.
- 240 CHAIR BRIAN: Do you have any comments on the proposed DOJ amendments?
- 242 MCKNIGHT: We agree with the state's desire to clarify that issue.

HB 2286 - WORK SESSION

- 250 MOTION: REP. EDMUNSON: Moves CONCEPTUAL AMENDMENTS HB 2286 on Pg. 3, of May 6 memo from Department of Justice.
- VOTE: Hearing no objections the amendments are ADOPTED. REP. MASON is excused.
- 256 REP. EDMUNSON: Pg. 14-15, of the bill would change the designation of parties to the state, be consistent with Pg. 20, lines 8-9, Section 34.
- 267 HOLLY ROBINSON, COMMITTEE COUNSEL: Is there a distinction that needs to be maintained by using the words, "child's mother, or putative

father", or can you substitute "obligee and obligor"? I assumed that we would

delete "the district attorney or the support enforcement division or the department of justice", then insert "State of Oregon". Do you want to

use the term "alleged" or "putative"?

299 MCKNIGHT: Because Section 21, deals with paternity, there isn't an obligee or an obligor, but a putative father and a child's mother. Use

of "putative" should be consistent.

306 HOLLY ROBINSON, COMMITTEE COUNSEL: If we deleted "the district attorney or the support enforcement division of the department", and inserted

"State of Oregon", would that correct the issue raised?

309 MCKNIGHT: Yes.

314 CHAIR BRIAN: Pg. 14, line 43, should we delete the words "district attorney or support", and in line 44 delete "enforcement division of the Department of Justice" which ever is appropriate? Then insert "of the

State of Oregon"?

326 MCKNIGHT: It should specifically state "when proceedings are unissued by a state agency the state of Oregon, the child's mother and putative

father".

331 MOTION: REP. BAKER: Moves to AMEND HB 2286 by adding the language stated above by McKnight.

VOTE: Hearing no objections the amendments are ADOPTED. REP. MASON is excused.

336 MOTION: REP. EDMUNSON: Moves to AMEND HB 2286 by deleting on Pg. 15, line 2, "alleged" and insert "putative"

VOTE: Hearing no objections the amendments are ADOPTED. REP. MASON is excused.

350 MOTION: CHAIR BRIAN: Moves to AMEND HB 2286 by deleting entirety of line 3 except, "our parties", and insert "State of Oregon".

VOTE: Hearing no objections the amendments are ADOPTED. REP. MASON is excused.

361 MOTION: REP. BAKER: Moves HB 2286 AS AMENDED TO FULL COMMITTEE with a DO PASS recommendation.

VOTE: 3-0 MOTION PASSES AYE: Baker, Edmunson, Brian, NO: None EXCUSED: Mason

Witnesses: Marny Halter, Staff for Rep. Kevin Mannix David Nebel, Oregon Coalition Against Domestic and Sexual Violence Michael Wells, Oregon State Bar John Ellis, Support Enforcement Division

388 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2517 allows court to deny paternity action initiated by putative father when court determines that the putative father's sexual conduct that resulted in pregnancy would

constitute crime of rape or incest, unless putative father can establish that determination of... there are -1 amendments submitted by Rep.

Parks. (EXHIBIT I)

- 409 REP. BAKER: We are preserving the right to a jury trial?
- 410 HOLLY ROBINSON, COMMITTEE COUNSEL: Correct.
- 419 MARNY HALTER, STAFF FOR REP. KEVIN MANNIX, DISTRICT 32: Testifies and submits written testimony in support of HB 2517. (EXHIBIT J)
- 434 DAVID NEBEL, OREGON COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE: Testifies in support of HB 2517.

TAPE 103, SIDE B

013 MICHAEL WELLS, OREGON STATE BAR: Testifies and submits written testimony in support of HB 2517-1 amendments. Our opposition only

refers to elimination of the right to jury trials in paternity cases.

(EXHIBIT K)

- 021 REP. EDMUNSON: Presently the law is silent on the issue of paternity as result of a criminal act?
- 023 WELLS: Correct.
- 024 REP. EDMUNSON: Are we creating a presumption for the first time in this field of domestic relations?
- 028 WELLS: Regarding Section 1,2 they are creating something new.
- 031 JOHN ELLIS, SUPPORT ENFORCEMENT DIVISION: There is a parallel in the analogue of federal code. This federal code states that the state's $\frac{1}{2}$
- child support program which normally has to accept applications, does not have to prosecute a paternity case if criminal facts exist. The federal regulations excuse the state from participating in such a case.
- 045 REP. EDMUNSON: What if the mother came to you? What does the federal law say about that?

- 048 ELLIS: It is the same. The intent of the federal law is to enable the state to excuse itself from participating, for the benefit of the child and mother.
- 055 REP. EDMUNSON: There is a moral judgement of the child and the mother. 058 ELLIS: The federal code refers to the best interest of the child. It may imply the interest of the mother, but it is not explicit.
- 061 REP. BAKER: What if a child is born and the mother dies? What standing does the father have to assert his parenthood, and what standing do

other parties have to challenge him?

- 066 WELLS: If no paternity has been established, then the putative father has no standing other than to bring an action for a paternity.
- 070 REP. BAKER: Who has standing to challenge him?
- 071 WELLS: The guardian of the child.
- 074 REP. BAKER: If the mother is acknowledges the father, can he then come forward and pursue custody of child?
- 079 WELLS: Until it is established judicially that the putative father is the father, then he doesn't have standing.
- 083 REP. BAKER: He has more standing than anyone else. Who will challenge him?
- 085 WELLS: The guardian of the child.
- 086 REP. BAKER: The child doesn't have a guardian yet, he will be appointed at least the provisional guardian.
- 091 WELLS: Under current Oregon law, if a father has established that he is the father, upon death of the mother, normally he is appointed custodial parent. The court could, in a contested proceeding, decide that the
- father not have custody. The court could decide that under the circumstances of his behavior, a criminal act, might not be the appropriate guardian of the child.
- 104 REP. EDMUNSON: That is the law now? Are we just codifying the law now?
- 105 WELLS: No, this bill would change law to allow the court to say, that paternity will not be established if result of crime.
- 111 REP. EDMUNSON: Unless the father presents clear and convincing evidence and overcomes presumption? What if the convicted criminal files for
- paternity of child? Can the court acquire background of father?
- 122 WELLS: The issue of the nature of conception isn't relevant

in a paternity action. HB 2517 makes it relevant. The facts and

circumstances of conception would be relevant on issue of paternity, and implicitly the criminality of that might become known to the trier of

fact.

- 130 REP. EDMUNSON: The character of the putative father would need to be known for custody.
- 132 REP. BAKER: The reason we go after the putative father is for a support function. Couldn't we effectively establish paternity, and not allow

the father to see child, but still pay support? 144 HOLLY ROBINSON, COMMITTEE COUNSEL: The intent of bill was to deal with adoption situations. If incest occurs and daughter wants to give up

child for adoption, this would prohibit the putative father of the child, to be able to adopt.

172 WELLS: It is possible that the criminal father will escape responsibility for paying for support under certain circumstances.

State has authority not to initiate paternity actions under these circumstances.

180 CHAIR BRIAN: In Section 2, a presumption is created if the mother establishes by a preponderance of the evidence, that the sexual conduct which resulted in the pregnancy would constitute a crime under the

statute, if the necessary elements of those crimes where established beyond a reasonable doubt.

195 REP. EDMUNSON: It favors the mother because it makes it easier for her to establish the barrier to paternity than it does for the father to

overcome it.

- 198 REP. BAKER: But you don't need reasonable doubt language in there, do you?
- 199 CHAIR BRIAN: It takes to higher standard. Referring to Subsection 1, lines 6-11.
- 207 REP. EDMUNSON: You must have the criminal standard of proof in the civil action otherwise it allows a civil standard of proof to establish a criminal conduct, which raises other liabilities.
- 222 WELLS: The elements of the crime need to be established beyond a reasonable doubt whether in a prior criminal proceeding or in paternity action. But if established beyond reasonable doubt in a criminal

proceeding, then the proponent would need to establish by preponderance in the paternity action that a criminal act has happened.

- 234 REP. EDMUNSON: If no criminal proceeding had taken place, and then the mother said it was a rape, would they go through a criminal proceeding?
- 239 WELLS: In many cases, there isn't a lot of evidence except respective ages. The establishment of that crime therefore can be done.
- 247 REP. EDMUNSON: By creating this statute of dealing with a putative father, it initiates an action. Are we implicitly effecting the law

that would apply if a mother initiates action against a putative father?

- 262 WELLS: I don't see where the mother would need to initiate an action.
- 268 REP. EDMUNSON: If bill goes farther than that, what's implicit here? This would only apply in adoption context, and not in custody, not in

support only?

- 282 HOLLY ROBINSON, COMMITTEE COUNSEL: ORS 109.124, is only the establishment of paternity.
- 285 REP. EDMUNSON: Isn't that a critical factor, a prelude to support?
- 296 WELLS: If the mother was not on public assistance, she could bring a private action to establish paternity. This bill, if passed, would not

protect her against the father establishing his rights.

- 312 REP. BAKER: What do we lose by allowing either party to establish paternity?
- 317 WELLS: It would be a dramatic change in custody and visitation law to adopt that rule.
- 323 REP. BAKER: If the court looks to the best interest of the child, why do we need this bill?
- 324 WELLS: We need this bill, because in some cases the court will not look at the nature of the criminal conduct which resulted in conception.
- CHAIR BRIAN: Adjourns the meeting at 3:04 P.M.

Submitted by: Reviewed by:

Committee Coordinator

EXHIBIT LOG:

A - Proposed Amendments to HB 3011 - Committee Counsel - 17 pages B - Statutes dealing with HB 3011 - Committee Counsel - 11 pages C - Testimony on HB 3011 - Department of Human Resources - 1 page D - Testimony on HB 3018 - OgleSB y Young - 5 pages E - Testimony on HB 3018 - Department of Justice - packet F - Testimony on HB 3018 - Department of Human Resources - 2 pages G - Testimony on HB 2286 - Department of Justice - 3 pages H - Testimony on HB 2286 - Oregon Legal Services - 2 pages I - Proposed Amendments to HB 2517 - Rep. Del Parks - 1 page J - Testimony on HB 2517 - Rep. Kevin Mannix - 1 page K - Testimony on HB 2517 - Michael Wells - 1 page