

HOUSE COMMITTEE ON JUDICIARY FAMILY JUSTICE

February 4, 1991 Hearing Room 357 3:00 p.m. Tapes 18 - 19 MEMBERS  
PRESENT: Rep. Kelly Clark, Chair Rep. Judy Bauman Rep. Marie Bell  
Rep. Jim Edmunson Rep. Kevin Mannix Rep. Tom Mason Rep. Del Parks Rep.  
Ron Sunseri

MEASURES HEARD: HB 2413 - Informal Disposition of Juvenile Matters  
(PH) STAFF PRESENT: Holly Robinson, Committee Counsel Jeff Steve,  
Committee Assistant

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 18, SIDE A

004 CHAIR CLARK: Calls the meeting to order at 3:10 p.m. > Reads from  
the History of the Oregon Constitution, Constitutional Debates of 1857.

HB 2413 - INFORMAL DISPOSITION OF JUVENILE MATTERS - PUBLIC HEARING

Witnesses: Don Welch, Director, Clackamas Co. Juvenile Dept. Richard  
Kig, Clackamas Adolescent Intervention

045 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2413 attempts to lengthen  
the amount of time in which a child can be placed on an informal  
disposition contract from the current time of six months to a period of  
either five years, or on the date the child becomes 21, whichever is  
less. 053 DON WELCH, DIRECTOR OF CLACKAMAS COUNTY JUVENILE  
DEPARTMENT: EXHIBIT A. Details Exhibit A, testifying in support of HB  
2413. > Can achieve virtually everything in an informal process except  
removal from the home, which is available through the adult process.  
>The need to intervene early and aggressively with people, from the  
treatment standpoint, requires that it be done effectively, and with the  
least trauma to everyone involved. > Informal probation was criticized  
by treatment people because probation was limited to six months. They  
felt the informal approach should be tried first. The potential for a  
child responding to treatment, leaving the record behind them, is a  
workable possibility. House Committee on Judiciary February 4, 1991 -  
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> Advocates that this complicated subject be addressed with as many  
options as possible. The potential inherent in HB 2413 will be for us to  
work with the willing "juvenile defendant", who acknowledges his  
behavior, and can be treated effectively. If the individual does not  
respond effectively, they can be brought back to court on the original  
charge without losing any of the due process rights. > The formal  
probation position available to a judge puts the "juvenile defendant" on  
probation up to five years, or until they reach age 21, whichever is the  
earlier.

143 REP. MANNIX: Suggested: "Five years from the date the agreement is  
signed by all necessary parties, or by the date on which the child  
becomes 21 years of age, whichever occurs first." The wording  
"whichever" is a concern.

153 WELCH: Agreed. 155 CHAIR CLARK: The Committee heard a powerful

statement that adjudication is necessary, or some type of confrontation with reality. Do you see the proposal going in the opposite direction?

160 WELCH: No. We heard from a number of treatment people during the Task Force hearings. The two issues were: 1) acknowledging conduct so that it can be treated, and 2) supervision to see that the child stays involved.

180 CHAIR CLARK: Is there any reason why the juvenile code should be amended to change the informal disposition provision from six months to five years, in cases other than sex offenses? 183 WELCH:

Yes. The six month limit is unfortunate. There is no magic in six months, this is a quick turn-around time. 188 CHAIR CLARK: Suggested the language be changed to "two years", except for cases of sex offense, which counsel would draft language to include up to five years.

195 WELCH: Would prefer the language be straightforward not drawing a distinction on the basis of the type of referral. 244 ROBINSON: After the child turns 18 years of age, does the court have the ability to

revoke the informal disposition? 251 WELCH: No. If a petition has not been filed by the eve of the 18th birthday, you have lost the

disposition. 254 ROBINSON: You have no power over the child once they reach 18 years of age, so why would we extend the age limit to 21 years of age? 260 WELCH: We often engage people in a course of treatment

which extends past the six months, although we lose our enforcement potential after six months. When the person reaches 18 years of age they could abandon the informal probation contract and we would be powerless.

284 ROBINSON: Clarified. You would loose the original jurisdiction issue. You cannot file the House Committee on Judidary February 4, 1991 - Page 3

petition in juvenile court once a child has turned 18 years of age.

293 WELCH: That is accurate.

312 REP. MANNIX: We are talking about authorization to have these agreements enforced. This is not in the Statute.

321 WELCH: This has been in the Statute since 1979 from the standpoint that a person who makes a commitment and then fails to abide by that commitment, and is then brought back before the judge. The informal contract can be extended. > Treatment people will no longer demand adjudication as a condition before accepting a patient.

399 REP. BAUMAN: There is a lot of time and grief spent getting to disposition. The main idea is getting into treatment, and some counties will not allow treatment before getting an adjudication.

TAPE 19, SIDE A 023 REP. MANNIX: In dealing with people who have been adjudicated, these people are not willing to acknowledge what they have done which lead to the termination of parental rights. The reason for adjudication is to force people to confront their actions. The acknowledgment process does not require adjudication, and is actually the most important step in the healing process. Do we require acknowledgment as part of the informal resolution?

030 WELCH: No. The distinction is important. By terms of the informal probation contract, a person does not have to acknowledge legally that they have committed an offence.

129 RICHARD KING, DIRECTOR CLACKAMAS ADOLESCENT INTERVENTION SERVICES: EXHIBIT B Testifies in support of HB 2413. > We work with the youngster's self-esteem. It is cliffficult working with 12 or 13 year olds who have the remainder of their lives to be looked at as a sex offender. > We find youngsters who, after adjudication, will still be in

denial. > The agreement would allow us to monitor the youngsters.

226 REP. MANNIX: Would you like to see us expand the jurisdiction of the juvenile court so anyone who is subject to probation may still be subject to probation from age 18 to 21?

232 KING: Yes.

237 REP. BELL: Pertaining to denial, do you find these young victims are so repulsed by their own behavior that they actually block it out?

245 KING: To date, we have not found a youngster who has committed a sexual offense and has not come out of the denial. > We always start the process knowing that we are going to hear more from the youngsters about offenses that were not reported. > There are many victims of sexual abuse that do not offend. We do not know what the

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instrument is that turns a situation into an abusive situation. 374  
CHAIR CLARK: Adjourns meeting at 4:05 p.m.

Prepared by:  
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Reviewed by: Debbie Schieno  
Office Manager

David

EXHIBIT LOG: A - Testimony on HB 2413 - Don Welch - 2 Pages B - Booklet on HB 2413 - Adolescent Sexual Offender Intervention Program - Richard King - 16 Pages C - Testimony on HB 2413 - Oregon Sheriffs - 1 Page

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