

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.

HOUSE COMMITTEE ON JUDICIARY FAMILY JUSTICE

March 13, 1991Hearing Room 357 3:00 p.m.Tapes 57 - 58

MEMBERS PRESENT:Rep. Kelly Clark, Chair Rep. Judy Bauman Rep. Marie Bell Rep. Kevin Mannix Rep. Tom Mason Rep. Del Parks Rep. Ron Sunseri

MEMBER EXCUSED: Rep. Jim Edmunson VISITING MEMBER: Rep. Tom Brian

STAFF PRESENT: Holly Robinson, Committee Counsel Kathy Neely, Committee Assistant

INFORMATIONAL HEARING: LC 1401/HB 3438 (Juvenile Justice)

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TAPE 57, SIDE A

003 REPRESENTATIVE CLARK, CHAIR: Calls the meeting to order at 3:58 p.m.

INFORMATIONAL HEARING ON LC 1401/HB 3438 Witnesses:Pam Foltz, Paul Snider, Gina Wood, Len Munks, Jim Francesconi, Brian Simonitch

013 ROBINSON: Summarizes LC 1401/HB 3438. Allows establishment of a grant program allowing juvenile offenders to be maintained in county of origin. Allows county to have access to programs. Allows access to monies.

022 PAM FOLTZ, COUNTY COMMISSIONER, BENTON COUNTY: (EXHIBIT A)

*Discusses what Benton County Commissioners did. Consensus to support it and interested in serving as a pilot county. The bill is patterned after Community Corrections Act and Benton County has been an Option 1 county since 1984. The Community Corrections Act is an example of how positive outcome can be achieved in juvenile justice system. Will know, at conclusion of pilot project 1)how it works and 2) what the problems are. *Consensus of Juvenile Justice Coalition that current system is not working. Comments on current system. Draft bill does not go far enough in delegating responsibility to county commissioners. Important for commissioners to play a leading role in changes made. *The counties have ability to provide good case management. Local control will help service the people better. County government face problems subsidizing mandated programs. Draft legislation does in fact provide adequate resources.

067 CHAIR CLARK: In what way does the bill not go far enough in giving counties enough authority, in creation of plan?

PAM FOLTZ: Seems there are places where responsibility is given to

Juvenile Justice Department, under control of Board of Commissioners. In best interest if the Boards were listed as those responsible. An issue trying to correct is to enhance or create new community based programs. Comments on Benton County.

083 CHAIR CLARK: Invites Association to propose amendments.

PAM FOLTZ: The Association of Oregon Counties supports in concept the draft. Will be on agenda for the Associations Legislative Committee meeting. Will have official position first part of April. Concern raised was related to CSD in their pulling financial support to the counties. Comments on the funding issue. It will be up to counties to meet the State's mandate. Funding has not kept pace with work load.

113 CHAIR CLARK: Invites proposed amendments.

127 LEN MUNKS, CHILDREN'S SERVICES DIVISION, ASSISTANT ADMINISTRATOR: (EXHIBIT B) Concerned with fragmentation of juvenile services of the state. Paraphrase written testimony. Found when state and county are not in a good partnership on juvenile justice issues, job is not done right. Comments on HB 2045 in 1985. Would like to make effort for county and state to work together. Comments pilot program. This should not be done at expense of training school capacities. Comments on impact of Measure 5 and funding.

164 CHAIR CLARK: Currently it is set up to double fund a certain number of beds in state training schools. If funds were going to counties would have few commitments to state training schools.

174 REP. BRIAN: The LC draft on page 7, line 21 has to do with funding. Section 13(a) says "first local service benchmark is determined by conducting an independent accounting of funds". Any recommendation on the independent accounting of funds is done?

LEN MUNK: Recommendation would be to begin with Legislative Fiscal office on what CSD spends per youth in different programs.

GINA WOOD, OREGON COMMUNITY CHILDREN AND YOUTH SERVICE COMMISSION AND OREGON JUVENILE JUSTICE ADVISORY COMMITTEE: (EXHIBIT C) Discusses the programs. Discusses the 1989 Children and Youth Services Act State Commission. Explains the Juvenile Justice Advisory Committee. On behalf of both, bring support and endorsement of the LC draft. Discusses the impact to both the local and state commission and what these commissions do. Shares current statutory responsibilities of the programs.

286 REP. BRIAN: What is the name of a group that is advisory to the administrator?

LEN MUNK: Juvenile Correction Counsel. Under HB 2045 an Advisory Committee is established. It advises CSD on distributing funding to counties.

304 CHAIR CLARK: Calls for further witnesses on the bill.

316 BRIAN SIMONITCH, CASEWORKER, CSD: Testifying on own behalf. (EXHIBITS D, E, F, and G) Urges skeptical consideration. It goes in directions the committee will regret. There are ways, however, that can improve services to state youth but not in this bill. Comments on the exhibits presented. Discusses own proposed pilot project in Lane County. Comments on problems with programs: 1) funding; 2) the cap which has

not been well used and has not reduced population in the training schools. Way to do this is development of an adequate and satisfactory plan. Documents outline that plan. Will develop this into full written testimony for further public hearings.

TAPE 58, SIDE A

025 REP. SUNSERI: If committee continues in this direction, the committee will regret, can witness give brief illustration of what is meant by the committee regretting this?

BRIAN SIMONITCH: Look at how services are rendered: a) probationary services and b) by county. Better to have the child removed from home by a broader operated system. There are 36 counties in Oregon. Comments on the 4 largest in population containing 4/5 of available bed space in juvenile correction system. CSD is an umbrella, not satisfied with it and will now create another umbrella to try to solve it.

067 CHAIR CLARK: Maybe the problem is idea of overall umbrella dictated by the state is not the right way to go. Communities may be better equipped to deal with children than the state.

BRIAN SIMONITCH: Disputable concept. Would dispute it as a case worker.

074 CHAIR CLARK: Is the answer to find a better overall umbrella than these?

BRIAN SIMONITCH: Yes. Comments on bill drafted in 1983 which created a juvenile corrections division. At that time, 38 states had a total separation between delinquency and dependence in juvenile justice systems. Oregon's system is a minority approach. Discusses CSD's main interest in dependence. Best way is to combine these and place under solid corrections minded administration. Dependency and delinquency need to be separated. This bill allows the county to call the shots and not have any accountability for the results.

106 CHAIR CLARK: Thanks witnesses. Adjourn hearing at 4:35 p.m.

Submitted by: Reviewed by:

Kathy Neely David Harrell Assistant Office Manager

EXHIBIT LOG:

A	-	Commission members - 3 pages	B	-	Testimony on HB 3438 -
Len Munks	-	2 pages	C	-	Testimony on HB 3438 - Gina Wood - 3 pages
D	-	Documents regarding HB 3438 - Brian Simonitch - 15 pages			
E	-	Documents regarding HB 3438 - Brian Simonitch - 4 pages			
F	-	Documents regarding HB 3438 - Brian Simonitch - 7 pages			
G	-	Documents regarding HB 3438 - Brian Simonitch - 16 pages			