

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

May 22, 1991Hearing Room 357 3:00 p.m.Tapes 132 - ?

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

MEMBER EXCUSED: ?Sen./Rep. Name

STAFF PRESENT: Holly Robinson, Committee Counsel Kathy Neely, Committee Assistant MEASURES CONSIDERED: SB 943 PH (Child Abuse) HB 2560 PH (Guardianship)

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TAPE 132, SIDE A

003 REPRESENTATIVE CLARK, CHAIR: Calls the meeting to order at 3:20 p.m.

SB 943 - PUBLIC HEARING

007 HOLLY ROBINSON:

015 CONNIE JACOBY: (EXHIBIT A, B) \*Illustrates the need for this by discusses the death of three children

058 helen smith, deputy DA for the FAmiy:

092 CHAIR CLARK:

095 GRANT HIGGINSON, OREGON HEALTH DIVISION (EXHIBIT C) \*Division believes the efforts begun at the state level can

126 CHAIR CLARK: In the A-eng. version, section "(section rom the bill)" \*Is that oer broad?

142 SMITH:

144 CHAIR CLARK:

SMITH:

CHAIR CLARK:

148 SMITH: That is what happens currently

151 REP. MANNIX: Asking about fiscal impact.

SMITH: Correct:

155 HOLLY ROBINSON:

DEBORAH WILSON, DEPARTMENT OF JUSTICE: (EXHIBIT D) \*it is a natural extension to include the fatality part onto the abuse section. \*Services that should be provided:

186 REP. BAUMAN: Is this CSD

193 WILSON: This is an amendment offered by the DA's office

207 JACOBY: The DA's office concern was the previous wording gave them an adequate defense that they will not proceed with this prosecution. Wanted to alleviate the possibility of that being used as a defense in these cases

210 REP. BAUMAN: not clear on why should take out the language  
\*Statement of priority should be the safety of the child. \*One remedy would be to take the language out.

SMITH: Understands that \_\_\_\_\_ from the office worked with CSD. There is a

misunderstanding of what the language meant. Understands that legislative history states that . \*Issue is to protect the child and prosecution of an offender, as secondary.

256 CHAIR CLARK:

257 REP. BELL: Believes it was trying to say that the CSD would be the child's advocate. The advocacy of the child should be first.

264 HOLLY ROBINSON: In statement

SMITH: As the bill came over from the Senate. As it is before the committee.

270 REP. BELL: This team will review the incident or handle the

SMITH: It reviews the history behind the case not necessarily the handling of the incident.

290 REP. BELL: On page 2, wondering about the records open if there will be interagency problem if this group finds that one "arm" did not do the job very well. \*other concern is in the bill regarding confidentiality of the period of disclosure, it referred to a section on how they will be kept confidential could they refer to that?

311 CHAIR CLARK: Would like to come back to Section \_\_\_\_\_.

343 SMITH: Does not understand

346 HOLLY ROBINSON: The purpose of the citation is the records can be used so that once the

355 CHAIR CLARK: If the phrase "\_\_\_\_" is vague, what does that do. \*Gives

WILSON: Section 2 was in the original bill and was suggestion from Senate Counsel. \*The propose of this seciton is found under No. 8.

383 HOLLY ROBINSON: Seems th e way this is written if investigating a foster child in a home and there were othe children in theome, would all the records of theother children be pulled, is that the intention? \*If investigated that review, could look at the records of the other children in that home.

403 SMITH: would want todo that if a child dies under suspicious circumstances so that don';t

TAPE 133, SIDE A

005 CHAIR CLARK: Discusses another scenerio. Trying to make sure that the language is carefully drafted.

018 SMITH:

HOLLY ROBINSON: Confidentialy

SMITH:

021 REP. BAUMAN: Don't generally leap to the side of a broad tool being available to the proscutor's office. The response to this example about the IRS recods would be to move to quash the subpoena in Circuit Court and make the DA justify that it was necessary to carry out the proposes of this section. \*Ned to determin if the prupose of the section is

035 CHAIR CLARK: Waht is botherin is that ther emight be subpoena power outside thescope. \*Asks to narrow the subpoena power

044 WILSON: Fine.

053 CHAIR CLARK:

054 REP. BELL: "Giving that to th prosecutor's fofice" Not much difference if looking at the team as an investigative team or an investigative team

079 SMITH: Discusses experience with cooperation

REP. BELL:

SMITH:

091 REP. BAUMAN:

099 HOLLY ROBINSON: iIs thre a worder other than "prodocal" tha tis used.

SMITH: that was used in th estatute in 1989. The rules

105 CHAIR CLARK: That is a british term

114 JOHN BERVAIS, OREOGN NEWSPAPER PUBLISHERS ASSOCIATON; Comments on Section 13, creates an exemption in the records law.

124 HOLLY ROBINSON: Reading as well.

CHAIR CLARK:

GERVAIS:

128 CHAIR CLARK: Closes

SB 943 - WORK SESSION

131 MOTION, REP. BAUMAN: Delete the language.

CHAIR CLARK: Rep. Bauman moves the deletion

131 REP. MANNIX: Would like to hear discussion regarding it.

140 REP. BAUMAN: The object is the language inserted is loose and difficult to interpret

152

153 REP. MANNIX:

152 MOTION, CHAIR CLARK: Moves on lines

176 No objection. Motion passes.

178 MOTION, REP. MANNIX: Moves HB as amended to Full Committee with a "do pass" recommendation.

186 VOTE: Motion

AYE: NO: EXCUSED:

HB 2560 - GUARDIANSHIP PROCEEDINGS - PUBLIC HEARING

195 HOLLY ROBINSON:

209 REP. PARKS:

231 HOLLY ROBINSON: It is difficult for individuals who want to be guardians to obtain bonds. \*Comments on discussion about this issue from last session. It is a difficult issue.

241 REP. PARKS: Does not

242 REP. MANNIX: The problem with the present statute is no problem to waive.

252 CHAIR CLARK: Wonders if there is a way to keep the bond requirement in there and to get the court to waive the bond under certain circumstances.

REP. MANNIX: Could say "a guardian shall be required to give bond unless the court decided

261 REP. BAUMAN: Curious whether it would be possible to have a list of situations for exemptions. The purpose of this is not to do away with bonds in all cases.

270 REP. PARKS: Trying to get at those that don't have a lot of money

283 CHAIR CLARK:

288 REP. MANNIX: Asks about going into work session

CHAIR CLARK: Rp. Jones has been notified o hearing

HB - 2560 - WORK SESSION

297 REP. MANNIX: What about saying a guardian shall be required to give a bond unless a court determines

303 REP. PARKS: Hesitant about createing a list.

REP. BAUMAN: Other situation is that a lawyer could come up with a list of judges who would waive bond under any circumstances

CHAIR CLARK: Friendly amendment where the amount would be over \$\_\_\_\_\_. Judge has the discretion in small amount cases but none in

319 REP. BELL: Rep. Parks wants to have it waived \*List will be a problem.

333 CHAIR CLARK:

334 REP. BAUMAN:

357 CHAIR CLARK: Would Rep. Bauman be more comfortable

360 REP. BAUMAN: It is important to have the Sponsor to come in a discuss the bill.

369 REP. PARKS: Not a hypathetical and sure that thre will be diferen

373 CHAIR CLARK: Suggests closing work session and inviting Rep. Jones to come back before the committee.

382 REP. BELL: CHAIR CLARK:Closes work session , Adjourns at 4:15 p.m.