

House Bill 2689

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon Law Commission)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Adds information about right of appeal to form of summons in juvenile proceeding to establish jurisdiction.

A BILL FOR AN ACT

Relating to juvenile dependency proceedings; amending ORS 419B.818.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 419B.818 is amended to read:

419B.818. The summons for appearance in a proceeding to establish jurisdiction under ORS 419B.100 must be in substantially the following form:

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR _____ COUNTY

In the Matter of)
) No.
) Petition No.
)
 A Child.) SUMMONS

TO: Name and address

IN THE NAME OF THE STATE OF OREGON:

You are directed:

_____ To appear in person before this Court at _____ (address), Courtroom #_____, _____, Oregon, on: the _____ day of _____, 2_____, at _____ o'clock ____m. for a hearing on the allegations of the petition and at any subsequent court-ordered hearing. You must appear personally in the courtroom on the date and at the time listed above. An attorney may not attend the hearing in your place. However, if you are the child at issue in this proceeding and you have an attorney, you may rely upon your attorney to appear at the hearing on your behalf.

_____ To appear in person before this Court at _____ (address), Courtroom #_____, _____, Oregon, on the _____ day of _____, 2_____, at _____

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 o'clock ____m. to admit or deny the allegations of the petition and at any subsequent court-ordered
 2 hearing. You must appear personally in the courtroom on the date and at the time listed above. An
 3 attorney may not attend the hearing in your place. However, if you are the child at issue in this
 4 proceeding and you have an attorney, you may rely upon your attorney to appear at the hearing
 5 on your behalf.

6
 7 _____ To file a written answer to the petition no later than 30 days after the date you were
 8 served with this summons and to appear at any court-ordered hearing. An attorney may not attend
 9 any court-ordered hearing in your place. However, if you are the child at issue in this proceeding
 10 and you have an attorney, you may rely upon your attorney to file and to appear at the hearing on
 11 your behalf.

12
 13 **NOTICE:**
 14 **READ THESE PAPERS CAREFULLY!**

15
 16 A petition has been filed to establish jurisdiction under ORS 419B.100. A copy of the petition is at-
 17 tached.

18
 19 No later than 30 days from the date the petition is filed, each person about whom allegations have
 20 been made in the petition must admit or deny the allegations. Unless directed otherwise above, the
 21 admission or denial may be made orally at the hearing or filed with the court in writing.

22
 23 If you do not appear or file a written answer as directed above, or do not appear at any subsequent
 24 court-ordered hearing, the Court may proceed without further notice and take jurisdiction of the
 25 child(ren) either on the date specified in this summons or on a future date, and make such orders
 26 and take such action as authorized by law including, but not limited to, establishing wardship over
 27 the child, ordering the removal of the child(ren) from the legal and physical custody of the parent(s)
 28 or guardian(s) and, if the petition alleges that the child(ren) has (have) been physically or sexually
 29 abused, restraining you from having contact with, or attempting to contact, the child(ren) and re-
 30 quiring you to move from the household in which the child(ren) resides (reside).

31
 32
 33 **RIGHTS AND OBLIGATIONS**

34
 35 You have a right to be represented by an attorney. If you wish to be represented by an attorney,
 36 please retain one as soon as possible to represent you in this proceeding. If you are the child or the
 37 parent or legal guardian of the child and you cannot afford to hire an attorney and you meet the
 38 state's financial guidelines, you are entitled to have an attorney appointed for you at state expense.
 39 To request appointment of an attorney to represent you at state expense, you must contact the ju-
 40 venile court immediately. Phone _____ for further information. If you are represented by an at-
 41 torney, it is your responsibility to maintain contact with your attorney and to keep your attorney
 42 advised of your whereabouts.

43
 44 If you are a parent or other person legally obligated to support the child(ren), you have the obli-
 45 gation to support the child(ren). You may be required to pay for compensation and reasonable ex-

1 penses for the child(ren)'s attorney. You may be required to pay support for the child(ren) while the
2 child(ren) is (are) in state financed or state supported custody. You may be required to provide
3 health insurance coverage for the child(ren) while the child(ren) is (are) in state financed or state
4 supported custody. You may be required to pay other costs that arise from the child(ren) being in
5 the jurisdiction of the Court. If you are ordered to pay for the child(ren)'s support or there is an
6 existing order of support from a divorce or other proceeding, that support order may be assigned
7 to the state to apply to the costs of the child(ren)'s care.

8
9 If this summons requires you to appear before the court to admit or deny the allegations of the pe-
10 tition or requires you to file a written answer to the petition and you contest the petition, the court
11 will schedule a hearing on the allegations of the petition and order you to appear personally and
12 may schedule other hearings related to the petition and order you to appear personally. If you are
13 ordered to appear, you must appear personally in the courtroom, unless the court has granted you
14 an exception in advance under ORS 419B.918 to appear by other means including, but not limited
15 to, telephonic or other electronic means. If you are the child at issue in this proceeding and you
16 have an attorney, your attorney may appear in your place.

17
18 **If your rights are adversely affected by the court's judgment or decision regarding jurisdic-**
19 **tion or disposition, you have the right to appeal under ORS 419A.200. If you decide to appeal**
20 **a judgment or decision of the court, you must file a notice of appeal no later than 30 days**
21 **after the entry of the court's judgment or decision as provided in ORS 419A.200. You have a**
22 **right to be represented by an attorney in an appeal under ORS 419A.200. If you are the child**
23 **or the parent or legal guardian of the child and you cannot afford to hire an attorney and**
24 **you meet the state's financial guidelines, you are entitled to have an attorney appointed for**
25 **you at state expense. To request appointment of an attorney to represent you at state ex-**
26 **penditure in an appeal under ORS 419A.200, you must contact the juvenile court immediately.**
27 **Phone _____ for further information.**

28 By: (Name and Title)

29 Date Issued: _____

30 _____

31 _____
32 _____