

# Youth, Rights & Justice

ATTORNEYS AT LAW

To: House Committee on Judiciary, 2013 Oregon Legislature

From: Mark McKechnie, ED, Youth, Rights & Justice

Date: March 19, 2013

Re: HB 3363 Concerns and Amendments

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Chair Barker and Members of the Committee:

Youth, Rights & Justice is opposed to the version of this bill as introduced, however, we have been working with the CASA Programs' Legislative Chair since October to discuss amendments to the bill. We have made a great deal of progress. We understand that the CASA organization has submitted amendments to LC that include input from Youth, Rights & Justice. Because we have not seen the final product, it is difficult to state a position at this time.

We understand that the CASA's interests include having better access to information on a case to which they are appointed. We support the principal that all parties should have access to key information in order to participate in a meaningful way.

We also understand that the CASA program wants to expedite cases involving children under the age of three so that permanency can be achieved as quickly as possible. We agree with this goal, and we believe that current statutes and case law support this, as well.

Our concerns with the bill as introduced include:

- Inadequate notice to parties, particularly to parents, when another party moves to introduce new allegations after jurisdiction has been established.
- The treatment of mere allegations by DHS as fact in the process of the court's consideration of the permanent plan for a child.
- The establishment of a permanency hearing for young children within 6 months after the child is placed in foster care. The primary purpose of such a hearing would be to consider a change in the plan from reunification to another option, such as adoption. Six months, even in the case of young children, will often be too soon to consider such a change.
- Access to court information by the CASA program on all juvenile cases, rather than access to cases on which a CASA is appointed.

A majority of these issues are being addressed through amendments, but there remain areas of disagreement. After reviewing the amendments that are currently being drafted, we may ask that the remaining sections of disagreement be removed from the bill so that the sections on which there is agreement may move forward.