



**Oregon
Juvenile
Department
Directors
Association**

MEASURE: HB 2836
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*Representing Oregon
Juvenile Departments
www.ojdda.org*

- Debra Patterson, President
- Faye Fagel, President Elect
- Joe Ferguson, Treasurer

House Bill 2836 – Establishes standards and procedures for determining fitness of youth to proceed on a delinquency petition. Requires Oregon Health Authority develop guidelines for conducting of evaluation of fitness of youth to proceed and to administer programing to provide restorative services as required.

The **Oregon Juvenile Department Directors Association** strongly supports House Bill 2836.

Currently, Oregon law contains no clear statutory provisions regarding “fitness to proceed” in juvenile delinquency cases. Courts, defense attorneys, district attorneys, and juvenile departments are left to determine how they believe such law should apply often using the application of adult laws to address a youth’s constitutional rights. This has resulted in the inconsistent practices across the state.

The Oregon Law Commission adopted development of this bill for the 2003 legislative session. This project was deferred by OLC until 2007 when it introduced HB 320. In 2009 OLC introduced HB 3220. A similar bill was introduced in 2011 as SB 411. Each time, those bills died due to the fiscal impact on the system, specifically to the Oregon Health Authority and to the Department of Human Services. During these years the courts have continued to struggle with how best to address this right given little consistent direction by statute. In some cases, because the system is not set up to provide adequate evaluation and restorative services, this right is effectively denied.

Due to no regulatory responsibility, a youth can be misdiagnosed and misplaced by the system that is supposed to protect them and to be looking out for their best interests. Imagine the cost to taxpayers of misplacing a youth into a juvenile justice system that may expose him or her to criminal thought patterns and then eventually growing up to become a chronic adult offender. Now imagine, but for lack of a system of consistent procedures and services, that same youth could be served with mental health services and diverted from a life of crime, courts, jail, and welfare.

The **Oregon Juvenile Department Directors Association** seeks your support in passing HB 2836 because it’s supports youth’s constitutional rights, it helps at-risk youth to get the proper intervention, and it saves tax payers money be preventing further criminal influence and crime.

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