

House Ways and Means Joint Sub-Committee, Public Safety Room 343

Thank you for the opportunity to speak with you today regarding HB 2836.

My name is Markus Fant. I am a Juvenile Counselor for Clackamas County Juvenile Department. I carry a specialized caseload of youth who have significant mental health issues. Additionally, I often work with youth with lower cognitive skills. The issue of aid and assist comes up regularly with my caseload.

There are several important arguments that can be made in support of HB 2836 including due process rights, equal protection between jurisdictions, moral and ethical obligations that we have to the youth before he or she becomes an adult, and what it will cost our communities and the legal system when the youth becomes an adult and the "rules change."

However, I wish to focus my message on one issue: Community Protection.

When SB 411 was in front of the Senate Judiciary Committee in 2011, a member of that committee asked why we need such a bill, as a work-around already seemed to be in place. This misperception was caused because every county, even every judge, may handle aid and assist issues differently because we have no juvenile law in this matter. Some counties use the adult statute and apply it to juveniles. Some counties send their youth to Children's Farm Home, a residential program, for assessment and restorative services. In Clackamas County, we have no work-around. Juvenile offenders, through their attorneys, are allowed to raise aid and assist issues as we believe it is a due process right. However, the state is not allowed to seek restorative services for those youth who may gain fitness to proceed. The petition is merely dismissed, and the youth is back in the community without any supervision, treatment or accountability. The juvenile justice system then becomes a "revolving door," and some youth are in and out of police and juvenile department custody. It is this provision for restorative services that makes HB 2836 helpful for the county juvenile departments to protect the community and provide appropriate treatment to youth offenders.

By way of an example, I had a youth on my caseload that was referred to the Juvenile Department 38 times. Seventeen of these referrals were for criminal allegations, and they were all closed after a single aid and assist evaluation said the youth was currently unfit to proceed. Each time, there was a victim that suffered either physical injury or loss of property. There were costs for the local police department to respond, sometimes with several officers for a single incident. One day, this youth was brought to our Juvenile Department three times by police. After the youth turned 18, he continued the behavior that went uncorrected and untreated when he was a juvenile. He has, so far, been arrested five times as an adult. Had I been able to provide supervision and services years ago, when these behaviors began, I believe we could have helped this youth and our community.

This is a complex issue. These youth require services from many partners, including juvenile justice, developmental disabilities, mental health, Oregon Health Plan, Department of Human Services, and special education, to meet their treatment needs. These are also the youth most likely to fall through the cracks. This bill provides more protection for the community, ensures better treatment, and preserves the youth's legal rights.

Thank you for the opportunity to share Clackamas County Juvenile Department's support of HB 2836. I am eager to answer any questions you may have.