

Youth, Rights & Justice

ATTORNEYS AT LAW

To: House Committee on Judiciary, 2013 Oregon Legislature

From: Mark McKechnie, Exec. Director, Youth, Rights & Justice

Date: March 7, 2013

Re: Opposition to HB 2408

Chair Barker and Members of the Committee:

We recognize that the proponents of this bill have only the best of intentions – to keep children safe. This has been part of our mission for the last 38 years, as we have represented over 50,000 children, youth and parents in juvenile dependency and delinquency cases.

But we must question whether this proposal, to add a new felony offense that carries a potential five year prison term, is the best use of the state's resources at a time when more resources for child welfare, education, mental health care, the courts and effective public safety services, such as substance abuse treatment, are sorely needed.

While it is important to protect children from exposure to illicit substances and from the behavior of adults who are under the influence of them, we do not believe that Oregon's current policies and practices are inadequate to the task.

There are already criminal and juvenile dependency statutes which work to protect children from harm related to the use of controlled substances. According to the Department of Human Services, 46.8% of the 7,492 founded child abuse allegations in 2011 were related to drug or alcohol use by a parent or caregiver.

We do not believe that this bill will be an additional or effective deterrent to those whose judgment is already impaired by addiction, nor will it provide any additional benefit to children. It may, however, introduce additional barriers for families affected by drug addiction. Additional criminal convictions and incarceration will reduce the chances that parents who successfully complete treatment for addiction can reunify with their children in a timely manner. This can increase the burden on Oregon's foster care system, which already has one of the highest rates of foster care placement in the country.

We encourage you to reject this proposal in favor of more productive and cost-effective approaches to child and public safety.

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