

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Human Services and Early Childhood

REVENUE: No revenue impact**FISCAL: No fiscal impact****SUBSEQUENT REFERRAL TO: Judiciary****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Cheyenne Ross, Administrator**Meeting Dates:** 3/10

WHAT THE MEASURE DOES: Extends sunset on Department of Human Services' authority to proceed as party to certain juvenile cases without Attorney General, from 2015 to 2017. Declares emergency, effective on passage.

ISSUES DISCUSSED:**EFFECT OF COMMITTEE AMENDMENT:**

[amendment pending] Repeals DHS stop-gap authority to appear without counsel in juvenile cases on a graduated basis: DHS to appear *with* counsel beginning with six counties by the end of 2015, another six counties by June 2016, twelve more counties by June 2017, and in all remaining counties by June 2018. Correspondingly extends the sunset on DHS' stop-gap authority to appear without counsel until June 2018.

BACKGROUND: Up until sometime in 2014, Department of Human Services' caseworkers often appeared in court without counsel on uncontested juvenile matters after jurisdiction was established. At some point, a handful of judges informed DHS they expected strict compliance with Oregon Revised Statute 9.320, which generally requires the state to be represented by an attorney in all cases. This threatened to create a budget issue for DHS and the legislature responded with passage of House Bill 4156, which has allowed DHS to continue to appear as a party to certain juvenile cases without counsel, until a more permanent solution could be obtained.

Senate Bill 222 requires DHS to appear with counsel in juvenile matters on a graduated basis: in six counties by the end of 2015; in another six counties by June of 2016; in twelve more counties by June of 2017; and in all remaining counties by June of 2018.