

**WRITTEN TESTIMONY OF PETER B. JANCI  
BEFORE THE OREGON HOUSE JUDICIARY COMMITTEE**

**Salem, Oregon**

**March 11, 2015**

Chair Barker and Members of the Committee:

Thank you for the opportunity to appear before you today.

My name is Peter Janci and I am a partner at the Portland law firm of O'Donnell Clark & Crew. My practice is focused on advocating for victims of child abuse.

I testify today in support of HB 2999.

I do so, in part, to honor the legacy of my late friend and mentor, Kelly Clark, who passed unexpectedly a little over a year ago.

I had the privilege of working side-by-side with Kelly for nearly a decade. What I saw was a man who dedicated himself to the cause of justice and protection for those who cannot speak for themselves -- vulnerable children.

This cause bookended Kelly's life. He took it up as a young man in the legislature. And he continued the fight to the end.

In his last years, Kelly gave particular attention to the plight of children who are betrayed and abused in the public context -- by a foster parent, a police officer or a school teacher.

In his last days, Kelly expressed to some of you his hope for legislation that would remove procedural obstacles from the path to justice for such victims. HB 2999 is a positive step in that direction.

I'd like to share one example to highlight the importance of this effort.

A few years ago my partner Steve Crew and I had a 21 year old girl come to us. She was born drug addicted with serious physical disabilities. Almost immediately from her birth, DHS was involved in her life.

When the little girl was six, she entered into the care of a distant relative. DHS knew this. DHS also knew that the relative was a sex offender who had been convicted of raping his own daughter. A short time later, DHS learned that the sex offender was petitioning for permanent custody of the little girl. But DHS took no actions to protect the little girl. Instead, DHS began paying a stipend to the convicted sex offender. Over the four years that followed, the little girl was repeatedly raped and exploited and tortured -- almost daily. She was threatened with guns to keep it secret.

The little girl eventually came to our office at the age of 21 years old. We agreed to represent her and filed a case to try to get her justice for what she had suffered. Attorneys for DHS moved to have the case thrown out based on procedural time limitations. Although she had only been an adult for a couple years, those procedural arguments prevented us from getting the little girl anywhere near the justice she deserved.

In the spirit of candor and honesty, I cannot tell you that HB 2999 would have resolved all of the issues in that case. There are other procedural hurdles faced by victims of abuse in the public context that are not addressed by this bill.

***But HB 2999 is a step in the right direction.***

It removes one unreasonable hurdle. It makes it a little easier for some abused children to speak out. It is a step towards the day when all victims of child abuse will hear the same message: "No more secrets. We believe you. This wasn't your fault. How can we help?"

As Kelly would say: "Our legal system does not guarantee justice, but it does guarantee a shot at justice."<sup>1</sup> HB 2999 is another positive step towards making good on that guarantee.

Thank you for your consideration of this bill. Thank you for the opportunity to testify before you today. I would be happy to do my best to answer any questions.

---

<sup>1</sup> Kelly Clark, "Journey up the Mountain of Justice: A Topographical Map for the Traveler and the Guide," Presented at the National Crime Victim Bar Association National Conference (2012).