

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, 3/24

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:

- History of DHS' appearances without counsel
- Temporary nature of statutory authority to permit such appearances
- Constitutional concerns
- Budget concerns

EFFECT OF COMMITTEE AMENDMENT:

[-3 amendment] Extends sunset on Department of Human Services' authority to proceed without counsel on juvenile cases until 2018. Permits such appearances at uncontested proceedings after jurisdiction is established. Directs DHS to appear *with* counsel on a staggered basis as provided (beginning with Jackson, Josephine, Lane, Linn, Polk, and Yamhill counties by the end of 2015; Douglas, Klamath, Lake, Lincoln, Morrow, and Umatilla counties by July of 2016; and Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Jefferson, Marion, Tillamook, and Washington counties by July 2017).

BACKGROUND: Up until 2014, Department of Human Services' (DHS) 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 extends DHS' ability to appear without counsel on uncontested juvenile matters until 2018, while simultaneously requiring appearances with counsel on a graduated basis over time, starting with six named counties by the end of 2015; in another six counties by July of 2016; and in twelve additional counties by July of 2017.