

**PRELIMINARY** STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Judiciary

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

**SUBSEQUENT REFERRAL TO:**

**Action:**

**Vote:**

**Yeas:**

**Nays:**

**Exc.:**

**Prepared By:** Channa Newell, Counsel

**Meeting Dates:** 4/6

**WHAT THE MEASURE DOES:** Provides staggered repeal of statutes allowing Department of Human Services to appear without required representation by Attorney General at certain juvenile dependency proceedings. Requires Attorney General representation in all counties by June 30, 2018.

**ISSUES DISCUSSED:**

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Juvenile dependency is a court process whereby a child is temporarily or permanently removed from the care of a parent or guardian as a result of alleged abuse or neglect. Within 24 hours of a child being removed from a home by the Department of Human Services, a hearing must take place to determine if the child can stay safely within the home. A hearing to determine whether the court must take jurisdiction over a child must happen within 60 days of a petition being filed. Under ORS 9.320, the state must appear by attorney in all cases. The Attorney General is the attorney for the Department of Human Services. In the 2014 legislative session, the requirement for representation was suspended for hearings after the jurisdictional hearing and when the district attorney represents the state and that position is not in conflict with the Department’s position.

Senate Bill 222 begins a rolling repeal of the suspension. As a result, the Department will be required to have representation by the Attorney General in all dependency proceedings by June 30, 2018.