

Senate Committee On Human Services and Early Childhood

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 03/24/15

Action: Do Pass With Amendments. Refer To Judiciary By Prior Reference (Printed A-Eng).

Meeting Dates: 03/10, 03/24

Vote:

Yeas: 4 - Dembrow, Gelser, Monnes Anderson, Olsen

Exc: 1 - Kruse

Prepared By: Cheyenne Ross, Committee Administrator

WHAT THE MEASURE DOES:

Extends sunset on Department of Human Services' (DHS) temporary authority to proceed as party to uncontested juvenile dependency cases without counsel after jurisdiction is established. Requires DHS appear with counsel statewide within three years, on a staggered basis as specified. Declares emergency, effective on passage.

ISSUES DISCUSSED:

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

EFFECT OF COMMITTEE AMENDMENT:

Extends sunset on Department of Human Services' (DHS) temporary authority to appear without counsel on certain juvenile matters until 2018. Permits such appearances at uncontested proceedings after jurisdiction is established. Directs DHS to appear with counsel on a graduated basis over three years until statewide coverage is achieved: in Jackson, Josephine, Lane, Linn, Polk, and Yamhill counties by the end of 2015; in Douglas, Klamath, Lake, Lincoln, Morrow, and Umatilla counties by July of 2016; in Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Jefferson, Marion, Tillamook, and Washington counties by July 2017; and in the remainder of the state by 2018.

BACKGROUND:

Until 2014, caseworkers from the Department of Human Services (DHS) regularly appeared in court without counsel on uncontested juvenile dependency 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. If implemented, the change in practice would have been beyond the existing capacity of the Department of Justice to provide enough attorneys, and it would have created a budget issue for DHS. The Legislature responded with passage of House Bill 4156 (2014), which allowed DHS to continue to appear as a party to certain juvenile matters, without counsel, until a more permanent solution could be obtained.

Senate Bill 222-A extends DHS' ability to appear without counsel on uncontested juvenile dependency matters until 2018, while simultaneously requiring appearances with counsel on a graduated basis over time, to achieve statewide coverage by the sunset date. Implementation begins with six named counties by the end of 2015; another six counties by July of 2016; in twelve more counties by July of 2017; and statewide by 2018.