

April 16, 2017

Senate Committee on Human Services:

Senator Sara Gelser
Sen.SaraGelser@oregonlegislature.gov

Senator Alan Olson
Sen.AlanOlsen@state.or.us

Senator Michael Dembrow
Sen.MichaelDembrow@state.or.us

Senator Tim Knopp
Sen.TimKnopp@oregonlegislature.gov

Senator Laurie Monnes Anderson
Sen.LaurieMonnesAnderson@oregonlegislature.gov

Matt Doumit
matt.doumit@oregonlegislature.gov

Corey Rosenbery
corey.rosenberg@oregonlegislature.gov

Dear Committee Members:

Re: **SB 241(and 242)**

I write in support of SB 241 and urge the committee to ensure that SB 241 passes out of the work session to the legislation. SB 241 (and SB 242) are important bills that can address a long standing problem with the current juvenile justice system that has had the unintended effect of fracturing families and creating more foster care children rather than strengthening and preserving families.

I worked as an attorney in the juvenile justice system in the late 1990s and early 2000's in Portland. I represented both parents and children caught up in the juvenile welfare system. Many parents of wards of the court faced incarceration (generally due to drug convictions and attended theft due to drug or alcohol abuse), resulting in their children being placed in foster care or with relatives because of the inability of the incarcerated parent to care for their children. As you probably know, the child welfare authorities are tasked with finding "permanency" for the children, and if a parent's incarceration last beyond the perceived limits of finding a "permanent plan" for the child(ren), the state is inclined to seek termination of parental rights of the parent, even if the parent is otherwise an appropriate parent for the child(ren).

HAWTHORNE LAW * PAUL NEWTON, JD, CIP * 503-327-5479

Termination of parental rights is a drastic and profound result for both parent and the child(ren), greatly increasing the chance that the child(ren) will suffer serious attachment trauma, languish in foster care, be adopted by strangers, or be raised by non-parental relatives. The known results are quite serious: children that age out of foster care, wardship, etc. often end up homeless their entire lives. Termination of parental rights also is of constitutional dimension, as USSC cases make clear that family unity is a liberty interest that should not be violated by the state without significant reasons. When parent's rights are terminated, children's rights to their parents are also terminated and destroyed.

SB 241 grants children the right to ensure that the State of Oregon protects their rights to their parental and to family preservation. Indeed, having an Oregon "Bill of Rights" for children may greatly strengthen the rights of immigrant families, aliens and other undocumented persons, as federalism under the 10th Amendment to the US Constitution on the issues of immigration and undocumented or illegal status provides that States retain substantial jurisdictional authority of all peoples with its jurisdiction, and an Oregon Bill of Rights for children may provide for a distinct right of action for immigrants to assert their right to remain in Oregon for family preservation purposes.

As you know, SB 241 creates no revenue impact, and SB 242's revenue impact is minor compared to the costs of foster care, adoption, court wardship, and homelessness for children of incarcerated parents.

For these reasons, I strongly urge you to work to ensure the passage of SB 241.

Thank you.

Sincerely,



Paul Newton
Attorney at Law
503-327-5479