

## HB 3047 STAFF MEASURE SUMMARY

### House Committee On Judiciary

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**Action Date:** 04/01/19

**Action:** Do pass. Refer to Ways and Means.

**Vote:** 8-0-3-0

**Yeas:** 8 - Barker, Gorsek, Greenlick, McLane, Power, Sprenger, Stark, Williamson

**Exc:** 3 - Bynum, Lewis, Piluso

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Addie Smith, Counsel

**Meeting Dates:** 3/20, 4/1

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#### WHAT THE MEASURE DOES:

Requires that any party issuing summons, or requesting that the court issue summons, in dependency proceedings bears the financial responsibility for cost of the service of summons and for payment of associated costs.

#### ISSUES DISCUSSED:

- Cost of summons
- Shift in representation in dependency cases from the District Attorney's office to the Oregon Department of Justice
- Disproportionate impact on smaller counties

#### EFFECT OF AMENDMENT:

No amendment.

#### BACKGROUND:

Pursuant to the recommendations of the 2016 Governor's Task Force on Dependency Representation, the Oregon Department of Justice has rolled out the provision of full representation of the Oregon Department of Human Services (DHS) in dependency cases across the state, including in those counties where the District Attorney's Office may have previously provided representation of the state in lieu of DHS at the shelter hearing and adjudicatory phase of the dependency proceedings.

ORS 419B.827 requires each party issuing a summons, or requesting the court to issue a summons, to bear the cost of service and associated costs. It provides an exception for DHS, making the county responsible for the cost associated with a summons when DHS issues the summons, or requests the court to issue the summons.

House Bill 3047 removes the exception for DHS summons and requires DHS to bear the burden of service and associated costs in dependency proceedings.