

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 371**

1 On page 1 of the printed bill, line 2, after “proceedings” insert a period
2 and delete the rest of the line and delete line 3.

3 Delete lines 5 through 29 and delete page 2 and insert:

4 **“SECTION 1. (1) The office of public defense services established**
5 **under ORS 151.216, in collaboration with the Judicial Department,**
6 **shall administer three pilot programs to provide court-appointed legal**
7 **counsel for children in contested child custody and parenting time**
8 **proceedings, except proceedings under ORS 107.700 to 107.735. The of-**
9 **fice shall develop, implement and provide administrative oversight of**
10 **three pilot programs under this section, one in a rural area, one in**
11 **an urban area and one in a mixed urban-rural area of this state.**

12 **“(2) The purpose of the pilot programs is to appoint legal counsel**
13 **for children in contested child custody and parenting time proceedings,**
14 **except proceedings under ORS 107.700 to 107.735, to ensure that**
15 **children’s voices are heard, children’s interests are represented and**
16 **the risk of harm to children is minimized.**

17 **“(3) The Oregon State Bar shall convene an advisory committee of**
18 **experts to develop performance standards for attorneys appointed for**
19 **children under this section.**

20 **“(4) The office of public defense services shall establish minimum**
21 **qualifications under this section for court-appointed legal counsel, in-**

1 **cluding but not limited to a minimum number of recent hours of rel-**
2 **evant continuing legal education classes, relevant legal experience and**
3 **knowledge of child development.**

4 **“(5)(a) The office of public defense services, in consultation with the**
5 **Judicial Department, shall establish eligibility criteria for the court**
6 **to determine whether a child requires court-appointed legal counsel.**

7 **“(b) The office of public defense services shall:**

8 **“(A) Establish eligibility criteria for whether the parties require fi-**
9 **ncial assistance to pay the court-appointed legal counsel and a pro-**
10 **cedure for parties to contribute to the fees, expenses and costs of the**
11 **court-appointed legal counsel, to the extent the parties are able to do**
12 **so;**

13 **“(B) Determine reasonable compensation for court-appointed legal**
14 **counsel, including court costs and expenses, for the representation of**
15 **a child in contested child custody and parenting time proceedings;**

16 **“(C) Administer a grant program to pay the fees, costs and expenses**
17 **of court-appointed legal counsel under this section;**

18 **“(D) Establish criteria for the local administration of the pilot**
19 **programs, including formation of local advisory committees; and**

20 **“(E) Collect data regarding the pilot programs from the attorneys**
21 **in the areas in which the pilot programs are implemented.**

22 **“(6) Upon appointment of court-appointed legal counsel for a child**
23 **under this section, the court shall enter an order:**

24 **“(a) Granting the court-appointed legal counsel access to the child**
25 **and any relevant documents; and**

26 **“(b) On any other issues regarding the attorney’s representation of**
27 **the child that the court determines appropriate.**

28 **“(7) Court-appointed legal counsel appointed for a child under this**
29 **section shall:**

30 **“(a) As soon as practicable following appointment, meet with the**

1 child in person or, if the child is too young to be interviewed, at a
2 minimum, observe the child.

3 “(b) Make reasonable efforts to obtain information relevant to the
4 issues affecting the child.

5 “(c) Make reasonable efforts to determine what services the family
6 needs to facilitate resolution of any dispute regarding custody or al-
7 location of parental responsibilities, make appropriate recommen-
8 dations to the parties and seek appropriate relief in court, if required.

9 “(d) Determine whether a settlement of any dispute regarding cus-
10 tody or allocation of parental responsibilities can be achieved by
11 agreement and, to the extent feasible, attempt to resolve disputes by
12 an agreement.

13 “(8)(a) Nothing in this section shall interfere with the right of a
14 court to appoint counsel for a child under ORS 107.425.

15 “(b) Notwithstanding ORS 107.425, a reasonable fee for an attorney
16 appointed under this section may be charged against funds appropri-
17 ated for public defense services.

18 “(9) The office of public defense services shall submit an annual
19 report regarding the status of the pilot programs to the interim com-
20 mittees of the Legislative Assembly related to domestic relations no
21 later than September 15 of each year.

22 “(10) The Public Defense Services Commission may adopt rules to
23 implement the provisions of this section.

24 “SECTION 2. Section 1 of this 2019 Act is repealed on January 2,
25 2025.

26 “SECTION 3. (1) Section 1 of this 2019 Act becomes operative on
27 July 1, 2020.

28 “(2) The Public Defense Services Commission may take any action
29 before the operative date specified in subsection (1) of this section that
30 is necessary for the commission to exercise, on and after the operative

1 **date specified in subsection (1) of this section, all of the duties, func-**
2 **tions and powers conferred on the commission by section 1 of this 2019**
3 **Act.**

4 **“SECTION 4. In addition to and not in lieu of any other appropri-**
5 **ation, there is appropriated to the Public Defense Services Commis-**
6 **sion, for the biennium beginning July 1, 2019, out of the General Fund,**
7 **the amount of \$_____ for the purpose of carrying out the provisions**
8 **of section 1 of this 2019 Act.”.**

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