

D R A F T

SUMMARY

Establishes pilot programs for purpose of appointing legal counsel for children in contested domestic relations proceedings. Sunsets pilot programs on January 2, 2025. Appropriates moneys for pilot programs.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to appointment of attorneys for children in domestic relations pro-
3 ceedings; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) The Department of Justice shall administer three**
6 **pilot programs to appoint court-appointed legal counsel for children**
7 **in contested domestic relations proceedings. The department shall de-**
8 **velop and implement three pilot programs under this section, one in**
9 **a rural area, one in an urban area and one in a mixed urban-rural area**
10 **of the state.**

11 **(2) The purpose of the pilot program is to appoint legal counsel for**
12 **children in contested domestic relations proceedings to ensure that**
13 **children's voices are heard and interests are represented and the risk**
14 **of harm to children is minimized.**

15 **(3) The department, by rule, shall establish minimum qualifications**
16 **for court-appointed legal counsel under this section, including but not**
17 **limited to a minimum number of recent hours of continuing legal ed-**
18 **ucation classes with an emphasis in:**

19 **(a) Child development;**

20 **(b) Roles of guardians ad litem and child representatives;**

1 (c) Ethics in child custody and allocation of parental responsibilities
2 cases;

3 (d) Relevant substantive state, federal and case law in custody, al-
4 location of parental responsibilities and visitation and parenting time
5 matters; and

6 (e) Family dynamics, including substance abuse, domestic abuse
7 and mental health issues.

8 (4) The department shall:

9 (a) Establish eligibility criteria for the court to determine whether
10 a child requires court-appointed legal counsel and whether the parties
11 require financial assistance to pay the court-appointed legal counsel;

12 (b) Determine reasonable compensation for court-appointed legal
13 counsel, including court costs and expenses, for the representation of
14 a child in contested domestic relations proceedings; and

15 (c) Administer a grant program to pay the fees, costs and expenses
16 of court-appointed legal counsel under this section.

17 (5) Upon appointment of court-appointed legal counsel for a child
18 in a domestic relations proceeding, the court shall enter an order
19 granting the court-appointed legal counsel access to the child and any
20 relevant documents.

21 (6) Court-appointed legal counsel appointed for a child under this
22 section shall:

23 (a) As soon as practicable following appointment, interview the
24 child in person or, if the child is too young to be interviewed, at a
25 minimum, observe the child.

26 (b) Make reasonable efforts to obtain information relevant to the
27 issues affecting the child.

28 (c) Make reasonable efforts to determine what services the family
29 needs to facilitate resolution of any dispute regarding custody or al-
30 location of parental responsibilities, make appropriate recommen-
31 dations to the parties and seek appropriate relief in court, if required,

1 to serve the best interests of the child.

2 (d) Determine whether a settlement of any dispute regarding cus-
3 tody or allocation of parental responsibilities can be achieved by
4 agreement and, to the extent feasible, attempt to resolve disputes by
5 an agreement that serves the best interests of the child.

6 (7) The department shall submit an annual report to the interim
7 committees of the Legislative Assembly related to domestic relations
8 no later than September 15 of each year regarding the status of the
9 pilot programs developed and implemented under this section.

10 (8) The department may adopt rules to implement the provisions
11 of this section.

12 SECTION 2. Section 1 of this 2019 Act is repealed on January 2, 2025.

13 SECTION 3. (1) Section 1 of this 2019 Act becomes operative on
14 January 1, 2020.

15 (2) The Department of Justice may take any action before the op-
16 erative date specified in subsection (1) of this section that is necessary
17 for the department to exercise, on and after the operative date speci-
18 fied in subsection (1) of this section, all of the duties, functions and
19 powers conferred on the department by section 1 of this 2019 Act.

20 SECTION 4. In addition to and not in lieu of any other appropri-
21 ation, there is appropriated to the Department of Justice, for the
22 biennium beginning July 1, 2019, out of the General Fund, the amount
23 of \$_____ for the purpose of carrying out the provisions of section 1
24 of this 2019 Act.

25 SECTION 5. This 2019 Act takes effect on the 91st day after the date
26 on which the 2019 regular session of the Eightieth Legislative Assem-
27 bly adjourns sine die.

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