

Senate Bill 371

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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 proceedings; and prescribing
3 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 pilot programs to ap-**
6 **point court-appointed legal counsel for children in contested domestic relations proceedings.**
7 **The department shall develop and implement three pilot programs under this section, one in**
8 **a rural area, one in an urban area and one in a mixed urban-rural area of the state.**

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

12 **(3) The department, by rule, shall establish minimum qualifications for court-appointed**
13 **legal counsel under this section, including but not limited to a minimum number of recent**
14 **hours of continuing legal education classes with an emphasis in:**

15 **(a) Child development;**

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

17 **(c) Ethics in child custody and allocation of parental responsibilities cases;**

18 **(d) Relevant substantive state, federal and case law in custody, allocation of parental**
19 **responsibilities and visitation and parenting time matters; and**

20 **(e) Family dynamics, including substance abuse, domestic abuse and mental health is-**
21 **sues.**

22 **(4) The department shall:**

23 **(a) Establish eligibility criteria for the court to determine whether a child requires**
24 **court-appointed legal counsel and whether the parties require financial assistance to pay the**
25 **court-appointed legal counsel;**

26 **(b) Determine reasonable compensation for court-appointed legal counsel, including court**
27 **costs and expenses, for the representation of a child in contested domestic relations pro-**
28 **ceedings; and**

29 **(c) Administer a grant program to pay the fees, costs and expenses of court-appointed**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 legal counsel under this section.

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

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

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

8 (b) Make reasonable efforts to obtain information relevant to the issues affecting the
9 child.

10 (c) Make reasonable efforts to determine what services the family needs to facilitate re-
11 solution of any dispute regarding custody or allocation of parental responsibilities, make ap-
12 propriate recommendations to the parties and seek appropriate relief in court, if required,
13 to serve the best interests of the child.

14 (d) Determine whether a settlement of any dispute regarding custody or allocation of
15 parental responsibilities can be achieved by agreement and, to the extent feasible, attempt
16 to resolve disputes by an agreement that serves the best interests of the child.

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

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

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

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

23 (2) The Department of Justice may take any action before the operative date specified in
24 subsection (1) of this section that is necessary for the department to exercise, on and after
25 the operative date specified in subsection (1) of this section, all of the duties, functions and
26 powers conferred on the department by section 1 of this 2019 Act.

27 **SECTION 4.** In addition to and not in lieu of any other appropriation, there is appropri-
28 ated to the Department of Justice, for the biennium beginning July 1, 2019, out of the Gen-
29 eral Fund, the amount of \$_____ for the purpose of carrying out the provisions of section
30 1 of this 2019 Act.

31 **SECTION 5.** This 2019 Act takes effect on the 91st day after the date on which the 2019
32 regular session of the Eightieth Legislative Assembly adjourns sine die.
33 _____