



OREGON LAW COMMISSION

245 WINTER STREET SE
SALEM, OREGON 97301

PHONE 503-370-6973
FAX 503-370-3158
www.willamette.edu/wucl/olc

COMMISSIONERS

Lane P. Shetterly, Chair
Prof. Bernard F. Vail,
Vice-Chair
Chief Judge David Brewer
Mark B. Comstock
Chief Justice Paul J. De Muniz
John DiLorenzo, Jr.
Rep. Chris Garrett
Attorney General John R. Kroger
Julie H. McFarlane
Hardy Myers
Sen. Floyd Prozanski
Judge Karsten H. Rasmussen
Scott Shorr
Dean Symeon C. Symeonides
Prof. Dominick Vetri

STAFF

Prof. Jeffrey C. Dobbins
Executive Director

Wendy J. Johnson
*Deputy Director
and General Counsel*

Lisa L. Ehlers
Legal Assistant

Dexter Johnson
Legislative Counsel

David W. Heynderickx
*Special Counsel to
Legislative Counsel*

HB 2689

Juvenile Summons Form Clean-up

Problem: ORS 419B.117¹ provides that at the first appearance by the parents or guardian of a child before the juvenile court, the court shall inform the parents or guardian verbally AND provide a standard notice describing various things. In many counties, the written “standard notice” used is the summons form. ORS 419B.818 provides a model summons form for a proceeding to establish juvenile court jurisdiction under ORS 419B.100, the dependency bases statute. The model form presently does provide notice of the information in ORS 419B.117(a) and (b) (see bottom of page 2 onto top of page 3 of the bill). However, the summons form presently omits notice of the information in ORS 419B.117(c) and (d). The omitted information relates to the appeal rights of the parents or guardian, including the time to file a notice of appeal.

¹ 419B.117 Notice to parents or guardian of child; when given; contents. (1) At the first appearance by the parents or guardian of a child before the court, the court shall inform the parents or guardian verbally and provide a standard notice describing:

- (a) The obligation of the parents or guardian to pay for compensation and reasonable expenses for counsel for the child, support of the child while the child is in the custody of a state-financed or state-supported residence and any other obligations to pay money that may arise as a result of the child being within the jurisdiction of the court;
 - (b) The assignment of support rights under ORS 419B.406;
 - (c) The right of the parents or guardian to appeal a decision on jurisdiction or disposition made by the court; and
 - (d) The time for filing an appeal of a decision by the court.
- (2) The court shall prepare and provide the standard notice required under subsection (1) of this section.
- (3) The court shall place a notation in the record of the case of the date that the parents or guardian were provided information under this section. [1997 c.748 §2]



The Oregon Law Commission
is housed at the Willamette
University College of Law,
which also provides executive,
administrative and research
support for the Commission.

Solution: HB 2689 will add information to the model summons form provided in ORS 419B.818. On page three of the bill, notice is added to the summons of the right to appeal the court's judgment or decision regarding jurisdiction or disposition. The summons will also state that the notice of appeal must be made no later than 30 days after the entry of the court's judgment or decision. In addition, the draft states the right to be represented by an attorney in an appeal and that if the person cannot afford to hire an attorney, one is entitled to have an attorney appointed for them at state expense. The language regarding the right to an attorney on appeal parallels that on page two of the bill, starting on line 35, regarding a right to have an attorney during the hearing stage of case. The notice provisions regarding the right to counsel come from summons requirements outlined in ORS 419B.815(4)(b).

Conclusion: This is a simple cleanup bill recommended by the Oregon Law Commission's Juvenile Code Revision Work Group. It will help ensure that parents and guardians are better informed of their rights in a juvenile dependency proceeding and will assist counties in properly noticing parents and guardians. The Juvenile Code Revision Work Group regularly makes law reform recommendations to improve the clarity and consistency of the juvenile code.