TESTIMONY ON HB 4121
BEFORE THE HOUSE COMMITTEE ON JUDICIARY
February 2, 2022

Presented by Maureen McKnight, Senior Judge

Chair Bynum, Vice-Chair Noble, Vice-Chair Power and Members of the Committee:

My name is Maureen McKnight and I am Senior Judge, which means I serve when and where assigned by the Chief Justice. I am the former Chief Family Court Judge in Multnomah County where I sat on the Family Court bench for 17 years prior to retirement 2 years ago. I routinely handled the child support docket that HB 4121 addresses and have worked with DOJ and OJD to develop this bill. I speak for myself today in my individual capacity.

I support this bill for the reasons stated by both Erin Pettigrew of OJD and Kate Cooper Richardson, the Child Support Program Director at the Oregon Department of Justice. I write solely to address the 10-day deadline for a party dissatisfied with a Referee ruling to request a *de novo* hearing with a Circuit Court Judge.

I want to state first that we expect very few of these requests for re-hearing. Based on our experience with the Juvenile Court Referee model, on which this statute is based, we are talking about a small number of cases.

But more importantly, *all* parties are treated the same under this bill; no difference in treatment results from status as a parent on TANF. Those on the Title IV-D (state Child Support Program) include anyone on TANF, anyone with a child in state-paid foster care, and anyone else who has applied for Title IV-D services. In fact, current TANF recipients are a very small percentage of the IV-D caseload. Most parents participating in the program are *not* on TANF but want help with setting, enforcing, and modifying support obligations -- both obligees and obligors.

At least 75% of the cases a Referee will hear involve contempt matters involving child support and probation reviews on those contempt bench probations, to help contemnors get jobs, pursue treatment, and pay support. These parents are represented by appointed counsel well-positioned to pursue a re-hearing when desired and familiar with the 10-day deadline from the juvenile model. Those parties have the same 10 days as the other 25% of cases, which involve a court hearing re-hearing the decision of the administrative law judge. All parties appearing before the Referee are treated the same.

Finally, once a judicial officer has ruled, I would respectfully suggest that it is not appropriate supervision or an effective problem-solving court approach to keep a ruling about probation conditions (or less likely, a support amount) in further suspension.

Best practice for a Child Support Referee would be to inform all parties of the 10-day deadline and – for both self-represented and represented parties – making a form available for that purpose. I believe OJD will follow that best practice.

Thank you for considering House Bill 4121 and my remarks.