



TO: House Committee On Early Childhood and Human Services
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: February 7, 2024
RE: Technical suggestions for HB 4087

Chair Reynolds, Vice Chairs Nguyen and Scharf, and members of the House Committee On Early Childhood and Human Services:

My name is Mae Lee Browning. I represent the Oregon Criminal Defense Lawyers Association. OCDLA's 1,200 members statewide include public defense providers, private bar attorneys, investigators, experts, and law students. Our attorneys represent Oregon's children and parents in juvenile dependency proceedings, youth in juvenile delinquency proceedings, adults in criminal proceedings at the trial and appellate level, as well as civil commitment proceedings throughout the state of Oregon. Our mission is championing justice, promoting individual rights, and supporting the legal defense community through education and advocacy.

I am writing to provide a technical suggestion for HB 4087 - Amend the phrase "protective custody" to "legal custody."

OCDLA suggests amending the phrase "protective custody" to "legal custody," because the dependency code doesn't define the term "protective custody" and there is confusion about what it means. It arguably refers only to custody that DHS has under ORS 419B.150, which is in effect only when DHS has removed a child from the parent's care but hasn't yet obtained full legal custody after the court adjudicates a dependency petition. We suggest avoiding "protective custody" because it is unclear what it means.