

February 19, 1975

has been given recently to a child who spent five years or so in a juvenile home for stealing a doughnut, 25¢ value, but we give here as a judge the power to enter into the family, enter into the home and give that family the choice of keeping their child in the home or agreeing to certain conditions. Now I would have no objection to phrases like provide adequate food, shelter but when you get to questions of requiring psychiatric care for the father or mother, where you talk about questions of adequate supervision which might mean periods of employment that the parent has or things like that, I think this gives the court a very broad grant to enter into the family life and say that you can or can't have a certain job, that you shall or shall not see a certain person, that you must see a psychiatrist, that you must put yourself in for alcoholic treatment and so on. Now what is lacking in this bill, I guess, is the very good opportunity for the parent to reply to those requests. There have been bills coming in this session dealing with mental health commitment, dealing with alcoholism treatment, dealing with the suspension of students from schools. All of them have very, very tight outlined procedures as to what to do. In the Parole Board, we are talking about the fact that there is far too much discretion on the Parole Board and that we need to have reform so that the parolee has a certain chance to react to the request made of him. These procedures are not in this bill and I would think that if we pass this bill now, in a couple of years someone is going to come back and say that there is not enough adequate procedures and that we have to do certain things to make sure that the parent has a right to say no about questions of psychiatric treatment. So I would have to oppose this bill in its present form. I think it has some real time bombs in it in letting courts enter into family life and dictate certain conditions.

SPEAKER: The chair recognizes Senator Cavanaugh.

SENATOR CAVANAUGH: Mr. President and members of the Legislature, I share some of Senator Fowler's concerns in this bill. It does raise serious questions. As I would understand the bill, you would have a juvenile court case in which a child is found delinquent or neglected or whatever the findings of the court would be and then at that point of the disposition of the case, this would empower the court to issue orders binding the conduct of the parents of that child into the very details of family life. The language is extremely broad. It seems to me that you do have some real hearing questions and it is a difficult thing to kind of sort out in your mind as to what is right and wrong in a circumstance like this. Because the child has broken a window or refused to go to school, do then the parents and that entire family unit become subject to a court's jurisdiction and the court can then dictate the entire regimentation of the family life which this statute would seem to provide that they can do that, that they could probably set hours for meals, that they could set times for study and supervision that the parents would have to directly provide in the home. I suppose they could require a child..or the parents to read the child the bible, if that was found in the best interest of the child, and, not that any of those things in themselves would be offensive, but do we want our juvenile courts to have that pervasive a power and do parents yield all of their natural rights and privileges regarding the family unit because their child...one of their children came in contact with the juvenile court system. It's tremendous question