

## Chapter 419

### 1959 REPLACEMENT PART

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### CHILD WELFARE SERVICES GENERALLY

**419.002 Powers of state commission in connection with child welfare services.** In order to establish, extend and strengthen welfare services for the protection and care of homeless, dependent or neglected children or children in danger of becoming delinquent, the State Public Welfare Commission may:

(1) Make all necessary rules and regulations for administering child welfare services under this section.

(2) Accept and disburse any and all federal funds made available to the State of Oregon for child welfare services.

(3) Make such reports in such form and containing such information as may from time to time be required by the Federal Government and comply with such provisions as may from time to time be found necessary to insure correctness and verification of such reports.

(4) Cooperate with medical, health, nursing and welfare groups and organizations and with any agencies in the state providing for protection and care of homeless, dependent or neglected children or children in danger of becoming delinquent.

(5) Cooperate with the United States Government or any of its agencies in administering the provisions of this section.

(6) Expend from the Public Assistance Fund the amounts necessary to carry out the purposes and administer the provisions of this section.

**419.004 Children not to be taken charge of where parents object.** Nothing in ORS 419.002 shall be construed as authorizing any state official, agent or representative, in carrying out any of the provisions of that section, to take charge of any child over the objection of either of the parents of such child or of the person standing in loco parentis to such child.

**419.006 Custody and care of needy children by county departments.** The county public welfare departments may, in their discretion, accept custody of children and may provide care, support and protective services for children who are handicapped by dependency, neglect, illegitimate birth, mental or physical disability or who for other reasons are in need of public service.

**419.008 Unexpended balances of county funds budgeted for other purposes may be expended as aid for children.** The county court or board of county commissioners of any county may expend as aid for homeless, neglected or abused children, foundlings or orphans, wayward children or children in need of correctional or institutional care the whole or any part of any unexpended balance of any fund budgeted by the county for any purpose whatsoever.

**419.010 Prevention, reduction or control of juvenile delinquency by county programs and activities.** (1) The county court or board of county commissioners, or its representatives designated by it for the purpose, of any county, on behalf of the county, may:

(a) Conduct programs and carry on and coordinate activities for the prevention, reduction or control of juvenile delinquency.

(b) Cooperate, coordinate or act jointly with any other county, any city or any appropriate officer or agency of such county or city in conducting programs and carrying on and coordinating activities for the prevention, reduction or control of juvenile delinquency, including but not limited to the establishment, support and maintenance of joint agencies to conduct such programs and carry on and coordinate such activities.

(c) Expend county moneys for the purposes referred to in paragraph (a) or (b) of this subsection.

(d) Accept and use or expend property or moneys from any public or private source made available for the purposes referred to in paragraph (a) or (b) of this subsection.

(2) All officers and agencies of a county, upon request, shall cooperate in so far as possible with the county court or board of county commissioners, or its designated representatives, in conducting programs and carrying on and coordinating activities under subsection (1) of this section. [1959 c.610 §1]

**419.020 to 419.050** [Reserved for expansion]

### AID TO DEPENDENT CHILDREN

**419.052 "Dependent child" and "aid" defined.** (1) "Dependent child" means a needy child under the age of 18 years:

(a) Who has been deprived of parental support or care by reason of the death, continued absence from the home or physical or mental incapacity of a parent;

(b) Whose relatives are not able to provide adequate care and support for such child without public assistance, as defined in ORS 411.010; and

(c) Who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, step-sister, uncle, aunt, first cousin, nephew or niece in a place of residence maintained by one or more of such relatives as his or their own home.

(2) "Aid" means money payments with respect to, or in behalf of, a dependent child or children, and includes:

(a) Payments for medical or other remedial care of such child or children.

(b) Payments for medical or other remedial care or to meet the needs of a person who is of a relationship listed in paragraph (c) of subsection (1) of this section, and who is himself eligible to receive public assistance as a needy person, and in whose home the dependent child lives. [Amended by 1957 c.150 §1]

**419.054 Eligibility for aid to a dependent child.** Aid shall be granted under ORS 419.052 to 419.068 to any dependent child who is living in a home meeting the standards of care and health fixed by the rules and regulations of the State Public Welfare Commission and who has resided in the state for one year immediately preceding the application for such aid or who was born within one year immediately preceding the application, if the parent or other relative with whom the child is living has resided in the state for one year immediately preceding the birth of such child.

**419.056 How amount of aid is determined.** (1) The amount of aid to be granted for any dependent child shall be determined, in accordance with the rules and regulations of the State Public Welfare Commission, by the county public welfare department of the county in which the child resides, taking into account:

(a) The income, resources and maintenance available to the individual from whatever source derived and his necessary expenditures, and the conditions existing in each case; provided, that within such limits as may be permitted by federal laws, the first \$10 and one-third of additional moneys thereafter earned per month through gainful incidental employment by the child for

whom aid is granted may not be taken into account under this section.

(b) The income and financial condition of the stepparent, if any, of the child for whom aid is sought.

(2) Paragraph (b) of subsection (1) is not intended to relieve any father of any legal obligation in respect of the support of his natural or adopted children. [Amended by 1953 c.269 §2; 1955 c.700 §1; subsection 2 enacted as 1955 c.700 §2]

**419.058 Powers and duties of state commission.** The State Public Welfare Commission shall:

(1) Supervise the administration of aid to dependent children under ORS 419.052 to 419.068 by the county public welfare departments.

(2) Make such rules and regulations and take such action as may be necessary or desirable for carrying out ORS 419.052 to 419.068.

(3) Prescribe the form of and print and supply to the county departments such forms as it deems necessary and advisable.

(4) Cooperate with the Federal Government in matters of mutual concern pertaining to aid to dependent children, including the adoption of such methods of administration as are found by the Federal Government to be necessary for the efficient operation of the plan for such aid.

(5) Accept and disburse any and all federal funds made available to the State of Oregon for aid to dependent children purposes.

**419.060 County commission to make reports.** The county public welfare commission shall report to the State Public Welfare Department at such times and in such manner and form as that department directs.

**419.062 Application for aid.** Application for aid under ORS 419.052 to 419.068 shall be made by the relative with whom the child lives to the county public welfare department of the county in which the dependent child resides. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the State Public Welfare Commission.

**419.064 Investigation of dependency of child.** Whenever a county public welfare department receives a notification of the dependency of a child or an application for aid, an investigation and record shall

promptly be made of the circumstances in order to ascertain the dependency of the child and the facts supporting the application and to obtain such other information as may be required by the rules and regulations of the State Public Welfare Commission.

**419.066 Determination of eligibility; commencement of aid.** Upon the completion of the investigation, the county public welfare department shall decide whether the child is eligible for aid under ORS 419.052 to 419.068 and determine the date on which the aid granted shall begin.

**419.068 Appeal from failure to act on application or denial thereof or from modification or cancelation of aid.** If an application is not acted upon by the county public welfare department within a reasonable time after the filing of the application or is denied in whole or in part, or if any grant of aid is modified or canceled, the applicant or recipient may petition the county public welfare commission for review of the decision, and may appeal from the decision of the county public welfare commission on review to the State Public Welfare Commission. The state commission shall give the applicant or recipient an opportunity for a fair hearing and any appeal shall be held in the county where the appealing person elects. The findings and decision of the state commission are binding upon the county public welfare departments.

**419.070 Use and custody of records of aid to dependent children.** No person shall, except for purposes directly connected with the administration of aid to dependent children and in accordance with the rules and regulations of the State Public Welfare Commission, solicit, disclose, receive, make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or names of, or any information concerning, persons applying for or receiving such aid, directly or indirectly derived from the records, papers, files or communications of the State Public Welfare Commission or county public welfare commissions or acquired in the course of the performance of official duties.

**419.072 Public officials to cooperate in locating and furnishing information concerning parents of children receiving public assistance; use of information restricted.** All state, county and city agencies, officers and

employees shall cooperate in the location of parents who have abandoned or deserted, or are failing to support, children receiving public assistance and shall on request supply the county public welfare department or the district attorney of any county in the state with all information on hand relative to the location, income and property of such parents, notwithstanding any provision of law making such information confidential. The county public welfare department shall use such information only for the purposes of administration of public assistance to such children, and the district attorney shall use such information only for the purpose of enforcing the liability of such parents to support such children, and neither shall use the information or disclose it for any other purpose. [1955 c.329 §1]

**419.074 to 419.100** [Reserved for expansion]

#### **CHILD-CARING AGENCIES; PLACEMENT IN FOSTER HOMES BY CHILD-CARING AGENCIES**

**419.101 Definitions for ORS 419.102 to 419.140.** As used in ORS 419.102 to 419.140, unless the context requires otherwise:

(1) "Agency" includes agency, society or institution.

(2) "Child delinquency," "delinquent child," "child dependency" and "dependent child" mean a person under 18 years of age whose conduct or condition is such as to fall within the provisions of paragraphs (a) to (e) of subsection (1) of ORS 419.476. [1959 c.432 §66 (enacted in lieu of ORS 419.102 and 419.104)]

**Note:** ORS 419.101 takes effect January 1, 1960

**419.102** [Repealed by 1959 c.432 §65 (ORS 419.101 enacted in lieu of ORS 419.102 and 419.104)]

**Note:** ORS 419.102 is repealed effective January 1, 1960

**419.104** [Repealed by 1959 c.432 §65 (ORS 419.101 enacted in lieu of ORS 419.102 and 419.104)]

**Note:** ORS 419.104 is repealed effective January 1, 1960.

**419.105 Application of ORS 419.102 to 419.140 to homes maintained by fraternal organizations not receiving state aid.** ORS 419.102 to 419.140 shall not apply in homes established and maintained by fraternal organizations not receiving state aid, and

wherein only members, their wives, widows and children are admitted as residents.

**419.106 Private child-caring agency to be incorporated and approved.** No children shall be committed to any private child-caring agency unless it is duly incorporated under the laws of the state, as provided by statute, and unless such corporation is certified for that purpose as provided by law.

**419.108 Application for incorporation; organization of agency.** (1) Agencies under private management, organized for the rescue and temporary care of dependent and delinquent children and the placement of such children in family homes or in special institutions, or established as orphanages and homes to provide temporary or continued care for such children, shall be incorporated or chartered on application to the Corporation Commissioner, after such application has been approved by the State Public Welfare Commission.

(2) Such private child-caring agencies shall be organized by the association of not less than five responsible citizens of the state as a board of trustees or managers, and the formation of a society, corporation or institution on the lines designated in ORS 419.110 to 419.140 to secure the approval of the State Public Welfare Commission.

**419.110 Approval of private child-caring agency by state commission.** The approval by the State Public Welfare Commission of a proposed child-caring organization shall be based upon reasonable and satisfactory assurance upon the following points:

(1) The good character and intentions of the applicant.

(2) The present and prospective need of the service intended by the proposed organization.

(3) The employment of capable, trained or experienced workers.

(4) Sufficient financial backing to insure effective work.

(5) The probability of permanence in the proposed organization or institution.

(6) The methods used and the disposition made of the children served will be in their best interests and that of society.

(7) Wise and legally drawn articles of incorporation or institutional charters, and related bylaws.

(8) The establishment of such an organization is desirable and for the public welfare.

**419.112 Certificate of approval required before incorporation.** (1) No private child-caring agency shall receive a certificate of incorporation or institutional charter from the Corporation Commissioner, nor shall any unincorporated agency engaged in child-helping work receive one, unless it first files with the Corporation Commissioner the certificate of approval of the State Public Welfare Commission.

(2) No person, or agency shall attempt to evade the securing of such certificate.

**419.114 Fees relating to approval and incorporation of private child-caring agencies.** The State Public Welfare Commission shall charge no fee for the examination of a proposed agency or one unincorporated prior to March 4, 1919, and the fee for the certificate of approval shall not exceed \$1. The fee to the Corporation Commissioner for the approval of the articles of incorporation or charter shall not exceed \$5.

**419.116 Annual certificate of approval.**

(1) All private agencies engaged in child-caring work, including the taking of children into guardianship, the placing out of children in family homes and the temporary or long continued institutional care of children, shall obtain annually from the State Public Welfare Commission a certificate of approval authorizing their work. The commission shall use the criteria mentioned in ORS 419.110 as the basis of judgment in granting or withholding such certificates.

(2) The fee to be paid to the commission for such certificates shall not exceed \$1.

(3) No organization engaging in child-caring work shall place a child out or make a child an inmate of an institution during the time it operates without such certificate of approval. The fine which may be imposed for violation of this provision, as provided in ORS 419.990, may be assessed by any court of competent jurisdiction upon presentation of evidence of such action.

**419.118 Regulation of private child-caring agencies organized prior to March 4, 1919.** All child-caring agencies legally incorporated or chartered in this state prior to March 4, 1919, are subject to all the requirements of ORS 109.316 and 419.102 to 419.140, except such as relate to forms of organization and the obtaining of articles of incorporation or charters. All amendments to previously approved articles of incorporation or previously granted charters shall

take the same course and meet the same requirements as are provided in regard to new and original articles of incorporation or institutional charters. [Amended by 1957 c.710 §13; 1959 c.432 §67]

**Note:** The 1959 amendment to ORS 419.118 takes effect on January 1, 1960. Until then, ORS 419.118 (1957 Replacement Part) remains in effect.

**419.120 Supervision of child-caring agencies.** (1) In order to enable it to supervise all child-caring agencies and institutions in this state, public and private, and also all homeless or neglected children in this state, whether kept in such agencies or institutions or not, the State Public Welfare Commission may require such agencies or institutions, and also any court functioning as a juvenile court, to furnish at any time, on blanks prepared or recommended by the commission, such information as the commission in its judgment may require in regard to each child in any such agency or institution or any record of each child that has been placed out under order of any such court. The agency, institution or court shall furnish such information to the commission upon request. All such information so requested and received by the commission shall be considered and treated at all times as confidential and not as a public record.

(2) No member or employe of the State Public Welfare Commission shall disclose any such information contrary to the provisions of subsection (1) of this section.

**419.122 Inspection of child-caring agencies.** (1) The State Public Welfare Commission shall inspect and supervise all the child-caring agencies, public or private, whether incorporated or not, within this state. The commission is hereby given right of entrance, privilege of inspection, and access to all accounts and records of work and children, for the purpose of ascertaining the kind and quality of work done and to obtain a proper basis for its decisions and recommendations.

(2) Inspection and visitation of child-caring agencies by the commission shall be made at unexpected times, with irregular intervals between visits, and without previous notice to the agency visited. In addition to such official inspection, many other informal visits shall be made. The commission and its agents shall advise agency and institution officers and workers in regard to approved methods of child care, best types

of housing and equipment and adequate records of agency or institutional work. The principal purpose of such visitation shall be to offer friendly counsel and assistance on child welfare problems and advice on progressive methods and improvement of the service.

**419.124 Investigation of abuses, derelictions or deficiencies in child-caring agencies.** If any flagrant abuses, derelictions or deficiencies are made known to the members of the State Public Welfare Commission or its agents during their inspection of any child-caring agency or institution, or at any time are reported to the commission by at least two reputable citizens, the commission shall at once carefully investigate the reports or rumors and take such action as the matters require. If any serious abuses, derelictions or deficiencies are found in any state child-caring institution, they shall be reported at once in writing to the Oregon State Board of Control. If any such abuses, derelictions or deficiencies are found in any other public institution, they shall be reported in like manner to the proper authority or governing board. In either case, if such abuses, derelictions or deficiencies are not corrected in a reasonable time, the same shall be reported in writing to the legislature at its next session. If any such abuses, derelictions or deficiencies are found in any private child-caring agency or institution, they shall be brought at once to the attention of its trustees or managers. If they are not corrected in a reasonable time, the State Public Welfare Commission shall suspend or revoke its approval of such agency or institution.

**419.126 Reports required of child-caring agencies; audit and inspection of books; biennial report of commission.** Each public or private child-caring agency or institution within this state shall make an annual report of its work to the State Public Welfare Commission in such form and detail as the commission prescribes. These reports shall include detailed statistics of all children served, financial statements of the expense of their care, the number and kind of workers employed, the value and condition of the plant owned or used, the amount of the endowment or invested funds and any other essential matters that may be indicated by the requirements of the commission. The commission shall prepare and supply to the various child-caring agencies and institutions the necessary printed blanks to record

the desired information and may from time to time, as it may be necessary within any year, require such further detailed information and audit of the financial affairs of such agency as it deems to be in the public interest and may make such inspection of the books and records of such agency as it deems necessary. Such audit and inspection of books and records of such agencies shall be at the expense of the commission. All such agencies or institutions shall conform their records to the statutory fiscal year of the state and make their annual reports for years ending on June 30 of each year. All annual reports required of agencies and institutions shall be filed with the commission not later than October 15 of each year. The commission shall from the reports of its members, inspectors and visitors, and from the reports of the various agencies and institutions, prepare a comprehensive biennial report of child welfare work within the state, accompanied by special comments and recommendations; and such report shall be published at state expense for the information of the legislature and for distribution among the people.

**419.128 Surrender of child to private child-caring agency; consent to adoption; time for adoption proceedings.** (1) Incorporated private child-caring agencies may receive needy or dependent children from their parents or legal guardians for special, temporary or continued care. The parents or guardians may sign releases or surrenders giving to such organizations guardianship and control of the persons of such children during the period of such care, which may be extended until the children arrive at legal age. Such releases do not surrender the rights of such parents or guardians in respect to the adoption of such children and do not entitle such organization to give consent to the adoption of said children unless the release or surrender expressly recites that it is given for the purpose of adoption.

(2) Any entire severance of family ties of such children by adoption or otherwise shall be accomplished only by the order of a court of competent jurisdiction.

(3) It is unlawful to present a child surrendered to an agency by a parent, parents or guardian for a court to pass upon the adoption of said child until at least six months have elapsed after signing the surrender.

(4) Parents or legal guardians of children whom they have by release or surrender agreement given into the guardianship of incorporated child-caring organizations may subsequently waive their right to personal appearance in court in matters of adoption of such children, and file their appearance and consent by a duly signed and attested certificate, which the court shall recognize as a valid basis for judicial consent in such cases, in which event, the child-caring organization may use the release or surrender as provided in subsection (1) of this section without the necessity of the six-month period having expired.

**419.130 Private child-caring agencies as guardians of committed children; consent to adoption.** Incorporated duly approved private child-caring agencies shall be the guardians of the persons of all dependent or delinquent children committed to them through permanent orders by courts of competent jurisdiction. They may retain such children in institutional care, or may place them in private family homes temporarily or as members of families. Where they deem such action proper and desirable, they may consent in loco parentis to the legal adoption of such wards.

**419.132 Placement of children in foster homes.** Child-caring agencies, in placing out wards or other dependent or delinquent children in private families, shall safeguard their welfare by the thorough investigation of each applicant and his home and its environment; shall carefully select the child to suit the new relationship and location; shall personally and adequately supervise each home and child until the latter returns to the direct care of the organization or, if permanently placed, receives legal adoption or attains legal age; and shall, so far as practicable, place such children in families of the same religious faith as that held by the children or their parents.

**419.133 Authority of commission same as private child-caring agency under ORS 419.128 to 419.132.** In addition to its other powers and responsibilities, the State Public Welfare Commission has the same authority as a private child-caring agency under ORS 419.128 to 419.132; and in exercising this authority the State Public Welfare Commission shall comply with the provisions of those sections the same as a private child-caring agency. [1959 c.429 §2]

**419.134 Child placement by nonresident.** No person, agent, agency or institution of another state shall place a child in a family home in this state without first having furnished the State Public Welfare Commission such guarantee as the commission may require against disease, deformity, feeble-mindedness and delinquency and against the child becoming a public charge within five years from the date of such placement.

**419.135 Certain attorneys not to represent prospective adoptive parents; members and employes of commission not to recommend any attorney to prospective adoptive parents.** (1) No attorney employed by the State of Oregon or by the State Public Welfare Commission shall represent prospective adoptive parents in their attempt to adopt a child being cared for under the provisions of this chapter.

(2) The members of the State Public Welfare Commission or any employe of the commission shall not recommend any attorney to serve as counsel for prospective adoptive parents. [1959 c.429 §6]

**419.136 Child placement by private persons.** No private individual, including midwives, physicians, nurses, hospital officials and all officers of unauthorized institutions, shall engage in child-placing work, except that relatives of the first and second degrees may thus provide for children of their own blood.

**419.138 Authority of commission to visit placed-out children; location and relationships confidential.** The State Public Welfare Commission may require any child-caring agency to divulge the location and relationship of any of its placed-out children; and these may be visited by the commission's members or agents to ascertain the condition of such children or the quality of the child-placing work done. The location and relationship of each placed-out child shall be confidentially held by the commission and its agents and revealed only when the welfare of the child requires such action on order of a court of competent jurisdiction.

**419.140 Application of statutes to institutions caring for adults and children.** ORS 419.102 to 419.140 apply to private institutions for the combined care of adults and children where the work for children includes continued care and the character of

the institution is charitable and altruistic and not for financial gain or profit. [Amended by 1959 c.432 §68]

**Note:** The 1959 amendment to ORS 419.140 takes effect on January 1, 1960. Until then, ORS 419.140 (1957 Replacement Part) remains in effect.

**419.142 State commission may require counties to provide foster care for children surrendered or committed to commission.** (1) The State Public Welfare Commission may, in its discretion, require any county public welfare department to provide foster care and other services for any child who has been surrendered under ORS 419.128, as authorized by ORS 419.133, to the State Public Welfare Commission for adoption or has been permanently committed to the State Public Welfare Commission by order of court.

(2) The State Public Welfare Commission shall determine which county public welfare department shall bear the local share of the expense of providing foster care and other services under subsection (1) of this section in the same manner the commission determines which county public welfare department is responsible for contributions to the cost of foster care for needy children. [1959 c.429 §5]

**419.144 Commitments of children to state commission.** Permanent commitments of children under ORS 419.526 may be made to the State Public Welfare Commission and the commission is an authorized child-caring agency for the purposes of ORS 419.514. The State Public Welfare Commission is accountable for the personal welfare, guidance and supervision of children committed to it under ORS 419.526 during their minority or until they are otherwise disposed of by subsequent orders of courts of competent jurisdiction. [1959 c.429 §4]

**419.146 to 419.150** [Reserved for expansion]

#### **INSTITUTIONS CARING FOR VENEREALLY INFECTED CHILDREN**

**419.152 Necessity that state-aided institutions caring for venereally infected children be licensed.** In order to qualify for state aid, a home or institution caring for venereally infected children of school age and under the age of 21 years must first obtain a license from the State Public Welfare Commission.

**419.154 Showing necessary for license; approval of State Board of Health.** (1) No home or institution of the type mentioned in ORS 419.152 shall receive a license from the State Public Welfare Commission unless it can show that it employs a qualified scientific staff, including one or more graduate nurses; possesses sanitary installations, including private baths and toilets for inmates and private baths and toilets for the staff; and possesses treatment tables for daily douches.

(2) The issuance of any such license shall be subject to the approval of the State Board of Health which shall not be given except upon a showing having been made to it that the home or institution has ample sanitary and scientific facilities for the care of such venereally infected children.

**419.156 Daily nurse's chart to be kept.** In addition to the conditions provided in ORS 419.154 for licensing such homes or institutions, the State Public Welfare Commission shall require that each home or institution caring for venereally infected children under 21 years of age shall keep a daily nurse's chart showing health, temperature, weight, food, baths and general progress of each patient.

**419.158 Care by family, state or federal agencies not affected.** ORS 419.152 to 419.156 shall not be construed to prevent the care of venereally infected children by parents or relatives in their own homes or to prevent their care and attention by the State Board of Health or by any state or federal relief agency.

**419.160 to 419.200** [Reserved for expansion]

**STATE AID AND COMMITMENT  
TO INSTITUTIONS SUPPORTING  
HOMELESS, NEGLECTED OR ABUSED  
CHILDREN; FOUNDLINGS AND  
INDIGENT ORPHANS**

**419.202 Appropriation for support of homeless, neglected and abused children; foundlings and indigent orphans.** (1) Money may be appropriated out of any funds in the hands of the State Treasurer not otherwise appropriated, for the support of homeless, neglected and abused children; foundlings and indigent orphans under the age of 17 years being cared for by benevolent or charitable institutions in this state shall be cared for and supported as hereafter provided.

(2) Any sum or amount of money paid for any of the objects specified in subsection (1) of this section and in section 66, chapter 66, Oregon Laws 1919, from any continuing appropriation or in any manner from the State Treasury, or expenses accruing during the period stated in those sections, shall be deducted from the amount hereby appropriated therefor, and no more than the respective sums herein specified shall be paid for the several objects mentioned from the State Treasury by reason of any appropriation for such objects.

**419.204 Procedure by which private institutions may obtain state aid.** Any benevolent or charitable institution in this state wishing to secure state aid pursuant to ORS 419.202 to 419.222 shall make application therefor to the State Board of Health. In the application the institution shall show how many children of the different classes mentioned in ORS 419.202 it cared for during each month of the preceding calendar year, state how long it has been engaged in this state in caring for children of such classes and declare its willingness to submit to any reasonable health and sanitary rules and regulations prescribed by the State Board of Health. Upon receiving such application, the board shall investigate the affairs and methods of the institution, and the conditions surrounding it, and shall, if it finds such institution is properly conducted and worthy of state aid, give it a certificate to that effect. If such institution has the approval of the State Public Welfare Commission, the State Board of Health shall join with the State Public Welfare Commission in issuing a certificate granting state aid. The State Board of Health shall then file and send a duplicate of such certificate to the Secretary of State.

**419.206 Annual report by institutions receiving state aid.** All institutions which receive state aid pursuant to ORS 419.202 to 419.222 shall on or before January 15 of each year file with the secretary of the State Board of Health a financial and statistical report and statement of the preceding calendar year in such form as may be prescribed by the board. If any such institution fails to comply with this section, either the State Board of Health or the State Public Welfare Commission shall notify the Secretary of State of such failure and such institution shall not thereafter be entitled to any

benefits or payments pursuant to ORS 419.202 to 419.222 until such failure has ceased.

**419.208 Amount of state aid allowed per child.** Each institution or agency which has received from the State Board of Health the certificate provided for in ORS 419.204 is entitled to receive, out of appropriations made pursuant to ORS 419.202, state aid at the rate of \$1.90 per day for each child of any of the classes mentioned in ORS 419.202 over five years of age and at the rate of \$2.20 per day for each such child not over five years of age; provided, however, that whenever, in the opinion of the executive officers of any one of such institutions or agencies, the welfare of any child of any of the above classes demands special care outside of the institution or agency, the institution or agency may place such child in any home or hospital outside the institution or agency which is approved by the State Public Welfare Commission, and state aid for such child shall be allowed to the institution or agency the same as though the child were kept and maintained in the institution or agency. [Amended by 1955 c.301 §1; 1959 c.368 §1]

**419.210 Presentation and approval of claims for state aid.** The institution or agency shall present to the State Public Welfare Commission an itemized statement showing the names and ages of the different children kept and maintained by it during the month, the length of time each child was so kept and maintained, the amount to which it is entitled for each such child and the gross amount it is entitled to for the month. The State Public Welfare Commission shall investigate each claim made by an institution or agency and approve only that portion of such claim found eligible, in accordance with law.

**419.212 Audit and payment of claims.** Upon receipt of the statement approved by the State Public Welfare Commission, the Secretary of State shall audit it and issue a warrant upon the State Treasurer in favor of the institution or agency for the amount to which it is entitled for the month covered by the statement. All sums to which any such institution or agency becomes entitled pursuant to ORS 419.202 to 419.222 shall be paid monthly.

**419.214 Institutions not entitled to state aid; effect of specific private donation.** (1) No institution or agency is entitled to any state aid pursuant to ORS 419.202 to 419.222 until it has had actual bona fide existence for at least six months. No institution or agency which has less than 10 bona fide inmates of either or all of the classes mentioned in ORS 419.202 is entitled to any state aid pursuant to ORS 419.202 to 419.222.

(2) In case any institution or agency receives any sum from any person for the specific support of any homeless, neglected or abused child, foundling or orphan, 50 percent of such sum shall be deducted from the amount paid by the state to such institution or agency for the support of such child until the state has been repaid the amount it has paid for the support of such child; after that the institution or agency shall retain all sums paid for the support of such child.

(3) No claim for state aid shall be made if the sum received for the specific support of a child exceeds the per capita amount allowed by statute for the support of a similar child.

(4) No institution which receives from the State of Oregon any direct and specific appropriation of money shall be entitled to receive any state aid pursuant to ORS 419.202 to 419.222 for any period covered by such appropriation.

**419.216 Surrender of child by mother to institution receiving state aid.** In case of the death or legal incapacity of a father, or in case of his deserting or abandoning or neglecting to provide for any of his children under 15 years of age, the mother shall be considered their legal guardian, and, if unable to provide for them, may surrender them to the charge of any institution entitled to receive state aid pursuant to ORS 419.202 to 419.222.

**419.218 Surrender of children by county judge to institution receiving state aid.** In all cases where the parents or guardian of any such child as mentioned in ORS 419.216 are not known or cannot be found, the county judge of the county in which the child is found may make surrender of such child to any institution entitled to receive state aid pursuant to ORS 419.202 to 419.222.

**419.220 Surrender of children by judge of court of record to institution receiving state aid.** (1) In case it is shown to any judge of a court of record that the father of any child under 15 years of age is dead, or has abandoned his family, or is an habitual drunkard or is imprisoned for crime, and the mother of such child is an habitual drunkard, or imprisoned for crime, or is an inmate of a house of ill fame, or a person of a notoriously bad character, or is dead or has abandoned her family, or that the parents or guardian of any such child have grossly abused, abandoned or neglected to provide for it, or have grossly abused their parental authority over such child, then such judge may, if he thinks the welfare of the child requires it, surrender the child to any institution entitled to receive state aid pursuant to ORS 419.202 to 419.222.

(2) Whenever complaint is made to the judge of any court of record that any child under the age of 15 years is abandoned by or is sustaining relations to its parents or guardians mentioned or contemplated in subsection (1) of this section, the judge shall issue a warrant for the arrest of such child and take testimony in relation to the alleged grounds of complaint.

**419.222 Institutions may exercise authority of guardian.** Any institution entitled to receive state aid pursuant to ORS 419.202 to 419.222 is entitled to the custody and guardianship of such children as are surrendered into its keeping as provided in those sections, and may exercise all the rights and authority of guardians under the laws of this state and may exercise all the rights and authority of the parents of such child in any proceeding for the adoption of such child.

**419.224 Certain state-aided institutions must collect funds from parents for support of juvenile inmates.** Every benevolent and charitable institution which receives state aid for the care and support of children committed to it by the juvenile court shall collect, so far as practicable, the funds for the support of such children which have been adjudged by the courts committing them to the institution. Such institutions may apply to the court for execution or other action, as provided in ORS 419.515, for the purpose of making such collections. In case of voluntary commitments or persons voluntarily becoming inmates of such institutions, each such institution shall ascertain, so far

as possible, whether or not the voluntary inmate or his parents are able to support such inmate and shall exert its best efforts to collect such funds for such support. [Formerly 419.566]

**Note:** The 1959 amendment to ORS 419.566 takes effect on January 1, 1960. Until then, ORS 419.566 (1957 Replacement Part) remains in effect.

**419.226 to 419.250** [Reserved for expansion]

#### **STATE AID TO INSTITUTIONS SUPPORTING WAYWARD GIRLS AND MATERNITY AND VENEREAL CASES**

**419.252 Procedure by which private institutions may obtain state aid.** Any charitable or corrective institution in this state wishing to secure state aid pursuant to ORS 419.252 to 419.262 shall make application therefor to the State Board of Health. In the application the institution shall show how many wayward girls between the ages of 12 and 18 years and maternity and venereal cases of female persons under the age of 21 years it cared for during each month of the preceding calendar year, shall state how long it has been engaged in this state in caring for such wayward girls and female persons and shall declare its willingness to submit to any reasonable health and sanitary rules and regulations prescribed by the State Board of Health. Upon receiving such application, the board shall investigate the affairs and methods of the institution and the conditions surrounding it. If the board finds such institution is properly conducted and worthy of state aid, the board shall give it a certificate to that effect and file and send a duplicate of such certificate to the Secretary of State.

**419.254 Annual financial and statistical report to State Board of Health by institutions receiving state aid.** All institutions which receive state aid pursuant to ORS 419.252 to 419.262 shall on or before January 15 of each year file with the secretary of the State Board of Health a financial and statistical report and statement for the preceding calendar year in such form as may be prescribed by the board. If any such institution fails to comply with this section, the board shall notify the Secretary of State of such failure and such institution shall not thereafter be entitled to any benefits or payments pursuant to ORS 419.252 to 419.262 until such failure has ceased.

**419.256 Amount of state aid allowed per capita.** Each institution or agency which has received from the State Board of Health a certificate provided for in ORS 419.252 is entitled to receive state aid:

(1) At the rate of \$1.90 per day for each wayward girl or girl in need of correctional institutional care between the ages of 12 and 18 years; provided, that the State Public Welfare Commission may, in its discretion, approve payment of state aid for any such girl between the ages of 18 and 21 years.

(2) At the rate of \$2.20 per day for each maternity or venereal case, regardless of age. [Amended by 1955 c.301 §2; 1959 c.368 §2]

**419.258 Presentation and approval of claims for state aid.** The institution or agency shall present to the State Public Welfare Commission an itemized statement showing the names and ages of the different persons kept and maintained by it during the month, the length of time each person was so kept and maintained, the amount to which it is entitled for each such person and the gross amount to which it is entitled for the month. The State Public Welfare Commission shall investigate each claim made by an institution or agency and approve only that portion of such claim found eligible, in accordance with law.

**419.260 Audit and payment of claims.** Upon receipt of the statement approved by the State Public Welfare Commission, the Secretary of State shall audit it and issue a warrant upon the State Treasurer in favor of the institution or agency for the amount to which it is entitled for the month covered by the statement. All sums to which any such institution or agency becomes entitled pursuant to ORS 419.252 to 419.262 shall be paid monthly.

**419.262 Institutions not entitled to state aid; effect of specific private donation.** (1) No institution or agency is entitled to any state aid pursuant to ORS 419.252 to 419.262 until it has had an actual bona fide existence of at least six months.

(2) No institution or agency which receives from the state any direct and specific appropriation of money is entitled to receive any state aid pursuant to ORS 419.252 to 419.262 for any period covered by such appropriation.

(3) No home or institution caring for venereally infected children of school age

and under the age of 21 years shall receive any state aid until it has obtained the license mentioned in ORS 419.152.

(4) In case any institution or agency received any sum from any person for the specific support of any wayward girl or girl in need of correctional institutional care, either committed by court as such or admitted on a voluntary basis, between the ages of 12 and 21 years, and maternity and venereal cases regardless of age, 50 percent of such sum shall be deducted from the amount being paid by the State of Oregon to such institution or agency for the support of such person until the state has been repaid the amount it has paid for the support of such person; and thereafter the institution or agency shall retain all such sums paid for the support of such person.

(5) No claim for state aid shall be made if the sum received for the specific support of the person exceeds the per capita amount allowed by statute for the support of a similar person.

**419.264 to 419.300** [Reserved for expansion]

#### **PROVISIONS APPLICABLE TO ALL STATE-AIDED INSTITUTIONS**

**419.302 Powers of State Board of Health in relation to state-aided institutions.** The State Board of Health hereby is given visitatorial powers over all child-caring institutions which receive state aid. Each institution shall submit to and abide by any reasonable health and sanitary rules and regulations prescribed by the board of health. If any such institution fails to comply with any provision of this section, the board shall notify the Secretary of State of such failure and such institution shall not thereafter be entitled to any state aid until such failure has ceased.

**419.304 Termination of state aid for unentitled child.** Whenever the State Public Welfare Department considers any child in a state-aided child-caring institution not entitled to receive state aid, it shall notify the institution of its decision and thereafter the institution shall not receive state aid for the support of the child. The institution may, when denied state aid, appeal to the State Public Welfare Commission, which, after a fair and impartial hearing, shall render its final decision on the issue presented.

**419.306 Audit and investigation of claims; issuance of warrants.** The Secretary of State shall audit all duly approved claims incurred in pursuance of law governing child-caring institutions receiving state aid and draw his warrants on the State Treasurer in payment thereof out of the respective appropriations from which the same may be determined to be payable. Before the Secretary of State audits any claim for state aid by any child-caring institution or agency or issues any such warrant, the State Public Welfare Commission shall investigate the claimant institution and records for the period covered for the purpose of determining whether or not it is in fact entitled to state aid as authorized by law for any or all of the persons included in the institution's statement and claim. If as a result of said investigation it is determined that the institution is not entitled to state aid for any of the persons named in or included in the statement of claim, the amount claimed therein and the warrant to be issued thereon shall be reduced accordingly. The State Public Welfare Commission, through its administrator, shall issue an appropriate certificate showing the result of its findings upon the claim of each institution investigated and shall file it with the Secretary of State. The requirement of this section is in addition to the examinations and certifications now required by law of any child-caring institution which receives state aid under any provision of law.

**419.308 Refusal of institution to receive child committed to it.** No institution that receives state aid for its maintenance shall refuse to accept any child committed to it, unless in the judgment of its governing board the child would materially interfere with or hamper the general work and purpose of the institution. When proper showing is made to the Secretary of State that such an institution refuses to receive the child, he shall withhold state funds appropriated for its maintenance until such time as the institution complies with the order of the court. [Formerly 419.530]

**419.310 to 419.350** [Reserved for expansion]

**COUNTY AID TO INSTITUTIONS SUPPORTING CHILDREN COMMITTED BY JUVENILE COURT**

**419.352 County aid to institutions certified by Board of Health; rate.** Each be-

nevolent, corrective or charitable institution or agency in this state into whose care children are committed by the juvenile court of any county and which has received from the State Board of Health the certificate provided for in ORS 419.204 or the certificate provided for in ORS 419.252 is entitled to receive from the county from which such child is committed county aid at the rate of \$5 per month for each child so committed and for whom state aid is approved by the State Public Welfare Commission. [Amended by 1959 c.432 §69]

Note: The 1959 amendment to ORS 419.352 takes effect on January 1, 1960. Until then, ORS 419.352 (1957 Replacement Part) remains in effect.

**419.354** [Repealed by 1959 c.432 §59]

Note: ORS 419.354 is repealed effective January 1, 1960.

**419.356 Presentation and payment of claims for county aid.** (1) Each institution or agency shall present to the county court or board of county commissioners of each county from which it is entitled to receive aid pursuant to ORS 419.352 an itemized statement showing the names and ages of the children from such county kept and maintained by it during the month, the length of time each child was so kept and maintained, the amount to which it is entitled for such child and the gross amount to which it is entitled for the month. The court or board shall audit the statement and, if found correct, shall issue a county warrant for payment thereof.

(2) Any payment made pursuant to ORS 419.352 and this section by any county for the support of any child shall not be deducted from any amount paid by this state to any institution for and on behalf of such child.

(3) All sums to which any institution or agency becomes entitled pursuant to ORS 419.352 and this section shall be paid monthly. [Amended by 1959 c.432 §70]

Note: The 1959 amendment to ORS 419.356 takes effect on January 1, 1960. Until then, ORS 419.356 (1957 Replacement Part) remains in effect.

**419.358 to 419.400** [Reserved for expansion]

**FOSTER HOMES NOT SUPERVISED BY CHILD-CARING AGENCIES**

**419.402 Definitions for ORS 419.402 to 419.410.** As used in ORS 419.402 to 419.410:

(1) "Commission" means the State Public Welfare Commission.

(2) "Foster home" means any home maintained by a person who has under his care in such home any child under the age of 18 years not related to him by blood or marriage and unattended by its parent or guardian, for the purpose of providing such child with care, food and lodging; but does not include:

(a) Any boarding school which is essentially and primarily engaged in educational work;

(b) Any home in which a child is provided board and room by a school board; or

(c) Any foster home under the direct supervision of a private child-caring agency or institution certified by the commission.

**419.404 Foster home must be certified as approved.** No person shall operate a foster home without a certificate of approval issued by the commission.

**419.406 Certificate of approval.** Application for a certificate to operate a foster home shall be made to the commission upon a form to be furnished by the commission. Upon receipt of such application, the commission shall cause an investigation of the foster home to be made and shall issue a certificate to any person maintaining a foster home which complies with ORS 419.402 to 419.410 and with the rules and regulations of the commission. Such certificate shall be in effect for a period of one year from date of issue unless sooner revoked. Such certificate may be revoked by the commission because of violation of any of the provisions of ORS 419.402 to 419.410 or of the rules and regulations provided for in ORS 419.408. Such certificate shall be in the form prescribed by the commission and shall state the name of the foster parent, the address of the premises to which the certificate applies and the maximum number of children to be maintained or boarded in such foster home at any one time. Such certificate shall apply only to the premises designated on the certificate at the time of issue and a change of residence shall automatically terminate the certificate.

**419.408 Supervision of foster homes.**

(1) The commission shall make such rules and regulations, not inconsistent with ORS 419.402 to 419.410 as it deems necessary or advisable to protect the best interests of children in foster homes and to carry out the intent and purpose of ORS 419.402 to 419.410.

(2) The commission or duly authorized representative shall visit every certified foster home from time to time and as often as appears necessary to determine that such foster home consistently maintains the standards fixed by the commission and that proper care is being given to the children therein.

**419.410 Appeal from decision of commission.** Any person affected by any decision or order of the commission made pursuant to ORS 419.402 to 419.410 may appeal therefrom to the circuit court of the county wherein the foster home regarding which such decision or order so made is located by serving a notice of such appeal on the administrator of the commission and filing the same with the clerk of such circuit court within 15 days after the date of the decision or order appealed from. The filing of such notice shall not stay the proceedings of the commission or affect such order or decision unless otherwise ordered by the circuit court. Such notice shall contain a concise statement of the facts upon which the appeal is based. The trial on appeal shall be a trial de novo in law, as provided by the statutes of the state for the trial of actions at law. The parties may, with the consent of the court and upon stipulation, present the cause to the court on appeal without the intervention of a jury.

**419.412 to 419.450** [Reserved for expansion]

**A. R. BURBANK TRUST FUND**

**419.452 Powers and duties of trustees of A. R. Burbank Trust Fund.** The Governor, Secretary of State and State Treasurer constitute the Board of Trustees of the A. R. Burbank Trust Fund and may receive or reject on behalf of the state all moneys and property, real and personal, given, devised or bequeathed to the State of Oregon in trust for the use and benefit of an orphans' home located at Salem or Portland; make, on behalf of the state, all deeds of conveyance conveying real property owned by the state as trustee; receive and satisfy mortgages in that behalf and execute all other contracts or instruments necessary to be executed on behalf of the state for the above-named purposes. Such board of trustees shall have full control and management of said trust funds and may loan and invest the same on good securities, in the

same manner that funds of the Common School Fund are loaned. The same laws governing the school fund shall apply to loans made from this fund as far as practicable. All lawful expenses necessarily incurred in loaning said money or in the management of said fund may be paid out of the interest. No part of the principal shall ever be used toward the support of such home.

**419.454 Annual report of trustees.** On October 1 of each year the Board of Trustees of the A. R. Burbank Trust Fund shall make and file with the Secretary of State a full report of the condition of the trust fund, showing the amount thereof, moneys outstanding and any other data necessary to a full understanding of its condition, which reports the Secretary of State shall include in his biennial report to the legislature.

**419.456 Certain agencies declared to be orphans' homes.** For the purposes of ORS 419.452, the Boys' and Girls' Aid Society and the Baby Home at Portland hereby are declared to be orphans' homes.

**419.458 to 419.470** [Reserved for expansion]

### JUVENILE COURT PROCEEDINGS

**419.472 Definitions for ORS 419.472 to 419.587.** As used in ORS 419.472 to 419.587, unless the context requires otherwise:

(1) "Child" means a person within the jurisdiction of the juvenile court as provided in subsection (1) of ORS 419.476.

(2) "Counselor" means a juvenile department counselor.

(3) "Court" means the juvenile court.

(4) "Detention" or "detention facility" means a facility suitable for the safekeeping of a child who is taken into temporary custody pending investigation and disposition where the circumstances are such that he must be kept in secure custody.

(5) "Guardian" means guardian of the person and not guardian of the estate.

(6) "Resides" or "residence," when used in reference to the residence of a child, means the place where the child himself is actually living and not the legal residence or domicile of his parent or guardian.

(7) "Shelter care" means a home or other facility suitable for the safekeeping of a child who is taken into temporary custody pending investigation and disposition where the circumstances are such that he

does not need to be kept in secure custody. [1959 c.432 §1]

Note: ORS 419.472 takes effect January 1, 1960.

**419.474 Court of general and equitable jurisdiction; official name of juvenile court; liberal construction to achieve child's welfare.** (1) The juvenile court is a court of record and exercises jurisdiction as a court of general and equitable jurisdiction and not as a court of limited or inferior jurisdiction. It is called "The \_\_\_\_\_ Court of \_\_\_\_\_ County, Juvenile Department."

(2) The provisions of ORS 419.472 to 419.587 shall be liberally construed to the end that a child coming within the jurisdiction of the court may receive such care, guidance and control, preferably in his own home, as will lead to the child's welfare and the best interests of the public, and that when a child is removed from the control of his parents the court may secure for him care that best meets the needs of the child. [Subsection (1) enacted as 1959 c.432 §3(1); subsection (2) enacted as 1959 c.432 §57]

Note: ORS 419.474 takes effect January 1, 1960.

**419.476 Children within jurisdiction of juvenile court.** (1) The juvenile court has exclusive original jurisdiction in any case involving a person who is under 18 years of age and:

(a) Who has committed an act which is a violation, or which if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county or city; or

(b) Who is beyond the control of his parents or other person having his custody; or

(c) Whose behavior or condition is such as to endanger his own welfare or the welfare of others; or

(d) Whose parents or other person having his custody have abandoned him, failed to provide him with the support or education required by law, subjected him to cruelty or depravity or failed to provide him with the care, guidance and protection necessary for his physical, mental or emotional well-being; or

(e) Who has run away from his home.

(2) The provisions of subsection (1) of this section do not prevent a court of competent jurisdiction from entertaining a civil action or suit, involving a child. [Subsection (1) enacted as 1959 c.432 §2; subsection (2) enacted as 1959 c.432 §3(2)]

Note: ORS 419.476 takes effect January 1, 1960.

**419.478 Transfer of proceeding to juvenile court.** If during the pendency of a proceeding in any court other than a juvenile court it is ascertained that the age of the person who is the subject of the proceeding is such that the matter is within the exclusive jurisdiction of the juvenile court, it is the duty of the court in which the proceeding is pending forthwith to transfer the proceeding, together with all the papers, documents and testimony connected therewith, to the juvenile court of the county in which the proceeding is pending. [1959 c.432 §4]

Note: ORS 419.478 takes effect January 1, 1960.

**419.480 Venue of juvenile proceeding; transferability of proceeding.** A juvenile proceeding shall be commenced in the county in which the child resides or is found. The proceeding is transferable as provided in ORS 419.545 to 419.557. [1959 c.432 §5]

Note: ORS 419.480 takes effect January 1, 1960.

**419.482 Petition or information that child is in juvenile court's jurisdiction; preliminary inquiry concerning action to be taken by court; court action.** (1) Any person may file a petition in the juvenile court alleging that a child named therein is within the jurisdiction of the court as provided in subsection (1) of ORS 419.476.

(2) If any person informs the court that a child is or appears to be within its jurisdiction, as provided in subsection (1) of ORS 419.476, a preliminary inquiry shall be made to determine whether the interests of the child or the public require that further action be taken. Upon the basis of the preliminary inquiry, the court may:

(a) Make such informal recommendations to the child and his parent or person having his custody as are appropriate in the circumstances;

(b) Direct that a petition be filed; or

(c) Direct that a juvenile motor vehicle offense be handled as provided in ORS 419.535 to 419.541.

(3) At any time after a petition is filed, the court may make an order providing for temporary custody of the child.

(4) At any time after a petition is filed, the court in the circumstances set forth in ORS 419.533 may remand the case to the appropriate court handling criminal actions, or to municipal court.

(5) The court may dismiss the petition at any stage of the proceedings. [1959 c.432 §6]

Note: ORS 419.482 takes effect January 1, 1960.

**419.484 Title of petition, contents.** (1) The petition and all subsequent court documents in the proceeding shall be entitled, "In the matter of \_\_\_\_\_, a child." The petition shall be in writing and verified. When the petition is filed pursuant to direction of the court as provided in subsection (2) of ORS 419.482, it may be upon information and belief. In other cases, the petition shall be on the personal knowledge of the petitioner.

(2) The petition shall set forth in ordinary and concise language such of the following facts as are known and indicate any which are now known:

(a) The name, age and residence of the child.

(b) The facts which bring the child within the jurisdiction of the court as provided in subsection (1) of ORS 419.476.

(c) The name and residence of the child's parents; if the child has no parents or the names and residences of both parents are unknown, then the name and address of his guardian, if he has a guardian.

(d) The name and residence of the person having physical custody of the child. [1959 c.432 §7]

Note: ORS 419.484 takes effect January 1, 1960.

**419.486 Issuance of summons, contents, to whom issued.** (1) Promptly after the petition is filed, there shall be an investigation of the circumstances concerning the child. No later than 60 days after the petition is filed, summons may be issued.

(2) The summons shall be signed by a counselor or some other person acting under the direction of the court and shall contain the name of the court, the title of the proceeding and, except for a published summons, a brief statement of the substance of the facts required by paragraph (b) of subsection (2) of ORS 419.484. Summons published as provided in paragraph (c) of subsection (2) of ORS 419.488 shall contain the name of the court, the title of the proceeding and the statement mentioned in that paragraph.

(3) The summons shall require the person or persons who have physical custody of the child to appear personally and bring the child before the court at the time and place stated in the summons. The time for the hearing on the petition shall be fixed at a reasonable time, not less than 24 hours, after the issuance of the summons. If it appears to

the court that the welfare of the child or of the public requires that the child immediately be taken into custody, the court may endorse an order on the summons directing the officer serving it to take the child into custody.

(4) If the child is not in the physical custody of both parents, or the child's only living parent, or, if both parents are dead, the child's guardian, then summons shall also be issued to the parent or parents or guardian, as the case may be, notifying him or them that he or they may appear personally before the court at the time and place stated in the summons, to the end that both parents or the guardian, or both, may be brought before the court.

(5) Summons may be issued requiring the appearance of any person whose presence the court deems necessary. [1959 c.432 §8]

Note: ORS 419.486 takes effect January 1, 1960.

**419.488 Service of summons and process; travel expenses of person summoned.**

(1) Summons or other process issuing from the juvenile court may be served without further indorsement in any county of the state by an officer of the county in which the proceeding is pending, by an officer of the county in which the person to be served is found or by any person authorized by the court to serve the process. Except as otherwise provided in ORS 419.472 to 419.587, the provisions of law applicable to summons in civil cases apply to summons issued from juvenile court.

(2) If the parent, parents or guardian required to be summoned as provided in subsection (4) of ORS 419.486 cannot be found within the state, summons may be served on him or them in any of the following ways:

(a) If the address of the parent or guardian is known, by sending him a copy of the summons by registered mail with a return receipt to be signed by the addressee only.

(b) By personal service outside the state in the manner provided in subsection (3) of ORS 116.750.

(c) If, after reasonable inquiry, the whereabouts of the parent or guardian cannot be ascertained, by publishing a summons in a newspaper having general circulation in the county in which the proceeding is pending. In lieu of the brief statement of facts required by subsection (2) of ORS 419.486, the published summons shall simply state that a proceeding concerning the child is pending in the court and an order making

an adjudication will be entered therein. The summons shall be published once a week for a period of three weeks, making three publications in all. If the names of one or both parents or the guardian are unknown, he or they may be summoned as "The parent(s) or guardian of (naming or describing the child), found (stating the address or place where the child was found)."

(3) Service as provided in this section shall vest the court with jurisdiction over the parents or guardian in the same manner and to the same extent as if the person served were served personally within this state.

(4) The court may authorize payment of travel expenses of any person summoned, as provided in ORS 139.140. [1959 c.432 §9]

Note: ORS 419.488 takes effect January 1, 1960.

**419.490 Compliance with summons; issuance of warrant of arrest.** (1) No person required to appear as provided in ORS 419.486 shall without reasonable cause fail to appear or, where directed in the summons, to bring the child before the court.

(2) If the summons cannot be served, if the person to whom the summons is directed fails to obey it or if it appears to the court that the summons will be ineffectual, the court may direct issuance of a warrant of arrest against the person summoned or against the child. [1959 c.432 §10]

Note: ORS 419.490 takes effect January 1, 1960.

**419.492 Power of court to proceed when child is before court; exceptions.** If the child is before the court, the court has jurisdiction to proceed with the case notwithstanding the failure to serve summons upon any person required to be served by ORS 419.486, except that:

(1) No order entered pursuant to ORS 419.523 may be entered unless ORS 419.525 is complied with.

(2) No order for support as provided in ORS 419.513 may be entered against a person unless that person is served as provided in subsection (1) of ORS 419.488.

(3) If it appears to the court that a parent or guardian required to be served by ORS 419.486 was not served as provided in ORS 419.488, or was served on such short notice that he did not have a reasonable opportunity to appear at the time fixed, the court shall, upon petition by the parent or guardian, reopen the case for full consideration. [1959 c.432 §11]

Note: ORS 419.492 takes effect January 1, 1960.

**419.494 Appointment of person to appear in behalf of child.** In any proceeding the court may appoint some suitable person to appear in behalf of the child. [1959 c.432 §12]

**Note:** ORS 419.494 takes effect January 1, 1960.

**419.496 Hearing on each case separately at special session of court; exceptions.** Juvenile court hearings shall be held at a special session of the court for that purpose and each case shall be heard separately, except that two or more cases may be heard together in the following instances:

(1) Proceedings consolidated as provided in ORS 419.559.

(2) Cases involving violations of motor vehicle laws or ordinances where none of the cases involves death or serious injury to persons.

(3) Cases arising in whole or in part out of a single transaction or series of related transactions. [1959 c.432 §13]

**Note:** ORS 419.496 takes effect January 1, 1960.

**419.498 Conduct of hearing; court-appointed attorney; witnesses.** (1) The hearing shall be held informally by the court without a jury and may be continued from time to time. Unless the child or his parents otherwise request, the general public shall be excluded and only such persons admitted as the judge finds have a proper interest in the case or the work of the court. The judge may exclude the public during any portion of the hearing in which it appears that the presence of the public may embarrass a witness or party or otherwise prejudice the reception of trustworthy evidence. With the consent of the child or his parents, at any stage of the proceeding the court may separately interview the child or one of his parents.

(2) If the child, his parent or guardian requests an attorney but is without sufficient financial means to employ an attorney, the court shall appoint an attorney to represent him. The court may appoint an attorney to represent the child in any case. An attorney appointed pursuant to this subsection shall be paid a reasonable fee fixed by the court, to be paid in the same manner as fees for attorneys appointed in criminal cases in the circuit court.

(3) Witnesses or other persons necessary for the conduct of the hearing may be subpoenaed. The child, his parents, guardian or any person appearing in his behalf may have compulsory attendance of witnesses in his or

their behalf in the same manner as provided in ORS 139.050 to 139.140. The form of the subpoena shall be substantially as provided in subsection (3) of ORS 139.070, but shall describe the action as a "juvenile court proceeding" and the appearance as on behalf of "the court," "the child," and so on, as the case may be.

(4) Stenographic notes or other report of the hearings shall be taken only when required by the court. [1959 c.432 §14]

**Note:** ORS 419.498 takes effect January 1, 1960.

**419.500 Proof of court's jurisdiction over child; amendment of petition; admissibility of certain evidence.** (1) The facts alleged in the petition showing the child to be within the jurisdiction of the court as provided in subsection (1) of ORS 419.476, unless admitted, must be established by a preponderance of competent evidence. The practice of a parent who chooses for himself or his child treatment by prayer or spiritual means alone shall not be construed as a failure to provide physical care within the meaning of ORS 419.472 to 419.537. The court, on motion of an interested party or on its own motion, may at any time direct that the petition be amended. If the amendment results in a substantial departure from the facts originally alleged, the court shall grant such continuance as the interests of justice may require.

(2) For the purpose of determining proper disposition of the child, testimony, reports or other material relating to the child's mental, physical and social history and prognosis may be received by the court without regard to their competency or relevancy under the rules of evidence. [Second sentence enacted as 1959 c.432 §80; remainder of section enacted as 1959 c.432 §15]

**Note:** ORS 419.500 takes effect January 1, 1960.

**419.502** [Repealed by 1959 c.432 §59]

**Note:** ORS 419.502 is repealed effective January 1, 1960.

**419.503** [Repealed by 1959 c.432 §59]

**Note:** ORS 419.503 is repealed effective January 1, 1960.

**419.504** [Amended by 1955 c.3 §1; repealed by 1959 c.432 §59]

**Note:** ORS 419.504 is repealed effective January 1, 1960.

**419.505 Order directing disposition of case.** At the termination of the hearing or

hearings in the proceeding, the court shall enter an appropriate order directing the disposition to be made of the case. [1959 c.432 §16]

Note: ORS 419.505 takes effect January 1, 1960.

**419.506** [Repealed by 1959 c.432 §59]

Note: ORS 419.506 is repealed effective January 1, 1960.

**419.507 Child within court's jurisdiction made ward of court; court's power concerning custody of child.** A child found to be within the jurisdiction of the court as provided in subsection (1) of ORS 419.476, shall be made a ward of the court. In connection with such wardship, the court may:

(1) Place the child on probation or under protective supervision. The court may direct that the child remain in the legal custody of his parents or other person with whom he is living or may direct that the child be placed in the legal custody of some relative or some person maintaining a foster home approved by the court. The court may specify particular requirements to be observed during the probation or protective supervision consistent with recognized juvenile court practice, including but not limited to restrictions on visitation by the child's parents, restrictions on the child's associates, occupation and activities, restrictions on and requirements to be observed by the person having the child's legal custody and requirements for visitation by and consultation with a juvenile counselor or other suitable counselor. Restitution for property taken, damaged or destroyed by the child may be required as a condition of probation.

(2) Subject to ORS 419.509, place the child in the legal custody of a public or private institution or agency authorized to accept the child.

(3) If there is an interstate compact or agreement or an informal arrangement with another state permitting the child to reside in another state while on probation or under protective supervision, or to be placed in an institution or with an agency in another state, place the child on probation or under protective supervision in such other state, or, subject to ORS 419.509, place the child in an institution in such other state in accordance with the compact, agreement or arrangement.

(4) In the circumstances set forth in ORS 419.533, remand the child to the ap-

propriate court handling criminal actions, or to municipal court. [1959 c.432 §17]

Note: ORS 419.507 takes effect January 1, 1960.

**419.508** [Repealed by 1959 c.432 §59]

Note: ORS 419.508 is repealed effective January 1, 1960.

**419.509 Commitment of child to institution for children requiring secure custody.**

A child found to be within the jurisdiction of the juvenile court may not be placed in an institution, such as MacLaren School for Boys or Hillcrest School of Oregon, operated as a training school for children requiring secure custody, unless the child is found to be within the jurisdiction of the juvenile court by reason of a ground set forth in paragraph (a), (b) or (c) of subsection (1) of ORS 419.476, or the child is found to be a persistent runaway. [1959 c.432 §18]

Note: ORS 419.509 takes effect January 1, 1960.

**419.510** [Repealed by 1959 c.432 §59]

Note: ORS 419.510 is repealed effective January 1, 1960.

**419.511 Probation, protective supervision or institutionalization; special care or treatment; guardianship of child's person.**

(1) The period of probation, protective supervision or institutionalization shall be fixed by the court and may be for an indefinite period, except that any commitment to an institution of this state shall be for an indefinite period. No period of probation, protective supervision or institutionalization may extend beyond the date on which the child becomes 21 years of age.

(2) The court may, in lieu of or in addition to probation, protective supervision or institutionalization, direct that the child be examined or treated by a physician, psychiatrist or psychologist, or receive other special care or treatment and for such purpose may place the child in a hospital or other suitable facility.

(3) The court may grant guardianship of the child's person to some suitable person where it appears necessary to do so in the interests of the child. A public or private institution or agency to which a child is committed may be appointed the child's guardian.

(4) Unless guardianship is granted as provided in subsection (3) of this section, the court as an incident of its wardship over

the child shall have the duties and authority of the guardian as provided in subsection (1) of ORS 419.521. [1959 c.432 §19]

Note: ORS 419.511 takes effect January 1, 1960.

**419.512** [Repealed by 1959 c.432 §59]

Note: ORS 419.512 is repealed effective January 1, 1960

**419.513 Obligation to support child within court's jurisdiction.** The court may, after a hearing on the matter, require the parents or other person legally obligated to support a child found to be within the jurisdiction of the court to pay toward the child's support such amounts at such intervals as the court may direct. The court, in determining the amount to be paid, shall give due regard to the cost of maintaining the child, the financial resources of the parent or other person and the other financial demands on the resources of the parent or other person. Unless otherwise ordered, the amounts so required to be paid shall be paid to the county clerk for transmission to the person, institution or agency having legal custody of the child. [1959 c.432 §20]

Note: ORS 419.513 takes effect January 1, 1960.

**419.514** [Repealed by 1959 c.432 §59]

Note: ORS 419.514 is repealed effective January 1, 1960.

**419.515 Enforcement of order of support.** (1) An order of support entered pursuant to ORS 419.513 may be enforced by execution or in the manner provided by law for the enforcement of the decrees of a court of equity.

(2) In addition to the remedies provided in subsection (1) of this section, the court may issue an order to any employer, trustee or financial agency or custodian of the parents, or either of them, or other person legally obligated to support the child, directing that the employer, trustee, agent or custodian withhold and pay over to the court money due or to become due the parent or other person legally obligated to support the child in an amount not in excess of the lesser of the following:

(a) The amount ordered to be paid for the child's support.

(b) One-fourth of the amount due or becoming due the parent or other person at each regular or usual pay day or day of disbursement.

(3) An order pursuant to subsection (2) of this section shall be treated in the same manner as a notice of garnishment.

(4) No property of the child's parents, or either of them, or other person legally obligated to support the child is exempt from levy and sale or other process to enforce collection of the amounts ordered by the court to be paid toward the support of the child. [1959 c.432 §21]

Note: ORS 419.515 takes effect January 1, 1960.

**419.516** [Repealed by 1959 c.432 §59]

Note: ORS 419.516 is repealed effective January 1, 1960.

**419.517 Contempt proceeding upon failure to comply with any juvenile court order.** In case of failure to comply with any order of the juvenile court, the court may proceed for contempt of court against the person failing to comply. [1959 c.432 §22]

Note: ORS 419.517 takes effect January 1, 1960.

**419.518** [Repealed by 1959 c.432 §59]

Note: ORS 419.518 is repealed effective January 1, 1960.

**419.519 Duties and powers of person having legal custody of child within court's jurisdiction.** A person, agency or institution having legal custody of a child has the following duties and authority:

(1) To have physical custody and control of the child.

(2) To supply the child with food, clothing, shelter and incidental necessities.

(3) To provide the child with care, education and discipline.

(4) To authorize ordinary medical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the child, and, in an emergency where the child's safety appears urgently to require it, to authorize surgery or other extraordinary care.

(5) To make such reports and to supply such information to the court as the court may from time to time require. [1959 c.432 §23]

Note: ORS 419.519 takes effect January 1, 1960.

**419.520** [Repealed by 1959 c.432 §59]

Note: ORS 419.520 is repealed effective January 1, 1960.

**419.521 Duties and powers of guardians appointed by juvenile court.** (1) A person, agency or institution having guardianship of a child by reason of appointment by the juvenile court has the duties and authority of a general guardian of the person of the child, including but not limited to the following:

(a) To authorize surgery for the child,

but this authority does not prevent the person having legal custody of the child from acting pursuant to subsection (4) of ORS 419.519.

(b) To authorize the child to enlist in the Armed Forces.

(c) To consent to the child's marriage.

(d) When the child has been committed pursuant to paragraph (a) of subsection (1) of ORS 419.527, to consent to the adoption of the child.

(e) To make other decisions concerning the child of substantial legal significance.

(f) To make such reports and to supply such information to the court as the court may from time to time require.

(2) A person appointed guardian of the child by the juvenile court is guardian of the child's person only, and not of his estate, unless that person is appointed guardian of the child's estate in a guardianship proceeding as provided in ORS 126.105 to 126.200. [1959 c.432 §§24, 25]

Note: ORS 419.521 takes effect January 1, 1960.

**419.522** [Repealed by 1959 c.432 §59]

Note: ORS 419.522 is repealed effective January 1, 1960.

**419.523 Termination of parental rights; grounds.** (1) The parental rights of the parents of a child within the jurisdiction of the juvenile court as provided in subsection (1) of ORS 419.476 may be terminated as provided in this section and ORS 419.525. The rights of one parent may be terminated without affecting the rights of the other parent.

(2) The rights of the parent or parents may be terminated as provided in subsection (1) of this section if the court finds:

(a) That the parent or parents are unfit by reason of conduct or condition seriously detrimental to the child; or

(b) Have abandoned the child. It is prima facie evidence of abandonment that the parent or parents, although having legal custody of the child, have surrendered physical custody of the child and for a period of 90 days following such surrender have not by some affirmative act manifested to the child or the person having physical custody of the child an intention to resume physical custody of the child. [1959 c.432 §26]

Note: ORS 419.523 takes effect January 1, 1960.

**419.524** [Repealed by 1959 c.432 §59]

Note: ORS 419.524 is repealed effective January 1, 1960.

**419.525 Termination of parental rights; procedure.** (1) An order pursuant to ORS 419.523 may be made only after service of summons, as provided in ORS 419.488 on the parent or parents. The summons shall contain a statement to the effect that the rights of the parent or parents are proposed to be terminated in the proceeding. The statement may be made in the summons originally issued in the proceeding or in separate summons issued at any subsequent stage of the proceeding.

(2) A hearing shall be held by the court on the question of terminating the rights of the parent or parents. No such hearing shall be held any earlier than 10 days after service or final publication of the summons. The facts on the basis of which the rights of the parents are terminated, unless admitted, must be established by a preponderance of competent evidence and a stenographic or other report authorized by ORS 8.340 shall be taken of the hearing.

(3) Unless there is an appeal from the order terminating the rights of the parent or parents, the order permanently terminates all rights of the parent or parents whose rights are terminated and the parent or parents have no standing to appear as such in any legal proceeding concerning the child. [1959 c.432 §27]

Note: ORS 419.525 takes effect January 1, 1960.

**419.526** [Repealed by 1959 c.432 §59]

Note: ORS 419.526 is repealed effective January 1, 1960.

**419.527 Court's powers after termination of parental rights; consent to child's adoption.** (1) After the entry of an order terminating the rights of the parent or parents of the child, the court may:

(a) Place the child in the legal custody and guardianship of a public or private institution or agency authorized to consent in loco parentis to the adoption of children. An order pursuant to this paragraph is a "permanent commitment" for the purposes of ORS 109.305 to 109.390; or

(b) Make any order directing disposition of the child which it is empowered to make under ORS 419.472 to 419.587.

(2) If the rights of only one parent have been terminated, the authority to consent to the adoption of the child as provided in paragraph (a) of subsection (1) of this section is effective only with respect to the parent whose rights have been terminated. [1959 c.432 §28]

Note: ORS 419.527 takes effect January 1, 1960.

**419.528** [Repealed by 1959 c.432 §59]

Note: ORS 419.528 is repealed effective January 1, 1960.

**419.529 Court's power to modify or set aside its orders; hearing.** (1) Except as provided in this section, the court may modify or set aside any order made by it upon such notice and with such hearing as the court may direct.

(2) Except as provided in subsection (3) of this section, notice and a hearing as provided in ORS 419.486 to 419.505 shall be granted in any case where the effect of modifying or setting aside the order will or may be to deprive a parent of the legal custody of the child, to place the child in an institution or agency or to transfer the child from one institution or agency to another.

(3) Notice and a hearing as provided in subsection (2) of this section are not required where the effect of modifying or setting aside the order will be to transfer the child from one foster home to another.

(4) No order pursuant to paragraph (a) of subsection (1) of ORS 419.527 may be set aside or modified during the pendency of a proceeding for the adoption of the child, nor after a petition for adoption has been granted. [1959 c.432 §29]

Note: ORS 419.529 takes effect January 1, 1960.

**419.530** [Renumbered 419.308]

**419.531 Termination of court's wardship over child.** The court's wardship over a child brought before it continues until whichever of the following occurs first:

(1) The court dismisses the petition concerning the child or remands the case to the appropriate court handling criminal actions, or to municipal court. If the court has wardship of a child based upon a prior petition, remanding the child to the court handling criminal actions, or to municipal court in connection with a subsequent violation of a law or ordinance relating to the use or operation of a motor vehicle does not terminate the wardship, unless the court so orders.

(2) The court transfers jurisdiction over the child as provided in ORS 419.545 or subsection (2) of ORS 419.549.

(3) The court by order terminates its wardship.

(4) A decree of adoption of the child is entered by a court of competent jurisdiction.

(5) The child becomes 21 years of age. [1959 c.432 §30]

Note: ORS 419.531 takes effect January 1, 1960.

**419.532** [Repealed by 1959 c.432 §59]

Note: ORS 419.532 is repealed effective January 1, 1960.

**419.533 Remanding of child to another court; motor vehicle law violations.** (1) A child may be remanded to a circuit, district, justice or municipal court of competent jurisdiction for disposition as an adult if:

(a) The child is at the time of the remand 16 years of age or older; and

(b) The child committed or is alleged to have committed a criminal offense or a violation of a municipal ordinance; and

(c) The juvenile court determines that retaining jurisdiction will not serve the best interests of the child and the public.

(2) The juvenile court may enter an order directing that all cases involving violation of law or ordinance relating to the use or operation of a motor vehicle be remanded to criminal or municipal court, subject to the following conditions:

(a) That the criminal or municipal court prior to hearing a case, other than a case involving a parking violation, in which the defendant is or appears to be under 18 years of age notify the juvenile court of that fact; and

(b) That the juvenile court may direct that any such case be remanded to the juvenile court for further proceedings. [1959 c.432 §31]

Note: ORS 419.533 takes effect January 1, 1960.

**419.534** [Repealed by 1959 c.432 §59]

Note: ORS 419.534 is repealed effective January 1, 1960.

**419.535 Handling of motor vehicle offenses.** If the preliminary inquiry pursuant to ORS 419.482 discloses that the child's conduct consists, or is alleged to consist, of a violation of a law or ordinance relating to the use or operation of a motor vehicle and it appears to the court that the nature of the offense and the child's background are such that a proceeding as provided in ORS 419.484 to 419.527 is not warranted, the court may handle the case as provided in ORS 419.537 to 419.541. [1959 c.432 §32]

Note: ORS 419.535 takes effect January 1, 1960.

**419.536** [Repealed by 1959 c.432 §59]

Note: ORS 419.536 is repealed effective January 1, 1960.

**419.537 Petition and summons in motor vehicle offenses.** (1) A petition shall be filed as provided in ORS 419.482 and 419.484.

(2) Summons as provided in subsection (1) of ORS 419.486 shall be issued to the parent or other person having physical custody of the child, requiring him to appear with the child before the court at the time and place stated in the summons.

(3) The summons may be served as provided in ORS 419.488 or by mailing a copy thereof to the parent or other person having physical custody of the child. If the summons is served personally, a warrant may be issued as provided in ORS 419.490. [1959 c.432 §33]

Note: ORS 419 537 takes effect January 1, 1960.

**419.538** [Repealed by 1959 c.432 §59]

Note: ORS 419.538 is repealed effective January 1, 1960.

**419.539 Hearing and finding.** A hearing shall be held as provided in ORS 419.496 to 419.500. At the termination of the hearing, if the court finds the matters alleged in the petition to be true, it may enter an order finding the child to be a juvenile motor vehicle offender and may dispose of the case as provided in subsections (1) and (2) of ORS 419.541. [1959 c.432 §34]

Note: ORS 419.539 takes effect January 1, 1960.

**419.540** [Repealed by 1959 c.432 §59]

Note: ORS 419.540 is repealed effective January 1, 1960.

**419.541 Disposition of juvenile motor vehicle offenders.** (1) The court may recommend suspension of a child's operator's license or driving permit, and may order the child to attend a traffic school or driver training program operated under auspices of the police, the public schools or other qualified body, where the court finds in a proceeding under ORS 419.484 to 419.527 or a proceeding under ORS 419.535 to 419.539 that the child:

(a) Violated a law or ordinance relating to the privilege of operating a motor vehicle or to the operation of a motor vehicle; or

(b) Operated a motor vehicle in the course of violating a law or ordinance; or

(c) Violated a law or ordinance in the course of attempting to obtain a motor vehicle, motor vehicle parts or accessories or motor vehicle fuel.

(2) The court may recommend suspension of a license or permit for a period of up

to one year from the date of the recommendation.

(3) In a proceeding under ORS 419.484 to 419.527, the juvenile court may recommend suspension of the child's license or permit and may direct the child to attend traffic or driving school as provided in subsection (1) of this section in addition to or in lieu of any other disposition of the case. [1959 c.432 §35]

Note: ORS 419 541 takes effect January 1, 1960.

**419.542** [Amended by 1957 c.414 §1; repealed by 1959 c.432 §59]

Note: ORS 419.542 is repealed effective January 1, 1960.

**419.543 Judgment that child is in juvenile court's jurisdiction is not a criminal conviction.** An adjudication by a juvenile court that a child is within its jurisdiction is not a conviction of a crime or offense. [1959 c.432 §36]

Note: ORS 419.543 takes effect January 1, 1960.

**419.544** [Repealed by 1959 c.432 §59]

Note: ORS 419.544 is repealed effective January 1, 1960.

**419.545 Transfer of juvenile court proceeding to another county.** If it appears at any stage of a juvenile court proceeding that the child resides in a county other than the one in which the proceeding is pending, the case shall be transferred to the juvenile court of the county in which the child resides, except in the following cases:

(1) Where the juvenile court of the county in which the child resides authorizes the court in which the case is pending to proceed with the case as provided in ORS 419.547, and the court in which the case is pending agrees to so proceed.

(2) Where the juvenile court of the county in which the case is pending determines that the proceeding should in any event be dismissed.

(3) Where the child has no ascertainable residence in any other county in this state.

(4) Where the child has been remanded to a court handling criminal actions or a municipal court by reason of an order entered pursuant to subsection (2) of ORS 419.533 and there has been no order directing remand of the child to juvenile court as provided in paragraph (b) of subsection (2) of ORS 419.533. [1959 c.432 §37]

Note: ORS 419.545 takes effect January 1, 1960.

**419.546** [Repealed by 1959 c.432 §59]

Note: ORS 419.546 is repealed effective January 1, 1960.

**419.547 Disposition of transferable case.** Where a juvenile court proceeding is pending in a county other than the county in which the child resides and the case is transferable under ORS 419.545, the juvenile court of the county in which the child resides may authorize the court in which the case is pending to proceed with the case in either of the following ways where it will facilitate disposition of the case without adverse effect on the interests of the child:

(1) To hear, determine and dispose of the case in its entirety.

(2) Prior to transferring the case, to conduct a hearing into the facts alleged to bring the child within the jurisdiction of the juvenile court, to determine the facts and to certify its findings to the juvenile court of the county in which the child resides. [1959 c.432 §38]

Note: ORS 419.547 takes effect January 1, 1960.

**419.548** [Repealed by 1959 c.432 §59]

Note: ORS 419.548 is repealed effective January 1, 1960.

**419.549 Power of juvenile court where case pending to authorize action by another juvenile court; costs.** Where a proceeding is pending in the juvenile court of any county, the juvenile court of that county may authorize the juvenile court of any other county to do one or both of the following, where it will facilitate the disposition of the case without adverse effect on the interests of the child:

(1) To conduct a hearing into the facts alleged to bring the child within the jurisdiction of the juvenile court, to determine the facts and to certify its findings to the court in which the case is pending.

(2) To assume jurisdiction over the case and administer probation or protective supervision of the child, where the court in which the proceeding is pending:

(a) Finds that the child has moved to the other county or orders as part of its disposition of the proceeding that legal custody of the child be given to a person residing in the other county; and

(b) Is advised that the court of the other county will accept jurisdiction of the case. The cost of administering probation or protective supervision of the child shall be paid by the county accepting jurisdiction, unless the transferring and receiving counties other-

wise agree. The cost of transporting the child shall be paid by the county transferring jurisdiction, unless the transferring and receiving counties otherwise agree. [1959 c.432 §39]

Note: ORS 419.549 takes effect January 1, 1960.

**419.550** [Repealed by 1957 c.413 §2]**419.551** [1957 c.413 §1; repealed by 1959 c.432 §59]

Note: ORS 419.551 is repealed effective January 1, 1960.

**419.552** [Repealed by 1959 c.432 §59]

Note: ORS 419.552 is repealed effective January 1, 1960.

**419.553 Effect of actions by other authorized court.** Where the juvenile court of one county is authorized by the juvenile court of another county to conduct a hearing into facts as provided in subsection (2) of ORS 419.547 or subsection (1) of ORS 419.549, the facts so found and certified may be taken as established by the court of the county authorizing the hearing and, if adopted by written order of the latter court, form a part of its record in the case. [1959 c.432 §40]

Note: ORS 419.553 takes effect January 1, 1960.

**419.554** [Repealed by 1955 c.491 §9]

**419.555 Records of transferred proceedings.** Where a proceeding is transferred as provided in ORS 419.545 or subsection (2) of ORS 419.549, the transferring court shall transmit all papers, documents and testimony connected with the case, or copies of any thereof certified to be true copies by the transferring court, to the court to which the case is transferred. The papers, documents and testimony transmitted may, by written order of the receiving court, be made a part of the receiving court's record of the proceeding to the same extent and with the same effect as though the proceeding had been initially commenced in the receiving court. [1959 c.432 §41]

Note: ORS 419.555 takes effect January 1, 1960.

**419.556** [Repealed by 1955 c.491 §9]

**419.557 Transportation and safekeeping of child.** If the child who is the subject of the proceeding is, at the time of a transfer or temporary transfer provided for in ORS 419.545 to 419.549, in detention or shelter care or for other reason needs transportation to the other county, the transferring county may make such order or pro-

vision for the transportation and safekeeping of the child as is appropriate in the circumstances, including an order directing any peace officer of the transferring county to transfer the child in the manner directed. [1959 c.432 §42]

**Note:** ORS 419.557 takes effect January 1, 1960.

**419.558** [Repealed by 1959 c.432 §59]

**Note:** ORS 419.558 is repealed effective January 1, 1960.

**419.559 Consolidation of proceedings in juvenile court.** Any proceeding in which the juvenile court is given exclusive jurisdiction and any proceeding assigned to the juvenile court judge may be consolidated with any other proceeding in the exclusive jurisdiction of the juvenile court or assigned to the juvenile court judge where:

(1) Each of the proceedings to be consolidated relate, in whole or in part, to the same child or other person under 18 years of age, or to children or other persons under 18 years of age who have at least one parent in common; and

(2) The proceedings involve the same or related issues of fact; and

(3) The consolidation will not impair any constitutional right of a party to any of the proceedings. [1959 c.432 §43]

**Note:** ORS 419.559 takes effect January 1, 1960.

**419.560** [Repealed by 1955 c.491 §9]

**419.561 Appeal from court's final order.**

(1) Any person whose right or duties are adversely affected by a final order of the juvenile court may appeal therefrom. An appeal from a circuit court shall be taken to the Supreme Court, and an appeal from a county court shall be taken to the circuit court.

(2) Where the proceeding is in the circuit court and no stenographic transcript of the proceedings was kept, the court, on motion made not later than 15 days after the entry of the court's order, shall grant a rehearing and shall direct that a stenographic transcript of the proceedings be kept. The time for taking an appeal shall run from the date of the court's order entered after the rehearing.

(3) The appeal may be taken by filing an informal notice of appeal with the clerk of the juvenile court. The notice shall be filed not later than 30 days after the entry of the court's order. On appeal from the county court, the circuit court shall hear the matter de novo and its order shall be ap-

pealable to the Supreme Court in the same manner as if the proceeding had been commenced in the circuit court.

(4) An appeal to the Supreme Court shall be conducted in the same manner as an appeal in an equity suit and shall be advanced on the Supreme Court's docket in the same manner as appeals in criminal cases.

(5) Unless otherwise ordered by the appellate court, the filing or pendency of an appeal does not suspend the order of the juvenile court nor shall it discharge the child from the custody of the person, institution or agency in whose custody the child may have been placed. [1959 c.432 §44]

**Note:** ORS 419.561 takes effect January 1, 1960.

**419.562** [Repealed by 1959 c.432 §59]

**Note:** ORS 419.562 is repealed effective January 1, 1960.

**419.563 Court-appointed attorney on appeal; district attorney to represent state.**

(1) If the parent or guardian summoned to appear before the juvenile court is without sufficient financial means to employ an attorney to represent him in an appeal as provided in ORS 419.561, on request of the parent or guardian the court shall appoint an attorney to represent him.

(2) The district attorney for the county from which the appeal is taken shall represent the state. [1959 c.432 §45]

**Note:** ORS 419.563 takes effect January 1, 1960.

**419.564** [Repealed by 1959 c.432 §59]

**Note:** ORS 419.564 is repealed effective January 1, 1960.

**419.565** [1957 c.276 §1; repealed by 1959 c.652 §24]

**419.566** [Amended by 1959 c.432 §71; renumbered 419.224]

**419.567 Record of each case.** (1) The clerk of the court shall keep a record of each case, including therein the summons and other process, the petition and all other papers in the nature of pleadings, motions, orders of the court and other papers filed with the court, but excluding reports and other material relating to the child's history and prognosis. The record of the case shall be withheld from public inspection but shall be open to inspection by the child, his parent or guardian or other persons having a proper interest in the case, and their attorneys, or by any person authorized by the court to inspect the record.

(2) Reports and other material relating to the child's history and prognosis are privileged and, except with the consent of the court, shall not be disclosed directly or indirectly to anyone other than the judge of the juvenile court and those acting under his direction.

(3) No information appearing in the record of the case or in reports or other material relating to the child's history or prognosis may be disclosed to any person without the consent of the court, and no such information may be used in evidence in any proceeding to establish criminal or civil liability against the child, whether such proceeding occurs after the child has reached 18 years of age or otherwise, except for the following purposes:

(a) In connection with a presentence investigation after the guilt of the child has been admitted or established in a criminal court.

(b) In connection with a proceeding in another juvenile court concerning the child or an appeal from the juvenile court. [1959 c.432 §46]

Note: ORS 419.567 takes effect January 1, 1960.

**419.568** [Renumbered 419.618]

**419.569 Causes for taking temporary custody of child.** (1) A child may be taken into temporary custody by a peace officer, counselor, employe of the state or county welfare department or by any other person authorized by the juvenile court of the county in which the child is found, in the following circumstances:

(a) Where, if the child were an adult, he could be arrested without a warrant; or

(b) Where the child's condition or surroundings reasonably appear to be such as to jeopardize his welfare; or

(c) Where the juvenile court, by order indorsed on the summons as provided in subsection (3) of ORS 419.486 or otherwise, has ordered that the child be taken into temporary custody.

(2) A private person may take a child into temporary custody in circumstances where, if the child were an adult, the person could arrest the child. [1959 c.432 §47]

Note: ORS 419.569 takes effect January 1, 1960.

**419.570** [Repealed by 1959 c.432 §59]

Note: ORS 419.570 is repealed effective January 1, 1960.

**419.571 Temporary custody not arrest; record; notice to court or counselor; peace officer's privileges and immunities.** (1) Temporary custody shall not be deemed an arrest so far as the child is concerned. All peace officers shall keep a record of children taken into temporary custody and shall promptly notify the juvenile court or counselor of all children taken into temporary custody.

(2) A peace officer taking a child into temporary custody has all the privileges and immunities of a peace officer making an arrest. [1959 c.432 §48]

Note: ORS 419.571 takes effect January 1, 1960.

**419.572** [Repealed by 1959 c.432 §59]

Note: ORS 419.572 is repealed effective January 1, 1960.

**419.573 Time when court's jurisdiction attaches; notice to child's parent; release of child by peace officer.** (1) Except as provided in ORS 419.579, the jurisdiction of the juvenile court of the county in which a child is taken into temporary custody shall attach from the time the child is taken into custody.

(2) As soon as practicable after the child is taken into custody, the peace officer or other person taking him into custody shall notify the child's parent, guardian or other person responsible for the child.

(3) The peace officer or other person taking the child into custody shall release the child to the custody of his parent or other responsible person in this state, except in the following cases:

(a) Where the court otherwise orders.

(b) Where it appears to the court that the welfare of the child or of others may be immediately endangered by the release of the child. [1959 c.432 §49]

Note: ORS 419.573 takes effect January 1, 1960.

**419.574** [Repealed by 1959 c.432 §59]

Note: ORS 419.574 is repealed effective January 1, 1960.

**419.575 Place of detention or shelter care while child in temporary custody.** (1) The juvenile court of each county shall designate the place or places in the county or at a reasonably short distance outside the county in which children are to be placed in detention or shelter care when taken into temporary custody. Except where inconsistent with the safety and welfare of the child or of others, a child taken into temporary custody shall be placed in shelter care rather than detention.

(2) No child shall at any time be detained in a police station, jail, prison or other place where adults are detained, except as follows:

(a) A child may be detained in a police station for such period, not exceeding three hours, as may be necessary to obtain the child's name, age, residence and other identifying information.

(b) A child remanded to the court handling criminal actions or to municipal court may be detained in a jail or other place where adults are detained.

(c) Where a suitable children's detention facility is available, on order of the court a child 16 years of age or older may nevertheless be placed in a jail or other adult detention facility if the child's conduct or condition is such as to endanger his safety or welfare or that of others in the children's detention facility.

(d) Where a suitable children's detention facility is not available, a child 14 years of age or older may be placed in an adult detention facility.

(3) Except for a child detained in jail pursuant to a remand to the court handling criminal actions or to municipal court, children detained in jail as provided in subsection (2) of this section shall be placed in a separate room or ward screened from the sight and sound of the adults being detained therein. [1959 c.432 §50]

Note: ORS 419.575 takes effect January 1, 1960.

**419.577 Disposition of child taken into temporary custody and not released by peace officer; report to court or counselor; release of child by court.** (1) If a child taken into temporary custody is not released as provided in subsection (3) of ORS 419.573, the peace officer or other person taking the child into custody shall without unnecessary delay take the child:

(a) Before the court; or

(b) To a place of detention or shelter care designated by the court, or to a jail if no detention facility is available and the child requires secure custody, and shall as soon as possible thereafter notify the court that the child has been taken into custody; or

(c) Deliver the child to the county in which he resides as provided in ORS 419.579.

(2) Except where the child is taken into custody pursuant to an order of the court, the peace officer or other person taking the

child into custody shall promptly file with the court or a counselor a brief written report stating:

(a) The child's name, age and address; and

(b) The reason why the child was not released.

(3) Pending further disposition of the case, the court may release the child to the custody of his parent or other responsible person or may order that the child remain in detention or shelter care subject to further order. No child shall be held in detention more than 24 hours, excluding Saturdays, Sundays and judicial holidays, except on order of the court. [1959 c.432 §51]

Note: ORS 419.577 takes effect January 1, 1960.

**419.579 Disposition of child residing in another county when taken into temporary custody; time when court of child's residence acquires jurisdiction.** (1) Where a child residing in some other county is taken into temporary custody the child may be:

(a) Released to his parent or other responsible person in this state as provided in subsection (3) of ORS 419.573.

(b) Delivered to a peace officer or juvenile counselor in the county in which the child resides, if such delivery can be made without unnecessary delay. In such event, the person to whom he is delivered shall assume temporary custody of the child and shall proceed as provided in ORS 419.573 to 419.577.

(2) Where a child is released or delivered as provided in subsection (1) of this section, the jurisdiction of the juvenile court of the county in which he resides shall attach from the time the child is taken into custody. [1959 c.432 §52]

Note: ORS 419.579 takes effect January 1, 1960.

**419.581 Referees; hearings, findings and recommendations; hearing by judge.** (1) The judge of the juvenile court may appoint one or more persons as referee of the juvenile court. A referee shall be appointed in every county in which there is no resident juvenile court judge. A person appointed referee shall be qualified by training and experience in the handling of juvenile matters, shall have such further qualifications as may be prescribed by law and shall hold office as such at the pleasure of the judge. The judge may fix reasonable compensation for the referee, to be paid by the county.

(2) The judge may direct that any case,

or all cases of a class designated by him, shall be processed or heard in the first instance by a referee in the manner provided for the hearing of cases by the court. Upon conclusion of the hearing in each case the referee shall transmit to the judge all papers relating to the case, together with his findings and recommendations in writing.

(3) Where the referee conducts a hearing, the child and his parent, guardian or other person appearing on his behalf shall be notified of the referee's findings and recommendations, together with a notice to the effect that a hearing may be had before the judge if requested within three days. A hearing by the judge shall be allowed upon written request filed not later than three days after notice of the referee's findings and recommendations. The judge may hear the case on the same evidence introduced before the referee and may admit other evidence. If no hearing before the judge is requested or the right to such a hearing is waived, the findings and recommendations of the referee, when confirmed by order of the court, shall become the court's order of disposition. [1959 c.432 §53]

Note: ORS 419.581 takes effect January 1, 1960.

**419.583 Provisions regarding bail in criminal cases not applicable.** Provisions regarding bail in criminal cases shall not be applicable to children held or taken into custody as provided in ORS 419.472 to 419.587. [1959 c.432 §54]

Note: ORS 419.583 takes effect January 1, 1960.

**419.585 Fingerprinting and photographing child in custody.** Neither the fingerprints nor a photograph of a child taken into custody for any purpose under ORS 419.472 to 419.587 shall be taken except in the following circumstances:

(1) With the consent of the juvenile court; or

(2) Where a child has been remanded to the court handling criminal actions; or

(3) Where a child has been placed in the legal custody of a state institution. [1959 c.432 §55]

Note: ORS 419.585 takes effect January 1, 1960.

**419.587 County juvenile advisory council.** (1) The juvenile court judge or judges of each county having a population of over 10,000, according to the latest federal decennial census, shall, and the juvenile court judge of any other county may, appoint a

juvenile advisory council. The council shall consist of seven directors and such other members as may be appointed. In cooperation with the juvenile court, the council shall:

(a) Study and make recommendations concerning the operation of the juvenile court, including the counselors and other personnel, detention facilities, shelter care, foster homes and other facilities functioning or needed in connection therewith.

(b) Study and make recommendations in connection with community programs and services designed to prevent or correct juvenile delinquency and other children's problems of the type coming before the juvenile court.

(c) Take appropriate action to stimulate community interest in the problems of children and to carry out the recommendations of the council.

(d) Make an annual report concerning its activity.

(2) The county court or board of county commissioners in each county in which there is a juvenile advisory council may expend county funds for the activities of the council. [1959 c.432 §56]

Note: ORS 419.587 takes effect January 1, 1960.

**419.589 to 419.600** [Reserved for expansion]

## COUNTY JUVENILE DEPARTMENT

**419.602 Definitions for ORS 419.602 to 419.616.** As used in ORS 419.602 to 419.616:

(1) "Counselor" means any probation counselor or officer appointed under ORS 419.602 to 419.616.

(2) "Detention facilities" means any facilities established under ORS 419.602 to 419.616 for the detention of dependent or delinquent children pursuant to a judicial commitment or order.

(3) "Director" means the director of a juvenile department established under ORS 419.602 to 419.616.

(4) "Juvenile court" means the court having jurisdiction of juvenile matters in the several counties of this state. [1955 c.491 §1]

**419.604 Juvenile court to appoint director or counselor for county juvenile department.** (1) Subject to subsection (2) of this section, the judge or judges of the juvenile court in any county having a population less than 300,000 shall appoint or designate one or more persons of good moral

character as counselors of the juvenile department of the county, to serve at the pleasure of and at a salary designated by the appointing judge and approved by the budget-making body of the county.

(2) The judges of the juvenile courts of two or more contiguous counties, each with a population less than 300,000, may, pursuant to an agreement between the counties concerned, jointly appoint one or more persons of good moral character as counselors of the juvenile departments of the counties, to serve at the pleasure of the appointing judges and at a salary designated by the appointing judges, and approved by the budget-making bodies of the counties concerned.

(3) When more than one person is appointed under this section, the appointing authority may designate one as director of the juvenile department or departments and the others to serve as juvenile counselors or staff members.

(4) In counties with a population of 300,000 or more, counselors of the juvenile department of the county shall be appointed in accordance with ORS 241.020 to 241.990. [1955 c.491 §2]

**419.606 Director to be administrator of county juvenile department.** The director shall be the administrator of the juvenile department or departments for the county or counties, including any juvenile detention facilities maintained by the county or by the counties jointly, and the supervisor of the staff of the juvenile department or departments and detention facilities, subject to the direction of the appointing authority. [1955 c.491 §3]

**419.608 Duties of director or counselor in juvenile court proceedings.** The director of a juvenile department or one of the counselors shall:

(1) Make or cause to be made an investigation of every child brought before the court and report fully thereon to the court.

(2) Be present in court to represent the interests of the child when the case is heard.

(3) Furnish such information and assistance as the court requires.

(4) Take charge of any child before and after the hearing as may be directed by the court. [1955 c.491 §4]

**419.610 Director or counselor has power of peace officer and may bring child in his custody before court at any time.** Any

director or counselor shall have power of a peace officer as to any child committed to his care. Any director or counselor may, in his discretion and at any time, bring a child committed to his custody and care by the juvenile court before such court for any further action the court considers advisable. [1955 c.491 §5]

**419.612 Detention facilities for dependent and delinquent children.** (1) Any county may acquire in any lawful manner, equip and maintain within the county suitable detention facilities for the detention of dependent and delinquent children confined pursuant to a judicial commitment or order pending final adjudication of the case by the juvenile court. The personnel of any detention facilities are subject to the control and direction of the judge of the juvenile court.

(2) Where two or more counties have entered into an agreement pursuant to subsection (2) of ORS 419.604, the counties jointly may acquire in any lawful manner, equip and maintain, at a suitable site or sites in the counties determined by the judges of the juvenile courts of the counties, detention facilities suitable for the detention of dependent and delinquent children confined pursuant to judicial commitment or order pending final adjudication of the case by juvenile court. The personnel of any detention facilities are subject to the joint control of the judges of the juvenile courts of such counties. [1955 c.491 §7]

**419.614 Payment of expenses of maintaining detention facilities.** All expenses incurred in the maintenance of the facilities for detention and the personnel required therefor shall be paid upon order of the board of county commissioners or county court from county funds duly levied and collected in any manner provided by law. When joint detention facilities are maintained as provided in subsection (2) of ORS 419.612, each county shall pay its share of the costs and expenses of acquiring, equipping and maintaining the joint detention facilities, to be determined pursuant to an agreement between the counties. Counties may accept gifts or donations of property, including money, for the use of detention facilities to be expended and used as directed by the judge of the juvenile court. [1955 c.491 §8]

**419.616 Payment of expenses of maintaining juvenile departments.** (1) The cost of maintaining a juvenile department and all expenditures incidental thereto, including traveling expenses, and necessarily incurred in supplying the immediate necessities of dependent or delinquent children while committed to the charge of a director or counselor, and all salaries for the personnel of a juvenile department and of any detention facilities maintained in the county, shall be payable upon the order of the board of county commissioners or county court of the county from county funds budgeted and levied for that purpose in any manner provided by law.

(2) When two or more counties have counselors appointed to serve the counties jointly, each county shall provide funds to pay its share of the costs and expenses of the employment of counselors and maintaining juvenile departments. The method of determining the portion of such costs and expenses each county is to bear shall be provided in the agreement made between the counties pursuant to subsection (2) of ORS 419.604. [1955 c.491 §6]

**419.618 Detention rooms and hospital wards for juvenile cases.** The board of county commissioners or county court of counties having more than 200,000 inhabitants shall provide proper accommodations for detention rooms and hospital wards, as may be necessary for the care, custody and discipline of minor children. The expense of the same shall be audited and paid in the same manner as other bills in such county are audited and paid. [Formerly 419.568]

**419.620 to 419.708** [Reserved for expansion]

#### **CURFEW HOURS FOR MINORS**

**419.710 Prohibition of unaccompanied minors from being in public places during certain hours.** No minor under the age of 18 years shall be in or upon any street, highway, park, alley or other public place between the hours of 12 p.m. and 4 a.m. of the following morning, unless such minor is accompanied by a parent, guardian or other person 21 years of age or over and authorized by the parent or by law to have care and custody of the minor, or unless such minor is then engaged in a lawful pursuit or activity which requires his presence in such public places during the hours specified in this section. [1953 c.576 §1]

**419.720 Prohibition of parents, guardians or custodians from allowing minors to be in public places during curfew hours.** No parent, guardian or person having the care and custody of a minor under the age of 18 years shall allow such minor to be in or upon any street, highway, park, alley or other public place between the hours specified in ORS 419.710, except as otherwise provided in that section. [1953 c.576 §2]

**419.730 Arrest and disposition of minor violating curfew hours; penalties.** (1) Peace officers and other law enforcement officers may arrest any minor for a violation of ORS 419.710.

(2) On any first violation of ORS 419.710, the arresting officer may either:

(a) Take or send the minor to its residence and notify the parents, guardian or person having care and custody of the minor concerning the violation; or

(b) If the officer has reasonable grounds to believe that the parents of the minor are failing to exercise proper control, care or custody of the minor, take the minor directly before the court having juvenile jurisdiction in the county where the arrest was made.

(3) On any second or subsequent violations of ORS 419.710, the minor shall be taken directly before the court having juvenile jurisdiction in the county where the arrest was made for disposition in accordance with the juvenile court laws of this state and may be punished, upon conviction, by a fine of not more than \$50 or by confinement in any detention facilities for juveniles, or both. [1953 c.576 §3]

**419.740 Regulations by political subdivisions concerning conduct of minors in public places.** ORS 419.710 to 419.730 do not affect the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law; provided, that the local ordinance or law restricts curfew hours at least to the extent required by ORS 419.710 to 419.730. [1953 c.576 §4]

**419.750 to 419.980** [Reserved for expansion]

#### **PENALTIES**

**419.990 Penalties.** (1) Violation of ORS 419.070 is punishable upon conviction by a fine not exceeding \$500 or by imprisonment in the county jail not exceeding one year, or both.

(2) Violation of ORS 419.134, 419.136, subsection (2) of ORS 419.112, subsection (3) of ORS 419.116, ORS 419.120, or ORS 419.122 is punishable upon conviction by a fine not exceeding \$100.

(3) Violation of ORS 419.404 is punish-

able upon conviction by a fine not exceeding \$500 or by imprisonment in the county jail for not exceeding six months, or both.

(4) Violation of ORS 419.720 is a misdemeanor. [Subsection (4) enacted as 1953 c.576 §2(2); 1959 c.432 §72]

**CERTIFICATE OF LEGISLATIVE COUNSEL**

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.  
Done at Salem, Oregon,  
on November 1, 1959.

Sam R. Haley  
Legislative Counsel