

# Chapter 420

## 1959 REPLACEMENT PART

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## GENERAL PROVISIONS

**420.010 Commitment or admission of minor under 12 to state institutions for delinquents prohibited.** No minor child under the age of 12 years shall be committed by any court to either the MacLaren School for Boys or the Hillcrest School of Oregon, nor shall any such minor child be admitted to or received by or cared for in either of those institutions.

**420.015 Juvenile court's wardship over child committed to training school; legal custody of child.** (1) Commitment of a child to the MacLaren School for Boys, the Hillcrest School of Oregon or any other training school for persons under 21 years of age requiring secure custody, does not terminate the juvenile court's wardship over the child. Subject to the court's powers of wardship, the institution to which the person is committed, acting through the superintendent thereof, has the person's legal custody.

(2) Upon parole or discharge of the person from the institution, the legal custody of the person is vested in his parents or other person to whom he is returned, subject to subsection (3) of ORS 420.181 and subsection (3) of ORS 420.371. [1959 c.432 §73]

Note: ORS 420.015 takes effect on January 1, 1960.

**420.020 Advisory committee; membership; chairman.** (1) There shall be appointed by the Oregon State Board of Control an advisory committee, consisting of seven members, citizens of this state.

(2) One member of the committee shall be designated chairman thereof by the Board of Control.

(3) Each member of the committee shall serve for a term of four years, except that of the members first appointed after August 3, 1955, one shall serve one year, two shall serve two years, two shall serve three years and two shall serve four years; and a vacancy in the office of member of the committee for any cause other than expiration of term shall be filled by appointment for the period of the unexpired term only. The terms of the members of the committee on August 3, 1955, shall expire on such date. [Amended by 1955 c.89 §1]

**420.030 Duties and expenses of advisory committee.** (1) The advisory committee shall study the policy and administration of MacLaren School for Boys and Hillcrest

School of Oregon and any other state training schools for persons under 21 years of age requiring secure custody which may be established and report in writing to the Board of Control and make such suggestions and recommendations as may appear to be for the best interest of the institution and the welfare of the inmates. The advisory committee shall attend at least one meeting of the Board of Control each year, for the purpose of reviewing the budgets of the schools, and shall hold at least one meeting of the committee each quarter.

(2) The actual necessary expenses of the members of the advisory committee, incurred in the performance of their duties, shall be audited and paid in the same manner as other expenses of said institutions. [Amended by 1959 c.432 §74]

**420.040 to 420.100** [Reserved for expansion]

## MAC LAREN SCHOOL FOR BOYS

**420.110 Establishment of school.** There is established and permanently located in Marion County, in this state, a school to be known as the MacLaren School for Boys. This school is to be maintained for the confinement, discipline, education, employment and reformation of juvenile offenders in this state.

**420.120 Purpose and objects of the school.** (1) The MacLaren School for Boys shall be used as a training school for juvenile male offenders committed to its custody. The superintendent, subordinate officers and employes of the school shall use their best and consistent endeavors to govern, instruct, employ and reform the youths committed to their charge, to the end that the youths are trained and developed into useful and honorable members of society.

(2) The chief objects of the school are educational and reformatory, rather than penal, but this does not prevent the confinement and punishment of juvenile offenders therein.

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

**420.140 Persons who may be committed.** Commitments to the MacLaren School for Boys shall be limited to youths between the ages of 12 and 18 years found by the juvenile court to be within the court's jurisdiction by reason of a ground set forth in ORS 419.509. [Amended by 1959 c.432 §75]

**420.150 Commitment blanks.** Uniform commitment blanks shall be furnished by the Oregon State Board of Control and used by all courts committing to the MacLaren School for Boys.

**420.160 Expenses borne by committing county.** All traveling and other expenses incurred in the commitment and delivery of youths to the MacLaren School for Boys shall be borne by the county from which they are committed. [Amended by 1959 c.432 §76]

**420.170 Term of commitment.** Except as provided in ORS 420.181, all youths committed to the MacLaren School for Boys shall remain as inmates, and under the control of the officers of the school until they reach their majority.

**420.180** [Repealed by 1957 c.210 §1 (ORS 420.181 enacted in lieu of ORS 420.180)]

**420.181 Parole; discharge; revocation of parole.** (1) Upon a finding that a youth has reformed and that he had best be returned to his parent or guardian or to a suitable and desirable home which has been found for him, the superintendent may, with the consent of the committing court, grant the youth a parole conditioned upon good behavior.

(2) At such time as the superintendent finds that final release is not incompatible with the welfare of society and the youth, he may, with the consent of the committing court, make and issue a final order discharging the paroled youth.

(3) The superintendent may, with the consent of the committing court, revoke a parole and cause the paroled youth to be returned to the institution and the custody of its officers if the conditions of the parole have been violated. [1957 c.210 §2 (enacted in lieu of ORS 420.180)]

**420.190 Disposition of incorrigible youths.** Should any boy committed to the school prove, and continue to be, unruly, unsusceptible of reformation and incorrigible and his presence be detrimental to the best interests of the institution, he may, with the approval of the Board of Control, be returned by the superintendent to the sheriff of the county from whence he was committed that proceedings against him may be resumed as

though no commitment had been made to the school.

**420.200** [Amended by 1953 c.111 §3; repealed by 1959 c.507 §1]

**420.210 Establishing temporary work and training camps for boys committed to school.** The Superintendent of the MacLaren School for Boys, with the approval of the Board of Control and in cooperation with any other state agency, may establish at such places in this state as are recommended by the State Highway Department or any other state or federal agency assisting in the rehabilitation program contemplated by ORS 420.210 to 420.235 one or more temporary work and training camps for any boys committed to the school who are determined by the superintendent to be qualified and amenable as security risks for work and training in such camps. [1953 c.154 §1]

**420.215 Operation of camps by superintendent.** Any camp established pursuant to ORS 420.210 on a temporary basis shall be maintained and operated under the supervision of the superintendent and shall be governed, as far as applicable, by the rules and regulations concerning discipline, care and education of the MacLaren School for Boys. [1953 c.154 §2]

**420.220 Responsibility for custody of boys assigned to camp; scope of training program.** While at a camp established under ORS 420.210 to 420.235, the superintendent is responsible for the care and custody of all boys assigned to the camp. The superintendent shall provide the same educational, training, religious, cultural and medical facilities that are available to the boys at the MacLaren School for Boys, in so far as this is feasible and appropriate; provided, that the compulsory school attendance laws are complied with. [1953 c.154 §3]

**420.225 Cooperation with other state or federal agencies in work assignments.** The superintendent and the persons employed by him or designated to have direct control of the boys at camp shall cooperate to the fullest extent with the State Highway Department or any other state or federal agency assisting in the camp program in making assignments and in supervising any work or training of boys who are physically able to perform manual labor. [1953 c.154 §4]

**420.230 Contracts with other state or federal agencies.** The superintendent, with the approval of the Board of Control, may enter into contracts with the State Highway Commission or any other state or federal agency cooperating or willing to cooperate in the camp program to carry into effect the purposes of ORS 420.210 to 420.235, providing among other things for the type of work to be performed by boys at any camp, for rate of payment and other matters relating to the maintenance and training of the boys while at a camp. [1953 c.154 §5]

**420.235 Return of rule violator or bad security risk to MacLaren School for Boys.** Any boy who violates the rules and regulations relating to discipline of a camp or who appears to the superintendent to be a bad security risk may be returned to the MacLaren School for Boys on order of the superintendent. [1953 c.154 §6]

**420.240 to 420.300** [Reserved for expansion]

#### HILLCREST SCHOOL OF OREGON

**420.310** [Repealed by 1959 c.432 §77 (ORS 420.331 enacted in lieu of ORS 420.310 and 420.330)]

*Note:* The repeal of ORS 420.310 takes effect on January 1, 1960.

**420.320 Supervision and objects of Hillcrest School.** The Oregon State Board of Control shall equip, conduct, maintain and supervise the Hillcrest School of Oregon in the same manner as it does other state institutions. The school shall be conducted in such manner as to provide an industrial and vocational education to its inmates and to promote their moral, mental and physical welfare.

**420.330** [Repealed by 1959 c.432 §77 (ORS 420.331 enacted in lieu of ORS 420.310 and 420.330)]

*Note:* The repeal of ORS 420.330 takes effect on January 1, 1960.

**420.331 Persons who may be committed.**

(1) The Hillcrest School of Oregon is a training school for female persons under 21 years of age found by the juvenile court to be within the court's jurisdiction by reason of a ground set forth in ORS 419.509.

(2) Commitments to the Hillcrest School of Oregon shall be limited to female children between the ages of 12 and 18 years. [1959

c.432 §78 (enacted in lieu of ORS 420.310 and 420.330)]

*Note:* This section takes effect on January 1, 1960.

**420.340** [Amended by 1957 c.210 §3; repealed by 1959 c.432 §59]

**420.350 Removal of incorrigible cases.** If any girl committed to the Hillcrest School of Oregon is unsusceptible of reformation or incorrigible, so that her presence is detrimental to the best interests of the institution, she may, with the approval of the Board of Control, be returned by the superintendent of the school to the court by which she was committed to the school.

**420.360** [Repealed by 1959 c.191 §1]

**420.370** [Repealed by 1957 c.210 §4 (ORS 420.371 enacted in lieu of ORS 420.370)]

**420.371 Parole; discharge; revocation of parole.** (1) Upon a finding that a girl has reformed and that she had best be returned to her parent or guardian or to a suitable and desirable home which has been found for her, the superintendent may, with the consent of the committing court, grant the girl a parole conditioned upon good behavior.

(2) At such time as the superintendent finds that final release is not incompatible with the welfare of society and the girl, she may, with the consent of the committing court, make and issue a final order of discharge to the paroled girl.

(3) The superintendent may, with the consent of the committing court, revoke a parole and cause the paroled girl to be returned to the institution and the custody of its officers if the conditions of the parole have been violated. [1957 c.210 §5 (enacted in lieu of ORS 420.370)]

**420.380 Method of making expenditures.** All expenditures for the support of the Hillcrest School of Oregon shall be made by warrant drawn by the Secretary of State on the State Treasurer, and then only upon proper voucher approved by the superintendent and the Board of Control.

**420.390 Purchase of supplies and equipment.** All supplies and equipment shall be purchased by the Board of Control in the same manner as supplies and equipment for other state institutions are purchased.

**420.400 Continuing application of statutes.** Sections 1, 2 and 3 of Chapter 153, Oregon Laws 1913, are continued in full force as far as they affect actions pending, rights accrued, judgments unexecuted, proceedings had and commitments thereunder ordered.

**420.410 to 420.500** [Reserved for expansion]

### CAMP FOR DELINQUENT BOYS

**420.510 Definitions for ORS 420.510 to 420.640.** As used in ORS 420.510 to 420.640, unless the context requires otherwise:

(1) "Boys' camp" means a place removed from a city or town a sufficient distance so that same is not readily accessible to the boys in such camp and which camp or place is improved with adequate housing, schooling and such other facilities as are most conducive to the welfare of such boys, and situate upon a plot of ground having adequate space for athletic games and such other activities as may be deemed desirable.

(2) "Board" means the Oregon State Board of Control.

**420.520 Boys' camp established; purpose.** In order to provide appropriate facilities for the care of delinquent boys or the wards of the courts having jurisdiction over juveniles who are amenable to corrective training other than in close confinement, to secure a better classification and segregation of said boys and wards according to their capacities, interests and rehabilitation possibilities, and to reduce the necessity of expanding the existing grounds and housing facilities for the confinement of said boys and wards, and to give better opportunity for rehabilitation and the encouragement of self-discipline in such boys and wards, a boys' camp shall be established, and maintained by the board under supervision separate from any other state institution.

**420.530 Location of camp.** For the purpose of convenience and economy in the early establishment of the boys' camp, and for the further purpose of utilizing the facilities already provided which, together with the grounds, are owned by this state, the board shall establish and maintain the camp for the biennium ending June 30, 1949, at a place commonly known as Reeher's C. C. C. camp located near the United States postoffice at Timber and on the following described lands:

North half of northwest quarter, section

32, township 3 north, range 5 west of the Willamette Meridian, in Washington County, Oregon.

**420.540 Continuation and transfer of camp.** After July 1, 1949, the board may, in its discretion, continue to maintain the camp at the location described in ORS 420.530. If, however, in the discretion of the board it is deemed necessary in order to more fully comply with the requirements of ORS 420.520 to 420.640 and to accomplish the purposes thereof, the boys' camp may be transferred to another location within this state, to be selected by the board.

**420.550 Agreement with federal and state agencies.** In establishment and operation of the boys' camp the board may enter into agreements with the forestry service of the United States or of this state, or any other federal or state agency, to make available to the boys of the boys' camp, wholesome and healthful outdoor tasks and activities.

**420.560 Payment of wages to inmates.** The board may provide for payment of wages for compensation in such amounts as may be deemed proper to boys in the boys' camp for work performed by them.

**420.570 Report on possibility of rehabilitation.** Any court having jurisdiction over juveniles may, before committing a juvenile for any offense, obtain from the probation officer attached to such court, or, if the court does not have a probation officer, from such other qualified person as may be specially designated by the court, complete information as to a boy about to be committed in respect to his likelihood of rehabilitation, and may determine from such report and such other information as may be obtained, whether or not such boy should be committed to the boys' camp.

**420.580 Recommitment from MacLaren School for Boys.** The superintendent of the MacLaren School for Boys shall investigate and determine the availability for rehabilitation, through the benefits of the boys' camp, of all boys under his jurisdiction. The superintendent may recommend to the court which committed any boy found by the superintendent to be eligible, that it recommit such boy to the boys' camp.

**420.590 Jurisdiction of court to recommit.** The committing court is vested with power to commit or recommit any boy

recommended to the boys' camp under ORS 420.580. However, jurisdiction of the committing court over all boys committed to the boys' camp shall continue until such boys are released or discharged from such camp. Should any boy while committed to the boys' camp display or manifest a disinclination for rehabilitation, such boy may be re-committed to the MacLaren School for Boys.

**420.600 Age and term of commitment.** Boys over 12 years of age and not more than 18 years of age only may be received in the boys' camp. All commitments to the boys' camp shall be for an indeterminate period of time. Any committed boy shall be subject to release at such time as the personnel of the camp have determined a satisfactory adjustment on the part of the boy to warrant his return to the community.

**420.610 What courts may commit to camp.** Any court exercising jurisdiction, in addition to the powers now vested in such courts in respect to juveniles, may temporarily or permanently commit children under the jurisdiction of such court, and subject to commitment otherwise, to the boys' camp with the same validity and effect as other commitments are made.

**420.620 Training, discipline and instruction.** In maintaining the boys' camp, the board shall provide the boys with training and discipline and spiritual instruction as is deemed most likely to rehabilitate the boys. To that end such management shall require of the boys such courses in academic and vocational education as may be deemed necessary. As an incident thereto, the boys shall, so far as feasible and practical, be given governmental instruction in the practical operation of the camp and its maintenance, as well as in farming, gardening and building of trails, the building of fire breaks, fire and forestry trails and other duties of a comparable nature. The boys shall be required to do the necessary chores and perform any other acts incident to making the camp as nearly self-sustaining as possible, consistent with their ability and without jeopardy to the schooling of the boys.

**420.630 Facilities to be provided.** The board may provide the boys' camps with the following, of which the facilities shall be according to the commonly accepted standard of suitability for the purpose:

(1) Housing, kitchen, toilet and bathing facilities.

(2) Recreational and schoolroom facilities.

(3) Playground facilities and other outdoor activity.

(4) Transportation commensurate with the needs of the camp.

(5) Proper and adequate services by a physician and dentist for emergency and other necessary treatment of the boys.

(6) Religious instruction at least once a week of a nature consistent, as nearly as practical, with the faith or religion of each boy.

**420.640 Examination by psychiatrist; use of findings and recommendations.** The board shall obtain the services of a psychiatrist. Every boy committed to the camp shall be examined by the psychiatrist not later than 10 days after being received at the camp. The findings and recommendations of the psychiatrist shall be reduced to writing and delivered to the superintendent of the camp. The superintendent and the personnel shall be guided by said findings and recommendations in the care, education, treatment and rehabilitation of the boy.

**420.650 to 420.700** [Reserved for expansion]

**420.710** [Repealed by 1957 c.160 §6]

**420.720** [Repealed by 1957 c.160 §6]

**420.730** [Repealed by 1957 c.160 §6]

**420.740 to 420.800** [Reserved for expansion]

#### **PLACEMENT IN FOSTER HOMES OF CHILDREN COMMITTED TO STATE TRAINING SCHOOLS**

**420.810 Placement of child committed to juvenile training school in foster home.** All children committed to and received in the juvenile training schools of this state who, in the judgment of the respective superintendent, have made sufficient progress in rehabilitation and reform, may, with the approval of the Board of Control, be placed by the superintendent with any person or family of good standing and character for care and education under an agreement pursuant to ORS 420.815. [1953 c.153 §1]

**420.815 Placement agreements with persons or families.** (1) The superintendents of the juvenile training schools may enter into

agreements with persons or families found suitable for the placement of children.

(2) Any agreement shall provide for the custody, care, education, maintenance and earnings of the child placed for a time fixed in the agreement but not to exceed the time when the child reaches the age of 21 years. The agreement may provide for payments by the juvenile training school to the person assuming the foster care.

(3) The agreement shall be signed by the person assuming the foster care and by the superintendent of the school concerned. The superintendent shall make payments pursuant to the agreement.

(4) The Board of Control shall cause agreements entered into under this section to be reviewed at least once during each three-month period. [1953 c.153 §2; 1957 c.77 §1; 1959 c.311 §1]

**420.820 Visiting of foster homes by school staff members.** The superintendents shall appoint members of their staff as visiting agents for the purpose of visiting the foster homes and children placed therein as often as the superintendents deem necessary. The visiting agents shall ascertain whether the children are properly placed and shall make such reports as are required by the appointing superintendent concerning their investigations and visits. [1953 c.153 §3]

**420.825 Return of child to school.** Any child placed pursuant to ORS 420.810 to 420.840 may, on order of the superintendent concerned, be returned to the school or replaced, if, in the opinion of the superintendent, the child is not given the care, education and treatment required by the agreement or for other reasons would benefit by removal from the foster home. [1953 c.153 §4]

**420.830** [1953 c.153 §5; repealed by 1959 c.652 §24]

**420.835 Prohibition of interference with control of placed child.** No parent or other person not a party to the placement agreement shall interfere with or assume any control over the placed child. [1953 c.153 §6]

**420.840 Cooperation of superintendents with other child welfare agencies.** The superintendents of the juvenile training schools, in carrying out the provisions of ORS 420.810 to 420.840, may cooperate with and consult

any private or public agency concerned with child welfare. [1953 c.153 §8]

**420.845 to 420.900** [Reserved for expansion]

### APPREHENSION OF ESCAPED OR ABSENT INMATES

**420.905 Definitions.** As used in ORS 420.905 to 420.920, "peace officer" means any sheriff, constable, marshal, or the deputy of any such officer, any member of the State Police or any member of the police force of any city. [1957 c.129 §5]

**420.910 Order for apprehension of escaped or absent persons committed to state institutions for delinquents; when order not required.** (1) When any person committed to the MacLaren School for Boys or the Hillcrest School of Oregon has escaped or without authorization is absent from the institution to which committed, or any camp maintained in connection therewith, or from the custody of any person in whose charge he lawfully has been placed, the superintendent, assistant superintendent or authorized representative of the superintendent of the school concerned may file a petition with one or more of the following courts, for an order for the apprehension of such escaped or absent person:

(a) The juvenile department of the Circuit Court for Marion County.

(b) The court exercising jurisdiction over juveniles in the county where such person removed himself or was removed from lawful custody.

(c) The court which committed such person to the institution.

(2) After a petition is filed under subsection (1) of this section, the court may issue an order for the apprehension and holding of the person escaped or absent from custody, directed generally or specifically to any peace officer in the state, which order may be executed by any peace officer to whom it is directed.

(3) No petition or order shall be necessary to authorize the State Police or the sheriff or a deputy sheriff of Marion County to act upon a request of the superintendent, assistant superintendent or authorized representative of the superintendent of the school concerned to apprehend and detain a committed person escaped from the MacLaren School for Boys or Hillcrest School of Oregon. [1957 c.129 §1; 1957 c.481 §1]

**420.915 Procedure upon apprehension of escapee or absentee.** (1) The peace officer who holds an escapee or absentee described in ORS 420.910 shall, so far as practicable, hold him in a place separate from adult persons in custody.

(2) Any peace officer who holds the escapee or absentee described in ORS 420.910 shall immediately inform the institution to which such person was committed and shall surrender him to any person authorized by the superintendent, assistant superintendent or representative of the superintendent of such institution to receive him. [1957 c.129 §§2, 4]

**420.920 Jurisdiction of courts over escapee or absentee.** Nothing in ORS 420.905 to 420.920 shall be construed to deprive the court which committed the person escaped or absent from custody of jurisdiction over such person other than exclusive jurisdiction to issue an order for his apprehension. [1957 c.129 §3]

**420.925 to 420.980** [Reserved for expansion]

### PENALTIES

**420.990 Penalties.** Violation of ORS 420.835 is a misdemeanor. [1953 c.153 §7]

### 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

