Chapter 418

1965 REPLACEMENT PART

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CHILD WELFARE SERVICES GENERALLY

418.005 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) Subject to the allotment system provided for in ORS 291.234 to 291.260, expend the amounts necessary to carry out the purposes and administer the provisions of this section.

[Formerly 419.002]

418.010 Children not to be taken charge of where parents object. Nothing in ORS 418.005 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.

[Formerly 419.004]

418.015 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.

[Formerly 419.006]

418.020 Unexpended balances of county funds budgeted for other purposes may be expended as aid for children. The governing body 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.

[Formerly 419.008; amended by 1965 c.567 §§10, 11]

Note: ORS 418.020, as amended by 1965 c.567 §11, and as compiled above, takes effect July 1, 1967. Until then, ORS 418.020 as amended by 1965 c.567 §10 is in effect. See note following ORS 419.990.

418.025 Prevention, reduction or control of juvenile delinquency by county programs and activities. (1) The governing body of any county, or its representatives designated by it for the purpose, 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 or institutions 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 governing body of the county, or its designated representatives, in conducting programs and carrying on and coordinating activities under subsection (1) of this section.
[Formerly 419.010; amended by 1965 c.567 §§12, 13]

Note: ORS 418.025, as amended by 1965 c.567 §13, and as compiled above, takes effect July 1, 1967. Until then, ORS 418.025 as amended by 1965 c.567 §12 is in effect. See note following ORS 419.990.

AID TO DEPENDENT CHILDREN

418.035 Definitions for ORS 418.035 to 418.145. As used in ORS 418.035 to 418.145, unless the context or a specially applicable statutory definition requires otherwise:

(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, stepsister, 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) Money payments or medical or remedial care of a type recognized under state law to meet the needs of:

(A) The relative with whom such child is living; and

(B) The spouse of such relative if living with him and if such relative is the child's parent and the child is a dependent child by reason of the physical or mental incapacity of a parent, or if a dependent child as defined in paragraph (a) of subsection (1) of ORS 418.070 during any period with respect to which aid may be provided for children by reason of the unemployment of parents.

(c) Payments made to a representative payee or guardian pursuant to ORS 418.050 or 418.054.

(3) "Representative payee" means an individual designated by the state department or the county department to receive money payments of aid pursuant to ORS 418.050.
[Formerly 419.052 and then 418.055]

418.040 Eligibility for aid. Aid shall be granted under ORS 418.035 to 418.125 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.
[Formerly 419.054 and then 418.060]

418.045 How amount of aid is determined. (1) The need for and amount of aid to be granted for any dependent child or relative pursuant to ORS 418.035 to 418.145 shall be determined, in accordance with the rules and regulations of the state commission, taking into account:

(a) The income, resources and maintenance available to such child and relative from whatever source derived, any expenses reasonably attributable to the earning of any such income, the necessary expenditures of the child or relative and the conditions existing in each case.

(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) of this section is not intended to relieve any father of any legal obligation in respect of the support of his natural or adopted children.

(3) In the determination of eligibility and the amount of need, and in any reconsideration thereof, with respect to an applicant or recipient of aid pursuant to ORS 418.035 to 418.145, such amounts of income and resources may be disregarded as the state commission may prescribe by rules and regulations promulgated by it. The amounts to be disregarded shall be within the limits required or permitted by federal laws and by federal rules and orders thereto applicable.
[Formerly 419.056 and then 418.065; amended by 1965 c.41 §1]

418.050 Payment of aid to other than relative. Subject to rules and regulations of the state commission and to such conditions

and limitations as may be prescribed pursuant to Title IV of the federal Social Security Act:

(1) Money payments of aid with respect to a dependent child, including payments to meet the needs of the relative, and the relative's spouse, with whom such child is living, may be made to an individual other than such relative or spouse if it is determined by the state department or the county department that the relative to whom such payments are made has such inability to manage funds that continuation of such payments to him would be contrary to the welfare of such child and that, therefore, it is necessary to provide such aid through payments in the manner authorized by this section. Such determination shall be subject to review and hearing, upon application of such relative, in the manner prescribed pursuant to ORS 418.125. However, the pendency of such application, review or hearing shall not stay the effect of such determination.

(2) The county department may designate any responsible individual, including any public officer or employe, as a representative payee if such individual is willing to act in such capacity. Representative payees shall receive no compensation for their services, but shall be allowed expenses actually and necessarily incurred by them in the performance of their duties under ORS 418.059. Such expenses shall be paid from funds appropriated to the state commission for administrative expenditures.

(3) During the time payments of aid with respect to a dependent child or relative are made to a representative payee, the state department and the county department shall:

(a) Undertake and continue special efforts to develop greater ability on the part of such relative to manage funds in such manner as to protect the welfare of himself and his family; and

(b) Periodically review the determination made pursuant to subsection (1) of this section and terminate payments to the representative payee if it is established by such review that the conditions justifying such determination no longer exist.
[1963 c.610 §5]

418.054 Petition for and appointment of guardian of estate; costs; compensation. (1) If, after such period as may be prescribed by the state commission, it appears to the state department or the county department that the need for money payments of aid to a representative payee is continuing or likely to continue in any case, the state commission may petition for the judicial appointment of a guardian of the estate of the relative referred to in subsection (1) of ORS 418.050. If a guardian of the estate of such relative is appointed and duly qualified, money payments of aid otherwise payable to such relative, or representative payee, shall be paid to such guardian until the state department determines that the conditions which would justify money payments of aid to a representative payee under ORS 418.050 no longer exist.

(2) Subject to funds made available to the state commission for administrative expenditures, the state commission shall, with respect to any guardianship established pursuant to this section:

(a) Pay all costs and fees reasonably incurred in obtaining the appointment of such guardian, including any necessary bond premiums;

(b) Pay all costs and fees necessarily incurred by the guardian in administering money payments of aid received by him pursuant to this section; and

(c) Compensate the guardian, for his fees in administering such money payments, according to schedules of fees prescribed by rule or regulation of the state commission.
[1963 c.610 §6]

418.055 [Formerly 419.052; amended by 1963 c.610 §1; renumbered 418.035]

418.059 Expenditures limited to needs of beneficiary. Each money payment of aid made to a representative payee or to a guardian pursuant to ORS 418.050 or 418.054 shall be expended by him solely to purchase the needs of the individuals with respect to whom such payment is made. However, from such money payments such individuals shall be entitled to receive from the representative payee or guardian such sums of money and at such intervals as may be permitted by rule or regulation of the state commission.
[1963 c.610 §7]

418.060 [Formerly 419.054; renumbered 418.040]

418.065 [Formerly 419.056; amended by 1963 c.610 §2; renumbered 418.045]

418.070 Definitions for ORS 418.035 to 418.145. For the purposes of ORS 418.035 to 418.145, with respect to any period for which federal funds are made available to

this state in aid of a state-administered program of aid to any child defined in and meeting the requirements of this section:

(1) "Dependent child" includes:

(a) A needy child under the age of 18 years who has been deprived of parental support or care by reason of the unemployment of a parent and who is living with any of the relatives specified in subsection (1) of ORS 418.035 in a place of residence maintained by one or more of such relatives as his or their own home. However, no aid shall be granted with respect to any dependent child as defined in this paragraph during any period for which the state commission elects, by resolution, to provide aid only with respect to a dependent child defined in and meeting the requirements of subsection (1) of ORS 418.035 or of paragraph (b) of this subsection.

(b) A child who would meet the requirements of subsection (1) of ORS 418.035 or of paragraph (a) of this subsection except for his removal after April 30, 1961, from the home of a relative specified in subsection (1) of ORS 418.035 as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child, for whose placement and care the state commission or the county commission is responsible, and who has been placed in a foster home as a result of such determination. However, "dependent child" shall not include a child who was not eligible for aid under ORS 418.035 to 418.145 in or for the month in which court proceedings leading to such determination were initiated.

(2) "Foster home" means a foster home which is certified by this state or has been approved, by the agency of this state responsible for the certification of foster homes, as meeting the standards established for such certification.

(3) "Aid" includes foster care in behalf of a child described in paragraph (b) of subsection (1) of this section in the foster home of any individual.

[1961 c.712 §2; 1963 c.610 §3]

418.075 Denial of aid where unemployed parent refuses employment. Aid, as defined in subsection (2) of ORS 418.035, shall not be granted with respect to, or on behalf of, a dependent child as defined in paragraph (a) of subsection (1) of ORS 418.070 if, and for as long as, the unemployed parent of such child refuses without good cause to accept employment in which he is able to engage, and which is offered through any employment office defined in subsection (7) of ORS 657.010 or which is otherwise offered by any employer if such offer is determined by the state department or the county department after notification by such employer to be a bona fide offer of such employment.

[1961 c.712 §3]

418.080 [1961 c.712 §5; repealed by 1965 c.538 §1]

418.085 Cooperation of state commission with Department of Employment Commissioner to find employment for parent. During any period in which aid may be granted with respect to, or on behalf of, a dependent child as defined in paragraph (a) of subsection (1) of ORS 418.070, the state commission and the Department of Employment Commissioner shall enter into cooperative arrangements looking toward employment of the unemployed parent of any such child, shall provide for the registration and periodic reregistration of such parent at employment offices established pursuant to ORS 657.705 to 657.725 and shall, with respect to such parent, effect maximum utilization of the job placement services and other services and facilities of such offices.

[1961 c.712 §4]

418.090 Review of placement in foster home. With respect to any child described in paragraph (b) of subsection (1) of ORS 418.070 and to whom aid is provided, the state commission shall by rule or regulation require plans to assure that periodic review of the necessity for the child's being in the foster home is made, that the child receives proper care, that services are provided which are designed to improve the conditions in the home from which he was removed or otherwise to make possible his being placed in the home of a relative specified in subsection (1) of ORS 418.035, and that use is made, to the maximum extent practicable, of the services of the employes of the state commission or the county commissions, in placing such child in a foster home.

[1961 c.712 §6]

418.095 Work relief programs for unemployed parents of children receiving aid. (1) "Work relief program" means a plan jointly entered into between the state commission, a county commission and a public entity, which is subject to approval of the state commission, under which the public entity undertakes to provide work, utilizing

labor and services required to be performed without compensation by applicants or recipients of public assistance and to provide supervision and control over the performance of such labor and services.

(2) Subject to rules and regulations of the state commission, the employable applicant or recipient of aid who is a parent of a dependent child defined in ORS 418.035 or 418.070 may be required to perform labor or services without compensation in a work relief program as a condition to a grant of aid or other public assistance for the benefit of himself or those to whom he owes a legal duty of support, and for periods of time limited by the amount of such aid or other assistance, in cash or in kind, provided through such grant. However, if any of the provisions of this subsection are found to be not in conformity with the federal Social Security Act, or with any of the rules, regulations or requirements promulgated thereunder, such provisions are inoperative to the extent that they are not so in conformity.
[1961 c.712 §7; 1965 c.291 §3]

418.097 Cooperation with other agencies to provide vocational training. The state commission and any other state agency, which administers, supervises or participates in the administration of programs of public vocational or adult education services available in this state, may enter into and execute cooperative arrangements looking toward maximum utilization of such services to encourage the training or retraining of individuals performing work under a work relief program defined in ORS 418.095, and otherwise to assist such individuals in preparing for regular employment.
[1963 c.610 §8]

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

(1) Supervise the administration of aid to dependent children under ORS 418.035 to 418.125 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 418.035 to 418.125.

(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.
[Formerly 419.058]

418.105 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.
[Formerly 419.060]

418.110 Application for aid. Application for aid under ORS 418.035 to 418.125 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.
[Formerly 419.062]

418.115 Investigation of eligibility 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.
[Formerly 419.064]

418.120 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 418.035 to 418.125 and determine the date on which the aid granted shall begin.
[Formerly 419.066]

418.125 Appeal from failure to act on application or denial thereof or from modification or cancellation 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.
[Formerly 419.068]

418.130 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.
[Formerly 419.070]

418.135 Public officials to cooperate in locating and furnishing information concerning parents of children receiving public assistance, and in prosecuting nonsupport cases; use of information restricted. (1) All state, county and city agencies, officers and employes 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, the Welfare Recovery Division of the Department of Justice 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 granting of aid to the applicant shall not be delayed or contingent upon receipt of the answer to such requests by the county public welfare department, the Welfare Recovery Division or the district attorney. 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 and the Welfare Recovery Division 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.

(2) The county public welfare departments shall cooperate with the Welfare Recovery Division or the district attorney prosecuting or considering the prosecution of such parent for nonsupport and shall report to the Welfare Recovery Division or the district attorney all information contained in the case record which concerns the question of nonsupport and the suitability of prosecution as a method of obtaining support for the child in each case.
[Formerly 419.072]

418.140 Sharing assistance prohibited. (1) No male person over the age of 18 years, other than a stepchild, shall habitually accept subsistence or lodging in the dwelling place of any female householder, who is a recipient of aid, to whom he is neither married nor related within the fourth degree of consanguinity computed according to the rules of the civil law.

(2) It shall be a defense to a charge of violation of subsection (1) of this section that the person accused has fullly paid to the female householder, in cash or in kind, the actual costs of any such subsistence and the value of any such lodging so accepted by him. However, such payment shall constitute a defense to a charge of violation of subsection (1) of this section only if:

(a) The payment was made before the commencement of the criminal action based upon such violation;

(b) The payment was made pursuant to an express agreement entered into between the female householder and the person accused, before his acceptance of the subsistence or lodging; and

(c) The person accused or the female householder has, within three days after entering into such agreement, furnished the county department or the state department with a true and complete statement of the terms and conditions of such agreement.
[1961 c.341 §2; 1963 c.332 §1]

418.145 Report required where subsistence or lodging provided nonrecipient. (1) Subject to rules and regulations of the

state commission, each person 18 years of age or over to whom or for whose benefit a grant of aid is made, and who provides subsistence or lodging to any individual whose needs are not provided for in such grant, shall, within three days after first providing such subsistence or lodging, and at such other times as may be required by the county department in any case, promptly furnish the county department or the state department with a true and complete statement of the circumstances, terms and conditions under which he provides subsistence or lodging to such individual.

(2) The county department may modify, cancel or suspend a grant of aid for the benefit of any person who fails to comply with subsection (1) of this section for such a period of time and under such terms and conditions as may be prescribed by rules or regulations of the state commission.
[1963 c.332 §3]

418.150 to 418.200 [Reserved for expansion]

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

418.205 Definitions for ORS 418.205 to 418.310. As used in ORS 418.205 to 418.310, 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.
[Formerly 419.101]

418.210 Application of ORS 418.205 to 418.310 to homes maintained by fraternal organizations not receiving state aid. ORS 418.205 to 418.310 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.
[Formerly 419.105]

418.215 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.
[Formerly 419.106]

418.220 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 418.225 to 418.310 to secure the approval of the State Public Welfare Commission.
[Formerly 419.108]

418.225 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.
[Formerly 419.110]

418.230 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.
[Formerly 419.112]

418.235 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.
[Formerly 419.114]

418.240 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 418.225 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 418.990 may be assessed by any court of competent jurisdiction upon presentation of evidence of such action.
[Formerly 419.116]

418.245 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 418.205 to 418.310, 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.
[Formerly 419.118]

418.250 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.
[Formerly 419.120]

418.255 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.
[Formerly 419.122]

418.260 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. [Formerly 419.124]

418.265 Reports required of child-caring agencies; audit and inspection of books; annual 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 September 1 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 annual report of child welfare work within the state, accompanied by special comments and recommendations which shall be included in the annual report to the Governor as provided in ORS 411.395. [Formerly 419.126]

418.270 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.
[Formerly 419.128]

418.275 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.
[Formerly 419.130]

418.280 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.
[Formerly 419.132]

418.285 Authority of commission same as private child-caring agency under ORS 418.270 to 418.280. 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 418.270 to 418.280; 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.
[Formerly 419.133]

418.290 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, feeblemindedness and delinquency and against the child becoming a public charge within five years from the date of such placement.
[Formerly 419.134]

418.295 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.
[Formerly 419.135]

418.300 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.
[Formerly 419.136]

418.305 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.
[Formerly 419.138]

418.310 Application of statutes to institutions caring for adults and children. ORS 418.205 to 418.310 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.
[Formerly 419.140]

418.315 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 418.270, as authorized by ORS 418.285, 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.
[Formerly 419.142]

418.320 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.
[Formerly 419.144]

418.325 to 418.350 [Reserved for expansion]

INSTITUTIONS CARING FOR VENEREALLY INFECTED CHILDREN

418.355 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.
[Formerly 419.152]

418.360 Showing necessary for license; approval of State Board of Health. (1) No home or institution of the type mentioned in ORS 418.355 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.
[Formerly 419.154]

418.365 Daily nurse's chart to be kept. In addition to the conditions provided in ORS 418.360 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.
[Formerly 419.156]

418.370 Care by family, state or federal agencies not affected. ORS 418.355 to 418.365 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.
[Formerly 419.158]

418.375 to 418.400 [Reserved for expansion]

STATE AID AND COMMITMENT TO INSTITUTIONS SUPPORTING HOMELESS, NEGLECTED OR ABUSED CHILDREN

418.405 Appropriation for support of homeless, neglected and abused children. (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. Such children under 18 years of age or if regularly enrolled in high school, until graduation or until they become 19 years of age, whichever first occurs, being cared for by

approved child-caring agencies shall be cared for and supported as provided in subsection (2) of this section.

(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.
[Formerly 419.202; amended by 1963 c.451 §1]

418.410 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 418.405 to 418.455 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 418.405 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, and if it receives a certificate of compliance issued by the State Fire Marshal, or his representative, pursuant to ORS 479.220, 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.
[Formerly 419.204]

418.415 Annual report by institutions receiving state aid. All institutions which receive state aid pursuant to ORS 418.405 to 418.455 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 418.405 to 418.455 until such failure has ceased.
[Formerly 419.206]

418.420 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 418.410 is entitled to receive, out of appropriations made pursuant to ORS 418.405, state aid at the rate of $1.90 per day for each child of any of the classes mentioned in ORS 418.405 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.
[Formerly 419.208]

418.425 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.
[Formerly 419.210]

418.430 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 418.405 to 418.455 shall be paid monthly.
[Formerly 419.212]

418.435 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 418.405 to 418.455 until it has had actual bona fide existence for at least six months.

(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 418.405 to 418.455 for any period covered by such appropriation.
[Formerly 419.214; amended by 1963 c.450 §1]

418.440 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 418.405 to 418.455.
[Formerly 419.216]

418.445 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 418.440 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 418.405 to 418.455.
[Formerly 419.218]

418.450 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 418.405 to 418.455.

(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.
[Formerly 419.220]

418.455 Institutions may exercise authority of guardian. Any institution entitled to receive state aid pursuant to ORS 418.405 to 418.455 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.
[Formerly 419.222]

418.460 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 and then 419.224]

418.465 Agencies and institutions to submit estimates of state aid required for biennium. The agencies and institutions certified pursuant to ORS chapter 418 and otherwise qualified to receive state aid thereunder shall, through an organization representing such agencies and institutions, submit to the Department of Finance and Administration, as though such organization were a state agency subject to ORS 291.208, an estimate of the amount of such state aid to which they may become entitled during the biennium commencing on July 1 of the following year. The organization representing the agencies and institutions shall consult with appropriate state agencies prior to submitting their estimate and shall supply such other information in support of such estimate as may be required from time to time by the Department of Finance and Administration.
[1963 c.150 §2]

418.470 to 418.500 [Reserved for expansion]

STATE AID TO AGENCIES SUPPORTING WAYWARD GIRLS AND MATERNITY AND VENEREAL CASES

418.505 Procedure by which private agencies may obtain state aid. Any charitable or corrective agency in this state wishing to secure state aid pursuant to ORS 418.505 to 418.530 shall make application therefor to the State Board of Health. In the application the agency 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 agency and the conditions surrounding it. If the board finds such agency is properly conducted and worthy of state aid, and if a certificate of compliance is issued by the State Fire Marshal, or his representative, pursuant to ORS 479.220, the board shall give it a certificate to that effect and file and send a duplicate of such certificate to the Secretary of State.
[Formerly 419.252; amended by 1963 c.451 §2]

418.510 Annual financial and statistical report to State Board of Health by institutions receiving state aid. All institutions which receive state aid pursuant to ORS 418.505 to 418.530 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 418.505 to 418.530 until such failure has ceased .
[Formerly 419.254]

418.515 Amount of state aid. Each agency which has received from the State Board of Health a certificate provided for in ORS 418.505 is entitled to receive state aid:

(1) At the rate of $1.90 per day for each wayward girl between the ages of 12 and 18 years. However, 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.

(3) Whenever the welfare of any person subject to the provisions of ORS 418.405, 418.505 and this section demands special care outside of the agency, the agency may place such person in a home or hospital outside the agency. State aid shall be allowed the same as though such person were kept and maintained within the agency.
[Formerly 419.256; amended by 1963 c.451 §3]

418.520 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.
[Formerly 419.258]

418.525 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 418.505 to 418.530 shall be paid monthly.
[Formerly 419.260]

418.530 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 418.505 to 418.530 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 418.505 to 418.530 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 418.355.

(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.
[Formerly 419.262]

418.535 to 418.550 [Reserved for expansion]

PROVISIONS APPLICABLE TO ALL STATE-AIDED INSTITUTIONS

418.555 Powers of State Board of Health in relation to state-aided institutions. The State Board of Health hereby is given visitorial powers over all child-caring institutions which receive state aid. Each such 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.
[Formerly 419.302]

418.560 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.
[Formerly 419.304]

418.565 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.
[Formerly 419.306]

418.570 [Formerly 419.530 and then 419.308; repealed by 1963 c.451 §4]

418.575 to 418.600 [Reserved for expansion]

COUNTY AID TO INSTITUTIONS SUPPORTING CHILDREN COMMITTED BY JUVENILE COURT

418.605 County aid to institutions certified by Board of Health; rate. Each benevolent, 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 418.410 or the certificate provided for in ORS 418.505 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.
[Formerly 419.352]

418.610 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 418.605 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 418.605 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 418.605 and this section shall be paid monthly.
[Formerly 419.356]

418.615 to 418.620 [Reserved for expansion]

FOSTER HOMES NOT SUPERVISED BY CHILD-CARING AGENCIES

418.625 Definitions for ORS 418.625 to 418.645. As used in ORS 418.625 to 418.645:

(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.
[Formerly 419.402]

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

418.635 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 418.625 to 418.645 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 418.625 to 418.645 or of the rules and regulations provided for in ORS 418.640. 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.
[Formerly 419.406]

418.640 Supervision of foster homes. (1) The commission shall make such rules and regulations, not inconsistent with ORS 418.625 to 418.645 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 418.625 to 418.645.

(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.
[Formerly 419.408]

418.645 Appeal from decision of commission. Any person affected by any decision or order of the commission made pursuant to ORS 418.625 to 418.645 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.
[Formerly 419.410]

418.650 to 418.670 [Reserved for expansion]

A. R. BURBANK TRUST FUND

418.675 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.
[Formerly 419.452]

418.680 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.
[Formerly 419.454]

418.685 Certain agencies declared to be orphans' homes. For the purposes of ORS 418.675, the Boys' and Girls' Aid Society and the Baby Home at Portland hereby are declared to be orphans' homes.
[Formerly 419.456]

418.690 to 418.700 [Reserved for expansion]

SUMMER CAMP PROGRAM

418.705 Summer camp program authorized. The State Board of Forestry shall establish a summer camp program for boys selected in accordance with the provisions of ORS 418.705 to 418.730. The summer camp

program shall be designed to make available to the boys participating in the program not only wholesome and healthful outdoor recreational activities but also suitable work projects of a forest conservation nature involving:

(1) Improvements of a forest rehabilitation or improvement nature to state and county forest lands and Oregon O and C lands, including but not limited to:

(a) Pruning young stands of timber.

(b) Thinning practices.

(c) Forest sanitation practices, including insect and disease control.

(d) Releasing timberlands for growth of desirable timber species by killing or removing undesirable growth.

(e) Stream clearance.

(f) Building and maintaining fire trails.

(2) Improvements of the type described in subsection (1) of this section on national forest lands pursuant to agreements made pursuant to ORS 418.725 with the appropriate federal agency.

(3) Being available to the State Forestry Department for emergency fire control work.

(4) Improvement of recreational facilities in national, county and state forests and Oregon O and C lands.

[1961 c.621 §1]

418.710 Duties of State Board of Forestry in conducting program. (1) In carrying out the provisions of ORS 418.705 to 418.730, the State Board of Forestry may establish one or more camps.

(2) The State Board of Forestry may provide the camps with the necessary facilities, including:

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

(b) Recreational facilities and equipment for outdoor recreational activities.

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

(3) The State Board of Forestry shall provide the boys at each camp with adequate emergency medical and dental care.

(4) The State Board of Forestry shall be responsible for the supervision of all boys participating in the summer camp program while the boys are in the custody and control of the board. The authorized representative of the State Board of Forestry in charge of the summer camp program may dismiss from the program any boy whose conduct at any time or place is, in the opinion of the representative, detrimental to the summer camp program.

(5) The State Forester shall hire a competent camp director to supervise each boys' camp established under the summer camp program.

[1961 c.621 §4]

418.715 Eligibility, selection and compensation of participants in program. (1) In accordance with subsection (2) of this section, a boy who is 15 years of age or older and under 19 years of age may be selected to attend the summer camp program.

(2) In each county participating in the program, the county school superintendent, with the advice and approval of the county court or board of county commissioners, shall select the boys from that county who are to participate in the program. The county school superintendent, with the advice of the State Forester and with the advice and approval of the county court or board of county commissioners, is authorized to adopt such procedures and requirements as he considers necessary governing the selection of boys to participate in the program.

(3) The boys participating in the summer camp program may be paid compensation for work done in such amounts as are established by agreement between the State Board of Forestry and the county court or board of county commissioners.

[1961 c.621 §§2, 5]

418.720 Allocation of costs between state and participating counties; county tax levy; Summer Camp Program Account. (1) The county court or board of county commissioners of any county may enter into an agreement with the State Board of Forestry for participation of the county in the summer camp program. The agreement shall include provisions for the sharing of the costs of operation of the summer camp program. The agreement shall be in accord with the policy set forth in subsection (2) of this section.

(2) The state shall bear the cost of providing supervision of the summer camp program and the cost of providing the facilities referred to in subsection (2) of ORS 418.710. The counties participating in the program shall bear the cost of the general care and maintenance of the boys while at the camp and of any compensation paid to the boys attending the camp. Counties are authorized to budget for and levy taxes in accordance with the procedures provided by law for the

purpose of obtaining funds in order to participate in the summer camp program.

(3) The counties participating in the summer camp program shall make payments directly to the State Board of Forestry in accordance with the agreement. All moneys received by the State Board of Forestry pursuant to the agreement shall be deposited with the State Treasurer and credited to an account in the General Fund to be known as the Summer Camp Program Account. The moneys in such account hereby are appropriated continuously for the purpose of carrying out the provisions of ORS 418.705 to 418.730.
[1961 c.621 §3]

418.725 Cooperation with federal, state and county agencies. In the establishment and operation of the summer camp program the State Board of Forestry may cooperate with and enter into agreements with the Forest Service or Bureau of Land Management of the United States, with counties and with any other federal or state agency.
[1961 c.621 §6]

418.730 State Board of Forestry may pay for forest improvements and rehabilitation. To the extent that the improvements to a state forest are of a forest rehabilitation or improvement nature, the State Board of Forestry may pay an amount of the expenses of operation of the summer camp program not exceeding the value of the improvements from moneys authorized by law to be expended in the rehabilitation or improvement of the state forest.
[1961 c.621 §7]

418.735 to 418.985 [Reserved for expansion]

PENALTIES

418.990 Penalties. (1) Violation of ORS 418.130 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 subsection (1) of ORS 418.140 is a misdemeanor.

(3) Violation of ORS 418.290, 418.300, subsection (2) of ORS 418.230, subsection (3) of ORS 418.240, ORS 418.250 or 418.255 is punishable upon conviction by a fine not exceeding $100.

(4) Violation of ORS 418.630 is punishable upon conviction by a fine not exceeding $500 or by imprisonment in the county jail for not exceeding six months, or both.
[Formerly part of 419.990; subsection (2) enacted as 1961 c.341 §3]

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 15, 1965.

Sam R. Haley
Legislative Counsel