Chapter 419

1973 REPLACEMENT PART

Juvenile Court Proceedings; County Juvenile Departments

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419.010 [1959 c.610 §1; renumbered 418.025]

419.052 [Amended by 1957 c.150 §1; renumbered 418.055 and then 418.035]

419.054 [Renumbered 418.060 and then 418.040]

419.056 [Amended by 1953 c.269 §2; 1955 c.700 §1; subsection (2) of 1959 Replacement Part enacted as 1955 c.700 §2; renumbered 418.065 and then 418.045]

419.058 [Renumbered 418.100]

419.060 [Renumbered 418.105]

419.062 [Renumbered 418.110]

419.064 [Renumbered 418.115]

419.066 [Renumbered 418.120]

419.068 [Renumbered 418.125]

419.070 [Renumbered 418.130]

419.072 [1955 c.329 §1; 1961 c.423 §1; renumbered 418.135]

419.101 [1959 c.432 §66 (enacted in lieu of ORS 419.102 and 419.104); renumbered 418.205]

419.102 [Repealed by 1959 c.432 §65 (ORS 419.101 enacted in lieu of ORS 419.102 and 419.104)]

419.104 [Repealed by 1959 c.432 §65 (ORS 419.101 enacted in lieu of ORS 419.102 and 419.104)]

419.105 [Renumbered 418.210]

419.106 [Renumbered 418.215]

419.108 [Renumbered 418.220]

419.110 [Renumbered 418.225]

419.112 [Renumbered 418.230]

419.114 [Renumbered 418.235]

419.116 [Renumbered 418.240]

419.118 [Amended by 1957 c.710 §13; 1959 c.432 §67; renumbered 418.245]

419.120 [Renumbered 418.250]

419.122 [Renumbered 418.255]

419.124 [Renumbered 418.260]

419.126 [Amended by 1961 c.171 §3; renumbered 418.265]

419.128 [Renumbered 418.270]

419.130 [Renumbered 418.275]

419.132 [Renumbered 418.280]

419.133 [1959 c.429 §2; renumbered 418.285]

419.134 [Renumbered 418.290]

419.135 [1959 c.429 §6; renumbered 418.295]

419.136 [Renumbered 418.300]

419.138 [Renumbered 418.305]

419.140 [Amended by 1959 c.432 §68; renumbered 418.310]

419.142 [1959 c.429 §5; renumbered 418.315]

419.144 [1959 c.429 §4; renumbered 418.320]

419.152 [Renumbered 418.355]

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419.222 [Renumbered 418.455]

419.224 [Formerly 419.566; renumbered 418.460]

419.252 [Amended by 1961 c.316 §5; renumbered 418.505]

419.254 [Renumbered 418.510]

419.256 [Amended by 1955 c.301 §2; 1959 c.368 §2; renumbered 418.515]

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419.306 [Renumbered 418.565]

419.308 [Formerly 419.530; renumbered 418.570]

419.352 [Amended by 1959 c.432 §69; renumbered 418.605]

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419.356 [Amended by 1959 c.432 §70; renumbered 418.610]

419.402 [Renumbered 418.625]

419.404 [Renumbered 418.630]

419.406 [Renumbered 418.635]

419.408 [Renumbered 418.640]

419.410 [Renumbered 418.645]

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419.454 [Renumbered 418.680]

419.456 [Renumbered 418.685]

JUVENILE COURT PROCEEDINGS

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

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

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

(3) "Court" means the juvenile court.

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

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

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

(7) "Shelter care" means a home or other facility suitable for the safekeeping of a child who is taken into temporary custody pending investigation and disposition where the circumstances are such that he does not need to be kept in secure custody.
[1959 c.432 §1]

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

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

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

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

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

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

(d) Who is dependent for care and support on a public or private child-caring agency that needs the services of the court in planning for his best interests; or

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

(f) Who has run away from his home.

(2) The court shall have jurisdiction under subsection (1) of this section even though the child is receiving adequate care from the person having his physical custody.

(3) The provisions of subsection (1) of this section do not prevent a court of competent jurisdiction from entertaining a civil action or suit involving a child.
[Subsection (1) enacted as 1959 c.432 §2; subsection (3) enacted as 1959 c.432 §3 (2); 1963 c.496 §1; 1971 c.451 §17]

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

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

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

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

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

(b) Direct that a petition be filed; or

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

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

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

(5) The court may dismiss the petition at any stage of the proceedings.

[1959 c.432 §6]

419.484 Title of petition, contents. (1) The petition and all subsequent court documents in the proceeding shall be entitled, "In the matter of ——————, a child." The petition shall be in writing and verified. When the petition is filed by a peace officer, counselor or employe of the Public Welfare Division or the Children's Services Division, it may be verified upon the information and belief of the petitioner and may be filed without prior direction or authorization of the court. When the petition is filed pursuant to direction of the court as provided in subsection (2) of ORS 419.482, it may be upon information and belief. In other cases, the petition shall be on the personal knowledge of the petitioner.

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

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

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

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

(d) The name and residence of the person having physical custody of the child.

(3) A certified copy of the petition shall be served, together with the summons, upon all persons upon whom summons are served under ORS 419.486.

[1959 c.432 §7; 1969 c.274 §3; 1971 c.151 §1]

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

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

(3) The summons shall require the person or persons who have physical custody of the child to appear personally and bring the child before the court at the time and place stated in the summons. The time for the hearing on the petition shall be fixed at a reasonable time, not less than 24 hours, after the issuance of the summons. If it appears to the court that the welfare of the child or of the public requires that the child immediately be taken into custody, the court may endorse an order on the summons directing the officer serving it to take the child into custody.

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

the court at the time and place stated in the summons, to the end that both parents or the guardian, or both, may be brought before the court.

(5) If the child is 12 years of age or older, a certified copy of the summons shall be served upon the child.

(6) Summons may be issued requiring the appearance of any person whose presence the court deems necessary.

[1959 c.432 §8; 1969 c.274 §4]

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

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

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

(b) By personal service outside the state in the manner provided in ORS 15.110.

(c) If, after reasonable inquiry, the whereabouts of the parent or guardian cannot be ascertained, by publishing a summons in a newspaper having general circulation in the county in which the proceeding is pending. In lieu of the brief statement of facts required by subsection (2) of ORS 419.486, the published summons shall simply state that a proceeding concerning the child is pending in the court and an order making an adjudication will be entered therein. The summons shall be published once a week for a period of three weeks, making three publications in all. If the names of one or both parents or the guardian are unknown, he or they may be summoned as "The parent(s) or guardian of (naming or describing the child), found (stating the address or place where the child was found)."

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

(4) The court may authorize payment of travel expenses of any person summoned, as provided in ORS 136.603.

[1959 c.432 §9; 1969 c.591 §298]

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

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

[1959 c.432 §10]

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

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

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

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

[1959 c.432 §11]

419.494 Appointment of person to appear in behalf of child. In any proceeding the court may appoint some suitable person to appear in behalf of the child.

[1959 c.432 §12]

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

(1) Proceedings consolidated as provided in ORS 419.559.

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

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

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

(2) If the child, his parent or guardian requests an attorney but is without sufficient financial means to employ an attorney, the court shall appoint an attorney to represent him. The court may appoint an attorney to represent the child in any case. An attorney appointed pursuant to this subsection shall be paid a reasonable fee fixed by the court, to be paid in the same manner as fees for attorneys appointed in criminal cases in the circuit court. In instances where the court appoints an attorney to represent the child, it may require the parent, if able, or guardian of the estate, if the estate is able, to pay such attorney fees. The test of the parent's or estate's ability to pay such fees shall be the same test as applied to appointment of counsel for defendants under ORS 133.625. The court's order of payment shall be enforceable in the same manner as an order of support under ORS 419.515.

(3) Witnesses or other persons necessary for the conduct of the hearing may be subpenaed. The child, his parents, guardian or any person appearing in his behalf may have compulsory attendance of witnesses in his or their behalf in the same manner as provided in ORS 136.580 to 136.603. The form of the subpena shall be substantially as provided in subsection (3) of ORS 136.575, but shall describe the action as a "juvenile court proceeding" and the appearance as on behalf of "the court," "the child," and so on, as the case may be.

(4) Stenographic notes or other report of the hearings shall be taken only when required by the court.
[1959 c.432 §14; 1973 c.455 §1]

419.500 Proof of court's jurisdiction over child; amendment of petition; admissibility of certain evidence. (1) The facts alleged in the petition showing the child to be within the jurisdiction of the court as provided in subsection (1) of ORS 419.476, unless admitted, must be established by a preponderance of competent evidence. However, in the adjudicative phase of a hearing where a finding of jurisdiction may result in institutionalization under subsection (1) of ORS 419.509, the facts must be established beyond a reasonable doubt. The practice of a parent who chooses for himself or his child treatment by prayer or spiritual means alone shall not be construed as a failure to provide physical care within the meaning of ORS 419.472 to 419.587 but shall not prevent a court of competent jurisdiction from exercising that jurisdiction under paragraph (c) of subsection (1) of ORS 419.476. The court, on motion of an interested party or on its own motion, may at any time direct that the petition be amended. If the amendment results in a substantial departure from the facts originally alleged, the court shall grant such continuance as the interests of justice may require.

(2) For the purpose of determining proper disposition of the child, testimony, reports or other material relating to the child's mental, physical and social history and prognosis may be received by the court without regard to their competency or relevancy under the rules of evidence.
[1959 c.432 §§15, 80; 1965 c.524 §1; 1971 c.31 §1]

419.502 [Repealed by 1959 c.432 §59]

419.503 [Repealed by 1959 c.432 §59]

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

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

419.506 [Repealed by 1959 c.432 §59]

419.507 Child as ward of the court; court's authority over child; Children's Services Division's authority over child; plan for medical care or special treatment. A child found to be within the jurisdiction of the court as provided in subsection (1) of ORS 419.476, may be made a ward of the court. Where a child has been found to be within its jurisdiction, and when the court determines it would be in the best interest and welfare of the child, the court may:

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

(2) Place the child in the legal custody of the Children's Services Division for care, placement and supervision.

(a) The division may place the child in a child care center authorized to accept the child.

(b) If the child has been placed in the custody of the Children's Services Division, the court shall make no commitment directly to any residential facility, but shall cause the child to be delivered into the custody of the Children's Services Division at the time and place fixed by rules of the division. No child so committed shall be placed in the Oregon State Penitentiary or the Oregon State Correctional Institution.

(c) Uniform commitment blanks, in a form approved by the Administrator of the Children's Services Division, shall be used by all courts for placing children in the legal custody of the Children's Services Division.

(d) To insure effective planning for children, the Children's Services Division shall take into consideration recommendations and information provided by the committing court before placement in any facility certified by the Children's Services Division.

(e) Whenever a child who is in need of medical care or other special treatment by reason of his physical or mental condition is placed in the custody of the Children's Services Division by the juvenile court, the division shall prepare a plan for care or treatment within 14 days after assuming custody of the child. The court may indicate in general terms the type of care which it regards as initially appropriate. A copy of the plan, including a time schedule for its implementation, shall be sent to the juvenile court which committed the child to the division. The court may at any time request regular progress reports on implementation of the plan. The division shall notify the court when the plan is implemented, and shall report to the court concerning the progress of the child annually thereafter. If the plan is subsequently revised, the division shall notify the court of the revisions and the reasons therefor.

(f) Commitment of a child to the Children's Services Division does not terminate the court's continuing jurisdiction to protect the rights of the child or his parents or guardians.

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

(4) In the circumstances set forth in ORS 419.533, remand the child to the appropriate court handling criminal actions, or to municipal court.

(5) As used in this section, "child care center" means a residential facility for the care and supervision of children which meets the certification requirements under ORS 418.225, and is annually certified under the provisions of ORS 418.240.

(6) "Youth care center" has the meaning given it in ORS 420.855.

(7) The juvenile court shall retain wardship and the Children's Services Division

shall retain legal custody of the child committed to it regardless of the physical placement of the child by the Children's Services Division.

[1959 c.432 §17; 1963 c.81 §1; 1965 c.616 §88; 1969 c.679 §1; 1971 c.401 §91; 1971 c.698 §2; 1973 c.495 §1]

419.508 [Repealed by 1959 c.432 §59]

419.509 Limitation on division's authority to place child in certain institutions. (1) A child placed in the legal custody of the Children's Services Division shall be placed in a juvenile training school or in a private institution operated as a training school for children requiring secure custody in the following cases and no other:

(a) The child is found to be within the jurisdiction of the juvenile court by reason of a ground set forth in paragraph (a) or (b) of subsection (1) of ORS 419.476, or the behavior of the child is found to be such as to endanger his own welfare or that of others; and

(b) The juvenile court having jurisdiction so orders.

(2) No child shall be transferred or returned after discharge to a facility described in subsection (1) of this section, except upon court order under this chapter.

(3) Nothing in subsection (2) of this section shall be deemed to prohibit return of a child to a facility described in subsection (1) of this section, in the discretion of the Children's Services Division, if the child has been released from the facility on temporary or indefinite parole, or to prohibit transfer of a child from one such facility to another.

[1959 c.432 §18; 1963 c.344 §1; 1969 c.679 §2; 1971 c.105 §1; 1971 c.401 §92; 1971 c.698 §3]

419.510 [Repealed by 1959 c.432 §59]

419.511 Probation, protective supervision or institutionalization; special care or treatment; guardianship of child. (1) The duration of any disposition made pursuant to subsections (1) to (3) of ORS 419.507 shall be fixed by the court and may be for an indefinite period. Any placement in the legal custody of the Children's Services Division shall be for an indefinite period. However, in cases under paragraph (a) of subsection (1) of ORS 419.476, the period shall not exceed the maximum period of institutionalization or commitment authorized if the act had been committed by an adult. The period of any disposition shall not extend beyond the date on which the child becomes 21 years of age.

(2) The court may, in lieu of or in addition to any disposition under subsections (1) to (3) of ORS 419.507, direct that the child be examined or treated by a physician, psychiatrist or psychologist, or receive other special care or treatment and for that purpose may place the child in a hospital or other suitable facility.

(3) When the court grants legal custody to the Children's Services Division, it shall also grant guardianship of the child to the division, to remain in effect solely while the child remains in the legal custody of the division. However, the administrator of the division may authorize the superintendent of the juvenile training school, as defined in ORS 420.005, in which the child is placed, if any, to exercise the duties and authority of a guardian of the child under ORS 419.521 and to determine parole and final release under ORS 420.045. In all other cases the court may grant guardianship of the child to some suitable person if it appears necessary to do so in the interests of the child or to a private institution or agency to which the child is committed.

(4) Unless guardianship is granted as provided in subsection (3) of this section, the court as an incident of its wardship over the child shall have the duties and authority of the guardian as provided in subsection (1) of ORS 419.521.

[1959 c.432 §19; 1963 c.344 §2; 1965 c.616 §89; 1969 c.679 §3; 1971 c.401 §93; 1971 c.571 §1; 1973 c.823 §135]

419.512 [Repealed by 1959 c.432 §59]

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

[1959 c.432 §20]

419.514 [Repealed by 1959 c.432 §59]

419.515 Enforcement of order of support. (1) An order of support entered pursuant to ORS 419.513 may be enforced by

execution or in the manner provided by law for the enforcement of the decrees of a court of equity.

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

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

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

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

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

[1959 c.432 §21]

419.516 [Repealed by 1959 c.432 §59]

419.517 Contempt proceeding upon failure to comply with any juvenile court order. In case of failure to comply with any order of the juvenile court, the court may proceed for contempt of court against the person failing to comply.

[1959 c.432 §22]

419.518 [Repealed by 1959 c.432 §59]

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

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

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

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

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

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

[1959 c.432 §23]

419.520 [Repealed by 1959 c.432 §59]

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

(a) To authorize surgery for the child, but this authority does not prevent the person having legal custody of the child from acting under subsection (4) of ORS 419.519.

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

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

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

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

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

(2) A person appointed guardian of the child by the court is guardian only and not a conservator of his estate, unless that person is appointed conservator of the child's estate in a protective proceeding as provided in ORS 126.003 to 126.413.

[1959 c.432 §§24, 25; 1961 c.344 §105; 1973 c.823 §136]

419.522 [Repealed by 1959 c.432 §59]

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

(2) The rights of the parent or parents may be terminated as provided in subsection (1) of this section if the court finds that the parent or parents are unfit by reason of conduct or condition seriously detrimental to the child and integration of the child into the home of the parent or parents is improbable in the forseeable future due to conduct or conditions not likely to change. In

determining such conduct and conditions, the court shall consider but is not limited to the following:

(a) Emotional illness, mental illness or mental deficiency of the parent of such duration as to render it impossible to care for the child for extended periods of time.

(b) Conduct toward any child of an abusive, cruel or sexual nature.

(c) Addictive use of intoxicating liquors or narcotic or dangerous drugs.

(d) Physical neglect of the child.

(e) Lack of effort of the parent to adjust his circumstances, conduct, or conditions to make the return of the child possible or failure of the parent to effect a lasting adjustment after reasonable efforts by available social agencies for such extended duration of time that it appears reasonable that no lasting adjustment can be effected.

(3) The rights of the parent or parents may be terminated as provided in subsection (1) of this section if the court finds that the parent or parents have failed or neglected without reasonable and lawful cause to provide for the basic physical and psychological needs of the child for one year prior to the filing of a petition. In determining such failure or neglect, the court shall consider but is not limited to one or more of the following:

(a) Failure to provide care or pay a reasonable portion of substitute physical care and maintenance if custody is lodged with others.

(b) Failure to maintain regular visitation or other contact with the child which was designed and implemented in a plan to reunite the child with the parent.

(c) Failure to contact or communicate with the child or with the custodian of the child. In making this determination, the court may disregard incidental visitations, communications or contributions.

(4) The rights of the parent or parents may be terminated as provided in subsection (1) of this section if the court finds that the parent or parents have abandoned the child or the child was left under circumstances such that the identity of the parent or parents of the child was unknown and could not be ascertained, despite diligent searching, and the parent or parents have not come forward to claim the child within six months following the finding of the child.
[1959 c.432 §26; 1963 c.152 §1; 1973 c.804 §1]

419.524 [Repealed by 1959 c.432 §59]

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

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

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

419.526 [Repealed by 1959 c.432 §59]

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

(a) Place the child in the legal custody and guardianship of a public or private institution or agency authorized to consent in loco parentis to the adoption of children. An order pursuant to this paragraph is a "permanent commitment" for the purposes of ORS 109.305, 109.310 to 109.330 and 109.345 to 109.390; or

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

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

419.528 [Repealed by 1959 c.432 §59]

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

(2) Except as provided in subsection (3) of this section, notice and a hearing as provided in ORS 419.486 to 419.505 shall be granted in any case where the effect of modifying or setting aside the order will or may be to deprive a parent of the legal custody of the child, to place the child in an institution or agency or to transfer the child from one institution or agency to another. However, the provisions of this subsection shall not apply to a parent whose rights have been terminated under ORS 419.523 and 419.525 or whose child has been permanently committed by order of the court unless an appeal from such order is pending.

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

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

[1959 c.432 §29; 1963 c.496 §2]

419.530 [Renumbered 419.308 and then 418.570]

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

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

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

(3) The court by order terminates its wardship.

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

(5) The child becomes 21 years of age.

[1959 c.432 §30]

419.532 [Repealed by 1959 c.432 §59]

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

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

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

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

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

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

(b) That the juvenile court may direct that any such case be remanded to the juvenile court for further proceedings.

(3) After the juvenile court has entered an order remanding a child to an adult court for doing an act which is a violation or which if done by an adult would constitute a violation of a law or ordinance of the United States or a state, county or city, the court may enter a subsequent order providing that in all future cases involving the same child, the child shall be remanded to the appropriate court without further proceedings under subsections (1) and (2) of this section.

(4) The juvenile court may at any time direct that the subsequent order entered under subsection (3) of this section shall be vacated or that a pending case be remanded to the juvenile court for further proceedings.

[1959 c.432 §31; 1971 c.199 §3; subsections (3) and (4) enacted as 1971 c.199 §2]

419.534 [Repealed by 1959 c.432 §59]

419.535 Handling of motor vehicle, boating or game offenses. If the preliminary inquiry pursuant to ORS 419.482 discloses that the child's conduct consists, or is alleged to consist, of a violation of a law or ordinance

relating to the use or operation of a motor vehicle, boating laws or game laws and it appears to the court that the nature of the offense and the child's background are such that a proceeding as provided in ORS 419.484 to 419.527 is not warranted, the court may handle the case as provided in ORS 419.537 to 419.541.
[1959 c.432 §32; 1971 c.199 §4]

419.536 [Repealed by 1959 c.432 §59]

419.537 Petition and summons. (1) A petition relating to motor vehicle, boating or game offenses shall be filed as provided in ORS 419.482 and 419.484.

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

(3) The summons may be served as provided in ORS 419.488 or by mailing a copy thereof to the parent or other person having physical custody of the child. If the summons is served personally, a warrant may be issued as provided in ORS 419.490.
[1959 c.432 §33; 1971 c.199 §5]

419.538 [Repealed by 1959 c.432 §59]

419.539 Hearing and finding. A hearing shall be held as provided in ORS 419.496 to 419.500. At the termination of the hearing, if the court finds the matters alleged in the petition to be true, it may enter an order finding the child to be a juvenile motor vehicle offender or a boating law offender or a game law offender and may dispose of the case as provided in subsections (1) and (2) of ORS 419.541.
[1959 c.432 §34; 1971 c.199 §6]

419.540 [Repealed by 1959 c.432 §59]

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

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

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

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

(2) The court may recommend suspension of operator's license or permit for a period of up to one year from the date of the recommendation.

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

(4) In a proceeding under ORS 419.484 to 419.527, the juvenile court may suspend a hunting or fishing license or permit where a game violation is involved and may make such other recommendations where a boating violation is involved.
[1959 c.432 §35; 1971 c.199 §7]

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

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

419.544 [Repealed by 1959 c.432 §59]

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

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

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

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

(4) Where the child has been remanded to a court handling criminal actions or a municipal court by reason of an order entered pursuant to subsection (2) of ORS

419.533 and there has been no order directing remand of the child to juvenile court as provided in paragraph (b) of subsection (2) of ORS 419.533.
[1959 c.432 §37]

419.546 [Repealed by 1959 c.432 §59]

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

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

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

419.548 [Repealed by 1959 c.432 §59]

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

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

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

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

(b) Is advised that the court of the other county will accept jurisdiction of the case. The cost of administering probation or protective supervision of the child shall be paid by the county accepting jurisdiction, unless the transferring and receiving counties otherwise agree. The cost of transporting the child shall be paid by the county transferring jurisdiction, unless the transferring and receiving counties otherwise agree.
[1959 c.432 §39]

419.550 [Repealed by 1957 c.413 §2]

419.551 [1957 c.413 §1; repealed by 1959 c.432 §59]

419.552 [Repealed by 1959 c.432 §59]

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

419.554 [Repealed by 1955 c.491 §9]

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

419.556 [Repealed by 1955 c.491 §9]

419.557 Transportation and safekeeping of child. If the child who is the subject of the proceeding is, at the time of a transfer or temporary transfer provided for in ORS 419.545 to 419.549, in detention or shelter care or for other reason needs transportation to the other county, the county in which the child resides shall make such order or provision for the transportation and safekeeping of the child as is appropriate in the circumstances, including an order directing any peace officer of the county in which the

child resides to transfer the child in the manner directed.
[1959 c.432 §42; 1965 c.151 §1]

419.558 [Repealed by 1959 c.432 §59]

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

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

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

(3) The consolidation will not impair any constitutional right of a party to any of the proceedings.
[1959 c.432 §43; 1963 c.82 §1]

419.560 [Repealed by 1955 c.491 §9]

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

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

(3) The appeal may be taken by filing an informal notice of appeal with the clerk of the juvenile court. The notice shall be filed not later than 30 days after the entry of the court's order. On appeal from the county court, the circuit court shall hear the matter de novo and its order shall be appealable to the Court of Appeals in the same manner as if the proceeding had been commenced in the circuit court.

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

(5) Unless otherwise ordered by the appellate court, the filing or pendency of an appeal does not suspend the order of the juvenile court nor shall it discharge the child from the custody of the person, institution or agency in whose custody the child may have been placed; nor shall it preclude the trial court after notice and hearing from entering such further temporary order relating to the child's custody pending final disposition of the appeal as it finds necessary by reason only of matters transpiring subsequent to the order appealed from. Certified copies of any such order shall be filed by the clerk of the juvenile court forthwith with the clerk of the Court of Appeals.
[1959 c.432 §44; 1969 c.198 §80; 1973 c.649 §1]

419.562 [Repealed by 1959 c.432 §59]

419.563 Court-appointed attorney on appeal; district attorney to represent state. (1) If the child, parent or guardian is shown to be without sufficient financial means to employ an attorney to represent the person in an appeal as provided in ORS 419.561, the court, upon request of the person or upon its own motion, shall appoint an attorney to represent the person. An attorney appointed pursuant to this section shall be paid a fee fixed by the appellate court, to be paid on the same basis as fees for attorneys appointed on appeals in criminal cases from the circuit court. In instances where the court appoints an attorney to represent the child, it may require the parent, if able, or guardian of the estate, if the estate is able, to pay such attorney fees. The test of the parent's or estate's ability to pay such fees shall be the same test as applied to appointment of counsel for defendants under ORS 135.050. The court's order of payment shall be enforceable in the same manner as an order of support under ORS 419.515.

(2) The district attorney for the county from which the appeal is taken shall represent the state.
[1959 c.432 §45; 1969 c.409 §1]

419.564 [Repealed by 1959 c.432 §59]

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

419.566 [Amended by 1959 c.432 §71; renumbered 419.224 and then 418.460]

419.567 Status of records and reports. (1) The clerk of the court shall keep a record of each case, including therein the summons and other process, the petition and all other papers in the nature of pleadings, motions, orders of the court and other papers

filed with the court, but excluding reports and other material relating to the child's history and prognosis. The record of the case shall be withheld from public inspection but shall be open to inspection by the child, his parent or guardian and their attorneys. The attorneys are entitled to copies of the record of the case.

(2) Reports and other material relating to the child's history and prognosis are privileged and, except at the request of the child, shall not be disclosed directly or indirectly to anyone other than the judge of the juvenile court, those acting under his direction and to the attorneys of record for the child or his parent or guardian. The attorneys are entitled to examine and obtain copies of any reports or other material relating to the child's history and prognosis. Any attorney who examines or obtains copies of such reports or materials shall be responsible for preserving their confidentiality and shall return the copies to the court upon the conclusion of his involvement in the case.

(3) No information appearing in the record of the case or in reports or other material relating to the child's history or prognosis may be disclosed to any person not described in subsection (2) of this section without the consent of the court, and no such information may be used in evidence in any proceeding to establish criminal or civil liability against the child, whether such proceeding occurs after the child has reached 18 years of age or otherwise, except for the following purposes:

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

(b) In connection with a proceeding in another juvenile court concerning the child or an appeal from the juvenile court.

(4) If the court finds that the child or parent is without financial means to purchase all or a necessary part of the transcript of the evidence or proceedings, the court shall order upon motion the transcript or part thereof to be furnished. The transcript or part thereof furnished under this subsection shall be paid for in the same manner as furnished transcripts are paid for in criminal cases.

[1959 c.432 §46; subsection (4) enacted as 1969 c.274 §2; 1971 c.24 §1]

419.568 [Renumbered 419.618]

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

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

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

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

(2) A private person may take a child into temporary custody in circumstances where, if the child were an adult, the person could arrest the child.

[1959 c.432 §47; 1971 c.401 §94]

419.570 [Repealed by 1959 c.432 §59]

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

(2) A peace officer taking a child into temporary custody has all the privileges and immunities of a peace officer making an arrest.

[1959 c.432 §48]

419.572 [Repealed by 1959 c.432 §59]

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

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

(3) The peace officer or other person taking the child into custody shall release the child to the custody of his parent or

other responsible person in this state, except in the following cases:

(a) Where the court otherwise orders.

(b) Where it appears to the court that the welfare of the child or of others may be immediately endangered by the release of the child.

[1959 c.432 §49]

419.574 [Repealed by 1959 c.432 §59]

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

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

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

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

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

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

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

[1959 c.432 §50]

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

(a) Before the court; or

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

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

(2) Except where the child is taken into custody pursuant to an order of the court, the peace officer or other person taking the child into custody shall promptly file with the court or a counselor a brief written report stating:

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

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

(3) Pending further disposition of the case, the court may release the child to the custody of his parent or other responsible person or may order that the child remain in detention or shelter care subject to further order. No child shall be held in detention more than 24 hours, excluding Saturdays, Sundays and judicial holidays, except on order of the court nor for more than 48 hours, excluding Saturdays, Sundays and judicial holidays, except on order of the court made pursuant to a hearing on the matter of detention.

[1959 c.432 §51; 1969 c.274 §5]

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

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

(b) Delivered to a peace officer or juvenile counselor in the county in which the child resides, if such delivery can be made without unnecessary delay. In such event,

the person to whom he is delivered shall assume temporary custody of the child and shall proceed as provided in ORS 419.573 to 419.577.

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

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

(2) The judge may direct that any case, or all cases of a class designated by him, shall be processed or heard in the first instance by a referee in the manner provided for the hearing of cases by the court. Upon conclusion of the hearing in each case the referee shall transmit to the judge his findings, recommendations or order in writing.

(3) Where the referee conducts a hearing, the child, his parent, guardian or other person appearing on his behalf and the petitioner, shall be notified of the referee's findings, recommendations or order, together with a notice to the effect that a rehearing shall be had before a judge if requested within 10 days. A rehearing before a judge of the juvenile court may be determined on the same evidence introduced before the referee if a stenographic transcript of the proceedings was kept; provided, however, in any case, additional evidence may be presented.

(4) All orders of a referee shall become immediately effective, subject to the right of review provided in this section, and shall continue in full force and effect until vacated or modified upon rehearing by order of a judge of the juvenile court. Any order entered by a referee shall become a final order of the juvenile court upon expiration of 10 days following its entry, unless a rehearing is ordered or requested.

(5) The judge of the juvenile court, or in counties having more than one judge of the juvenile court, the presiding judge of the juvenile court may establish requirements that any or all orders of referees must be expressly approved by a judge of the juvenile court before becoming effective.

(6) A judge of the juvenile court may, on his own motion, order a rehearing of any matter heard before a referee.

(7) At any time prior to the expiration of 10 days after notice of the order and findings of a referee, a child, his parent, guardian or other person appearing on his behalf or the petitioner may apply to the juvenile court for a rehearing. The application may be directed to all or to any specified part of the order or findings.

(8) All rehearings of matters heard before a referee shall be before a judge of the juvenile court and shall be conducted de novo.
[1959 c.432 §53; 1969 c.274 §6]

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

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

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

(2) Where a child has been remanded to the court handling criminal actions.
[1959 c.432 §55; 1969 c.679 §4; 1971 c.401 §95; 1973 c.453 §1]

419.586 Destruction of juvenile court records by court order; conditions; notice; effect. (1) On application of a person who has been alleged or found to be within the jurisdiction of the juvenile court under paragraphs (a) to (c) and (f) of subsection (1) of ORS 419.476, and after hearing, the juvenile court shall enter an order removing and destroying all records or vacating any judgment order finding jurisdiction and shall order the removal and destruction of the files and records in the proceedings if the court finds that:

(a) At least two years have elapsed since the final discharge of the person; and

(b) Since the final discharge, the person has not been convicted of a felony or of a misdemeanor involving moral turpitude, or adjudicated to be within the jurisdiction of a juvenile court for reasons stated in subsection (1) of this section and no proceedings are pending against the person seeking conviction of adjudication.

(2) Notice of the hearing must be given to:

(a) The district attorney of the county in which the juvenile court sat for its finding under subsection (1) of this section; and

(b) The Administrator of the Children's Services Division.

(3) Upon entry of the order for removal and destruction of the records, the proceedings against the person shall be treated as if they never occurred. All index references shall be deleted and the person, the court, the county juvenile department and any other public agency to which an inquiry might be addressed concerning the proceedings shall reply that no record exists with respect to the person. Copies of the order shall be sent to each agency concerned by the court upon request of the person. Copies of the order shall be returned to the juvenile court indicating compliance at which time the original order and all copies shall be destroyed.

(4) Removal and destruction of the records under an order entered pursuant to subsection (1) of this section shall be done not less than 30 days nor more than 45 days after entry of the order or, if an appeal is taken from an order denying removal or destruction, when the matter is determined on appeal.
[1971 c.226 §2]

419.587 County juvenile advisory council. (1) The juvenile court judge or judges of each county having a population of over 10,000, according to the latest federal decennial census, shall, and the juvenile court judge of any other county may, appoint a juvenile advisory council. The council shall consist of seven directors and such other members as may be appointed. In cooperation with the juvenile court, the council shall:

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

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

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

(d) Make an annual report concerning its activity.

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

419.590 Request for services of Attorney General in action to terminate parental rights. Whenever a juvenile court has before it an action to terminate parental rights, the juvenile court or the Children's Services Division may request the services of the Attorney General.
[1973 c.202 §3]

419.591 Authority of Attorney General in action to terminate parental rights. Whenever an action to terminate parental rights is before a juvenile court pursuant to ORS 419.523, the Attorney General shall have the same authority to assist the court as is granted to the district attorney under ORS 8.685.
[1973 c.202 §1]

COUNTY JUVENILE DEPARTMENT

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

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

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

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

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

419.604 Juvenile court to appoint director or counselor for county juvenile department. (1) Subject to subsection (2) of this section, the judge or judges of the juvenile court in any county having a population less than 300,000 shall appoint or designate one or more persons of good moral character as counselors of the juvenile department of the county, to serve at the pleasure of and at a salary designated by the appointing judge and approved by the budget-making body of the county.

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

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

(4) The judge or judges of the juvenile court in any county having a population of 300,000 or more shall appoint or designate the director of the juvenile department to serve at the pleasure of the appointing judge or judges at a salary designated by the appointing judge or judges and approved by the budget-making body of the county. Counselors of the juvenile department of the county shall be appointed in accordance with ORS 241.020 to 241.990.

[1955 c.491 §2; 1963 c.186 §1]

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

[1955 c.491 §3]

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

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

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

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

(4) Take charge of any child before and after the hearing as may be directed by the court.

[1955 c.491 §4]

419.610 Director or counselor has power of peace officer and may bring child in his custody before court at any time. Any director or counselor shall have power of a peace officer as to any child committed to his care. Any director or counselor may, in his discretion and at any time, bring a child committed to his custody and care by the juvenile court before such court for any further action the court considers advisable.

[1955 c.491 §5]

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

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

[1955 c.491 §7]

419.614 Payment of expenses of maintaining detention facilities. All expenses incurred in the maintenance of the facilities for detention and the personnel required

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

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

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

419.618 Detention rooms and hospital wards for juvenile cases. The board of county commissioners or county court of counties having more than 400,000 inhabitants, according to the latest federal decennial census, shall provide proper accommodations for detention rooms and hospital wards, as may be necessary for the care, custody and discipline of minor children. The expense of the same shall be audited and paid in the same manner as other bills in such county are audited and paid.
[Formerly 419.568; 1963 c.519 §37]

CURFEW HOURS FOR MINORS

419.710 Prohibition of unaccompanied minors from being in public places during certain hours. No minor shall be in or upon any street, highway, park, alley or other public place between the hours of 12 midnight and 4 a.m. of the following morning, unless such minor is accompanied by a parent, guardian or other person 18 years of age or over and authorized by the parent or by law to have care and custody of the minor, or unless such minor is then engaged in a lawful pursuit or activity which requires his presence in such public places during the hours specified in this section.
[1953 c.576 §1; 1973 c.827 §37]

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

419.730 [1953 c.576 §3; repealed by 1963 c.356 §3]

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

419.750 County ordinance establishing curfew authorized; terms. The county court or board of county commissioners of any county may provide by ordinance for a curfew restriction on minors applicable to areas not within a city, which has the same terms provided in ORS 419.710 except that the period of curfew may include hours in addition to those specified in ORS 419.710. The ordinance may provide different periods of curfew for different age groups.
[1963 c.356 §1]

419.760 Custody of minors violating curfew. Any minor who violates ORS 419.710 or an ordinance established under ORS

419.750 may be taken into custody as provided in ORS 419.569 and may be subjected to further proceedings as provided in ORS 419.472 to 419.587.

[1963 c.356 §2]

PENALTIES

419.990 Penalties. Violation of ORS 419.720 is a misdemeanor.

[Subsection (4) of 1959 Replacement Part enacted as 1953 c.576 §2(2); 1959 c.432 §72; subsections (1), (2) and (3) of 1959 Replacement Part renumbered as part of ORS 418.990]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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, 1973.

Thomas G. Clifford
Legislative Counsel