Chapter 420

1971 REPLACEMENT PART
(1973 reprint)

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GENERAL PROVISIONS

420.005 Definitions. As used in ORS 420.005 to 420.045, 420.060 to 420.400, 420.810 to 420.840 and 420.905 to 420.915, unless the context requires otherwise:

(1) "Administrator" means the Administrator of the Children's Services Division.

(2) "Division" means the Children's Services Division.

(3) "Juvenile training schools" means the Hillcrest School of Oregon, the MacLaren School for Boys and any other school established by law for similar purposes, and includes the other camps and programs maintained under this chapter.

[1965 c.616 §29; 1969 c.597 §128; 1971 c.401 §96]

420.010 [Repealed by 1965 c.616 §101]

420.011 Admissions to juvenile training schools. (1) Except as provided in subsection (2) of this section, admissions to the juvenile training schools are limited to persons between the ages of 12 and 18 years, found by the juvenile court to be within the court's jurisdiction by reason of a ground set forth in ORS 419.509 and placed in the legal custody of the Children's Services Division. No child under the age of 12 years may be admitted to, received by or cared for in a juvenile training school. No child admitted to a juvenile training school shall be transferred by administrative process to any penal or correctional institution.

(2) In addition to the persons placed in the legal custody of the Children's Services Division under ORS 419.507, persons under the age of 21 years who are committed to the custody of the Corrections Division under ORS 137.124 may be assigned to a juvenile training school by the Corrections Division.

[1965 c.616 §31; 1969 c.679 §5; 1971 c.401 §98; 1971 c.458 §1]

420.015 [1959 c.432 §73; 1963 c.256 §1; 1965 c.616 §35; renumbered 420.031]

420.016 [Formerly 420.150 and then 420.050; repealed by 1971 c.698 §7]

420.020 [Amended by 1955 c.89 §1; 1965 c.616 §40; renumbered 420.075]

420.021 Expenses borne by county. All traveling and other expenses incurred in placing a person in a juvenile training school in the legal custody of the Children's Services Division and delivering him into the custody of the division under ORS 419.507 shall be borne by the county from which he was placed in the legal custody of the division.

[Formerly 420.160; amended by 1969 c.679 §6; 1971 c.401 §97]

420.025 [Formerly 420.170; 1969 c.679 §7; repealed by 1971 c.401 §120]

420.030 [Amended by 1959 c.432 §74; 1963 c.256 §2; 1965 c.616 §41; renumbered 420.080]

420.031 Wardship over child at training school; legal custody of child. (1) The granting of legal custody and guardianship over the child's person to the Children's Services Division does not terminate the juvenile court's wardship over the child.

(2) Upon parole of the person from a juvenile training school, the legal custody of the person is vested in his parents or other person to whom he is returned, subject to subsection (3) of ORS 420.045.

[Formerly 420.015; amended by 1969 c.679 §8; 1971 c.401 §99]

420.040 Liability for misconduct of student of training school. The juvenile training schools, the superintendents thereof, the administrator and personnel of the Children's Services Division are not liable for any damages whatsoever that are sustained by any person on account of the actions or misconduct of a student of a juvenile training school.

[1963 c.256 §10; 1965 c.616 §39; 1969 c.597 §129; 1971 c.401 §100]

420.045 Parole; discharge; revocation of parole. (1) Upon finding that a student of a juvenile training school is ready for release therefrom and that he had best be returned to his parent or guardian or to a suitable and desirable home or facility, the Administrator of the Children's Services Division or his authorized representative, may, after advising the committing court, release the student on parole conditioned upon good behavior.

(2) At such time as the Administrator of the Children's Services Division or his authorized representative, finds that final release is compatible with the welfare of society and the student, with the consent of the committing court, the Administrator of the Children's Services Division or his authorized representative may make and issue a final order discharging the student.

(3) The Administrator of the Children's Services Division or his authorized representative may revoke a parole if the conditions of the parole have been violated or if the continuation of the student on parole would not be in the best interests of the student or the community. After the revocation of parole, the administrator of the division or his authorized representative shall immediately advise the committing court thereof.

[1965 c.616 §37; 1969 c.679 §9; 1971 c.401 §101]

420.050 [Formerly 420.150; amended by 1965 c.616 §32; renumbered 420.016]

420.051 [1965 c.616 §38; repealed by 1967 c.586 §1]

420.055 Research coeducational program. (1) Notwithstanding ORS 179.473, 420.120 and 420.320, the Children's Services Division may establish a research coeducational program to which may be admitted children committed to both the MacLaren School for Boys and the Hillcrest School of Oregon, as determined by the division. Such programs may be established at either or both schools.

(2) In conducting the research programs authorized by subsection (1) of this section, the Children's Services Division may use the assistance of professional personnel from other state agencies in establishing the standards and determining the eligibility of children at the schools for admission to the program; in designing, conducting and evaluating the programs; and in developing standards for the selection and training of personnel engaged in various activities of the programs.

(3) The director of the program is responsible for the care and custody of all children admitted to the program. However, such responsibility shall not be considered as the transfer of a child from one school to the other within the meaning of ORS 179.473.

(4) The location of a research program authorized by subsection (1) of this section at either training school shall not be considered a violation of ORS 420.120 or 420.320, and the program so located shall be operated by the Children's Services Division with whatever assistance the division may require from the training school at which the program is located.

[1969 c.679 §10; 1971 c.401 §102]

Note: ORS 420.055 was not added to and made a part of ORS chapter 420 by legislative action.

EMPLOYMENT PROGRAM

420.060 Employment agreements; definitions. (1) Upon finding that the education and training of a student of a juvenile training school will be furthered if the student is permitted to work at gainful employment on a temporary basis, the superintendent may enter into an agreement with any suitable person or business establishment for the temporary employment of the student.

(2) For the purposes of ORS 420.060 to 420.074, "juvenile training school" includes youth care centers as defined in ORS 420.855 and approved by the Children's Services Division pursuant to ORS 420.865, and "superintendent" includes the person in charge of any such youth care center.

[1969 c.410 §1; 1971 c.401 §103]

420.065 Student compensation; disposition of compensation. (1) Such agreements shall provide for compensation to be paid for the student's work at the prevailing wages for such work in the community where the student is employed or at a wage rate approved by the superintendent.

(2) All sums earned by a student of a juvenile training school, other than amounts involuntarily withheld by the employer of the student, shall be paid directly to the superintendent or to the student if so directed by the superintendent. All moneys received by the superintendent under this section shall be placed in a trust account to be used solely for the benefit of the student.

[1969 c.410 §2]

420.070 Student in legal custody of superintendent. A student of a juvenile training school while temporarily employed under ORS 420.060 to 420.074 shall remain in the legal custody of the superintendent. The superintendent shall continue to exercise appropriate supervision over the student during the period of his temporary employment.

[1969 c.410 §3]

420.074 Employment status of student. Students of a juvenile training school while temporarily employed under the provisions of ORS 420.060 to 420.074 are entitled to the protection and benefits of ORS chapters 652, 654 and 656 to the same extent as other employes of their employer under 21, except that:

(1) Payment of wages by an employer of a student directly to the superintendent as provided by subsection (2) of ORS 420.065 shall not be deemed in violation of ORS chapter 652;

(2) Compensation paid under ORS chapter 656 that is not expended on medical services shall be treated in the same manner as the student's earnings under ORS 420.065, so long as the student remains in the legal custody of the juvenile training school or youth care center.

[1969 c.410 §4]

420.075 [Formerly 420.020; repealed by 1969 c.597 §281]

420.080 [Formerly 420.030; amended by 1969 c.314 §35; repealed by 1969 c.597 §281]

MacLAREN SCHOOL FOR BOYS

420.110 [Repealed by 1965 c.616 §101]

420.120 Supervision and objects of school. (1) The MacLaren School for Boys, located in Marion County, is a training school for male persons under 21 years of age. The administrator shall equip, conduct, maintain and supervise the school in the same manner as he does other institutions within the Children's Services Division.

(2) The superintendent, subordinate officers and employes of the school shall use their best and consistent endeavors to govern, instruct, employ and reform the youths committed to their charge, to the end that the youths are trained and developed into useful and honorable members of society.

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

(4) The superintendent, subject to the approval of the administrator, may appoint an assistant superintendent, who shall be in the unclassified service for purposes of the State Merit System Law.
[Amended by 1965 c.616 §42; 1971 c.401 §104; 1971 c.722 §1]

420.130 [Repealed by 1959 c.432 §59]

420.140 [Amended by 1959 c.432 §75; repealed by 1965 c.616 §101]

420.150 [Amended by 1963 c.256 §3; renumbered 420.050 and then 420.016]

420.160 [Amended by 1963 c.432 §76; 1965 c.616 §33; renumbered 420.021]

420.170 [Amended by 1965 c.616 §34; renumbered 420.025]

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

420.181 [1957 c.210 §2 (enacted in lieu of 420.180); 1963 c.256 §4; repealed by 1965 c.616 §101]

420.190 [Repealed by 1965 c.616 §101]

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

420.210 Establishing temporary work and training camps for boys. The Superintendent of the MacLaren School for Boys, with the approval of the Administrator of the Children's Services Division and in cooperation with any public agency, may establish at any place in this state one or more temporary work and training camps for any boys committed to the MacLaren School for Boys who are determined by the superintendent to be qualified and amenable as security risks for work and training in such camps.
[1953 c.154 §1; 1963 c.256 §5; 1969 c.597 §130; 1971 c.401 §105]

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

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

420.225 Cooperation with other state or federal agencies in work assignments. The superintendent and the persons employed by him or designated to have direct control of the boys at camp shall cooperate to the fullest extent with any public agency assisting in the camp program in making assignments and in supervising any work or training of boys who are physically able to perform manual labor.
[1953 c.154 §4; 1963 c.256 §6]

420.230 Contracts with other state or federal agencies. The superintendent, with the approval of the Administrator of the Children's Services Division, may enter into contracts with any public agency cooperating or willing to cooperate in the camp program to carry into effect the purposes of ORS 420.210 to 420.235, providing among other things for the type of work to be performed by boys at any camp, for rate of payment and other matters relating to the maintenance and training of the boys while at a camp.
[1953 c.154 §5; 1963 c.256 §7; 1969 c.597 §131; 1971 c.401 §106]

420.235 Return of rule violator or bad security risk to MacLaren School for Boys. Any boy who violates the rules and regulations relating to discipline of a camp or who

appears to the superintendent to be a bad security risk may be returned to the MacLaren School for Boys on order of the superintendent.
[1953 c.154 §6]

HILLCREST SCHOOL OF OREGON

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

420.320 Supervision and objects of Hillcrest School. (1) The Hillcrest School of Oregon, located in Marion County, is a training school for female persons under 21 years of age.

(2) The administrator shall equip, conduct, maintain and supervise the school in the same manner as he does other state institutions. The school shall be conducted in such manner as to provide an academic and vocational education to its students and to promote their moral, mental and physical welfare.

(3) The superintendent, subject to the approval of the administrator, may appoint an assistant superintendent, who shall be in the unclassified service for purposes of the State Merit System Law.
[Amended by 1965 c.616 §43; 1971 c.722 §2]

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

420.331 [1959 c.432 §78 (enacted in lieu of 420.310 and 420.330); repealed by 1965 c.616 §101]

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

420.350 [Repealed by 1965 c.616 §101]

420.360 [Repealed by 1959 c.191 §1]

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

420.371 [1957 c.210 §5 (enacted in lieu of 420.370); 1963 c.256 §8; repealed by 1965 c.616 §101]

420.380 [Repealed by 1965 c.616 §101]

420.390 [Repealed by 1965 c.616 §101]

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

420.510 [Repealed by 1965 c.616 §101]

420.520 [Repealed by 1965 c.616 §101]

420.530 [Repealed by 1965 c.616 §101]

420.540 [Repealed by 1965 c.616 §101]

420.550 [Repealed by 1965 c.616 §101]

420.560 [Repealed by 1965 c.616 §101]

420.570 [Repealed by 1965 c.616 §101]

420.580 [Repealed by 1965 c.616 §101]

420.590 [Repealed by 1965 c.616 §101]

420.600 [Repealed by 1965 c.616 §101]

420.610 [Repealed by 1965 c.616 §101]

420.620 [Repealed by 1965 c.616 §101]

420.630 [Repealed by 1965 c.616 §101]

420.640 [Repealed by 1965 c.616 §101]

420.710 [Repealed by 1957 c.160 §6]

420.720 [Repealed by 1957 c.160 §6]

420.730 [Repealed by 1957 c.160 §6]

PLACEMENT OF STUDENTS FROM JUVENILE TRAINING SCHOOLS

420.810 Placement of students of juvenile training school in foster homes. All children in the legal custody of the Children's Services Division, who in the judgment of the Administrator of the Children's Services Division or his authorized representative have made sufficient progress in rehabilitation and reform, may be placed with any person or family of good standing and character for care and education under an agreement pursuant to ORS 420.815.
[1953 c.153 §1; 1965 c.616 §44; 1971 c.84 §1]

420.815 Placement agreements with persons or families. (1) The Administrator of the Children's Services Division or his authorized representative may enter into agreements with persons or families found suitable for the placement of children in the legal custody of the Children's Services Division.

(2) The agreement shall provide for the custody, care, education, maintenance and earnings of the child placed for a time fixed in the agreement but not to exceed the time when the child reaches the age of 21 years.

(3) The agreement shall be signed by the person assuming the foster care and by the Administrator of the Children's Services Division or his authorized representative.

(4) If the agreement provides for payments to the person assuming the foster care, the Children's Services Division shall make these payments.
[1953 c.153 §2; 1957 c.77 §1; 1959 c.311 §1; 1965 c.616 §45; 1971 c.84 §2]

420.820 [1953 c.153 §3; repealed by 1971 c.84 §3 (420.821 enacted in lieu of 420.820)]

420.821 Visiting of foster homes by staff members. The Administrator of the Children's Services Division or his authorized representative shall designate members

of his staff as visiting agents. As required by the administrator or his authorized representative, these visiting agents shall:

(1) Visit the foster homes and children placed therein;

(2) Ascertain whether the children are properly placed; and

(3) Make reports to the administrator or his designated representative concerning the investigations and visits.

[1971 c.84 §4 (420.821 enacted in lieu of 420.820)]

480.825 Return of child to school. Any child placed pursuant to ORS 420.810 to 420.840 may on order of the Administrator of the Children's Services Division or his authorized representative be returned to a juvenile training school or replaced, if in the opinion of the administrator or his authorized representative the child would benefit by removal from the foster home.

[1953 c.153 §4; 1971 c.84 §5]

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

420.835 Prohibition of interference with control of placed child. No parent or other person not a party to the placement agreement shall interfere with or assume any control over the placed child.

[1953 c.153 §6]

420.840 Cooperation of superintendents with other child welfare agencies. The Administrator of the Children's Services Division or his authorized representative in carrying out the provisions of ORS 420.810 to 420.840 may cooperate with and consult any private or public agency concerned with child welfare.

[1953 c.153 §8; 1971 c.84 §6]

YOUTH CARE CENTERS

420.855 Definitions for ORS 420.855 to 420.885. As used in ORS 418.020, 418.025 and 420.855 to 420.885, unless the context requires otherwise:

(1) "Child" means a child between the ages of 12 and 18 who is within the jurisdiction of the juvenile court by reason of a ground set forth in ORS 419.509.

(2) "Division" means the Children's Services Division.

(3) "Juvenile court" means the court exercising jurisdiction under ORS chapter 419 in the county.

(4) "Youth care center" or "center" means a facility established and operated by a public or private agency or a combination thereof, to provide care and rehabilitation services for children committed to the custody of the youth care center by the juvenile court or placed by the Children's Services Division, but does not include detention facilities established under ORS 419.602 to 419.616.

[1967 c.444 §1; 1969 c.597 §139; 1971 c.401 §62; 1971 c.698 §4]

420.860 Policy and intent. It is declared to be the policy and intent of the Legislative Assembly that the State of Oregon shall encourage, aid and financially assist its county governments and public and private agencies in the establishment and development of youth care centers for children found to be in need of care and rehabilitation pursuant to ORS 419.507.

[1967 c.444 §10]

420.865 Commitment to youth care center. (1) The Children's Services Division may place a child who has been placed in its legal custody pursuant to ORS 419.507 in a youth care center if the center complies with the provisions of ORS 420.855 to 420.885 and has been approved by the Children's Services Division.

(2) Placement of a child by the Children's Services Division in a youth care center does not terminate the juvenile court's wardship over the child or the custody of the Children's Services Division. The center may retain such children in full or part-time residential care or, with the consent of the Children's Services Division, may place them on a full or part-time basis in foster homes.

[1967 c.444 §§2, 4; 1971 c.401 §63; 1971 c.698 §5]

420.870 Standards for approval of youth care centers. Approval of the youth care center by the Children's Services Division, required by ORS 420.865, shall be based on reasonable and satisfactory assurance that:

(1) Adequate physical facilities exist which comply with applicable rules of the State Board of Health and the State Fire Marshal.

(2) There is employment of capable and trained or experienced personnel.

(3) The youth care programs include educational, vocational, recreational and counseling opportunities that will be in the best interests of the child.

(4) There is compliance with the applicable provisions of ORS 418.555.

(5) A county must demonstrate that an adequate probation system for children exists in the county in order to be eligible for state support for a youth care center.
[1967 c.444 §3; 1971 c.401 §64]

420.875 Application for state support of center; required reports. (1) An approved youth care center is eligible for state support from funds appropriated to the Children's Services Division for that purpose to meet its operating expenses. Public or private agencies operating a youth care center shall make application for state support to the division. The application shall contain such information as may be required by the division.

(2) Upon receiving the application, the division shall cause an investigation of the affairs and methods of the youth care center and, if it finds that the center meets the requirements of ORS 420.870, shall grant its application for state support.

(3) At such times as the Children's Services Division may require, all youth care centers receiving state support under the provisions of ORS 420.855 to 420.885, shall file with the division a financial and statistical report, and a report on the content and conduct of the program, in such form as may be prescribed by the division. If any youth care center fails to file the prescribed reports within 30 calendar days after requested by the division, no further state support shall be paid until it has complied with the provisions of this subsection.
[1967 c.444 §5; 1969 c.196 §1; 1971 c.401 §65]

420.880 Level of state support; support of child placed outside center. (1) Subject to the availability of funds, each youth care center that has received approval from the Children's Services Division and continues to meet the requirements of ORS 420.855 to 420.885 and the rules of the division is eligible to receive state support in an amount equal to 50 percent of the average monthly cost for each child being cared for by the center, but not to exceed $125 per month per child. The remaining operating costs may be met from private sources or from local, other state or federal sources.

(2) Subject to the availability of funds, if in the opinion of the youth care center, the welfare of the child requires special care or the interests of the child would be better served outside the center, the center, with the consent of the Children's Services Division, may place the child in foster care or hospital and state support for such child shall be allowed to the center in an amount equal to 50 percent of the actual monthly cost for each such child.
[1967 c.444 §6; 1969 c.196 §2; 1971 c.401 §66; 1971 c.698 §6]

420.885 Audit and payment of claims. (1) The youth care center shall present to the Children's Services Division an itemized statement showing the names of the children being cared for during the period for which the statement is submitted and the amount which the center claims for the period. The division shall investigate the claim and approve only that portion which is in accordance with the provisions of ORS 420.855 to 420.885 and the rules of the division.

(2) When certified by the Children's Services Division, claim for state reimbursements shall be presented to the Executive Department and paid in the same manner as the claims against the state are paid.

(3) If the center is operated jointly by more than one public or private agency, each agency participating in the operation shall be entitled to a pro rata share of the amount due, to be determined by the contribution of each to the operating cost of the center.
[1967 c.444 §7; 1969 c.196 §3; 1971 c.401 §67]

APPREHENSION OF ESCAPED OR ABSENT STUDENTS

420.905 Definitions for ORS 420.905 to 420.915. As used in ORS 420.905 to 420.915, "peace officer" means any sheriff, constable, marshal, or the deputy of any such officer, any member of the State Police or any member of the police force of any city.
[1957 c.129 §5]

420.910 Apprehension of escaped or absent students of training school. When any student of a juvenile training school has escaped or without authorization is absent from the institution to which committed, or from the custody of any person in whose charge he lawfully has been placed, the superintendent or authorized representative of the superintendent of the school concerned may authorize any peace officer in the state to apprehend and hold the escapee or absentee.
[1957 c.129 §1; 1957 c.481 §1; 1963 c.256 §9; 1965 c.616 §46]

420.915 Procedure upon apprehension of escapee or absentee. (1) The peace officer who holds an escapee or absentee described

in ORS 420.910 shall, so far as practicable, hold him in a place separate from adult persons in custody.

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

420.920 [1957 c.129 §3; repealed by 1965 c.616 §101]

PENALTIES

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

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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 December 1, 1971.

Robert W. Lundy
Legislative Counsel