

# Chapter 417

## 1979 REPLACEMENT PART

### Interstate Compacts on Juveniles and Children; Juvenile Services

#### INTERSTATE COMPACTS

- 417.010 "Juvenile" defined for ORS 417.010 to 417.260 and 417.990  
417.020 Declaration of public policy  
417.030 Interstate Compact on Juveniles  
417.040 Juvenile Compact Administrator and staff  
417.050 Supplementary agreements  
417.060 Proceedings for recovery of expenses in enforcing compact and agreements  
417.070 Juvenile court jurisdiction  
417.080 Enforcement of compact  
417.200 Interstate Compact on Placement of Children  
417.210 Financial responsibility for placed children  
417.220 Agreements with other states; effect of financial provisions  
417.230 Compliance with visitation, inspection or supervision requirements  
417.240 Placement of children in institutions in other states  
417.250 "Executive head" defined  
417.260 ORS 418.290 inapplicable to children placed pursuant to compact

#### COMMUNITY JUVENILE SERVICES

##### (Generally)

- 417.400 Short title  
417.405 Definitions for ORS 417.400 to 417.490  
417.410 Policy  
417.415 Commission to make grants to counties for operation of juvenile programs

- 417.420 Application for grants by counties; qualifications of county plans; termination of participation in funding  
417.425 Determination of county fund share  
417.430 Obligations of counties receiving funds; assuming certain Children's Services Division responsibilities  
417.435 Purpose of grants to counties; restrictions on use  
417.440 Review by commission of county implementation of plan; procedure to suspend funding; restriction on use of funds  
417.445 Counties receiving funds to appoint local juvenile services commissioner; members; duties and powers  
417.450 Assessment of counties accepting funds; limitation on amount; use of funds  
417.455 Alternative financing method for counties; use of unobligated division moneys

##### (Administration)

- 417.475 Juvenile Services Commission; members; qualification; advisory committees  
417.480 Terms of commission members; vacancies; reappointment; compensation; expenses; advisory committee expenses  
417.485 Executive director; compensation; expenses; employes  
417.490 Duties and powers of commission

#### PENALTIES

- 417.990 Penalty for placement of children in violation of compact

#### CROSS REFERENCES

**417.010**  
Juvenile court proceedings, 419.472 to 419.618  
Juvenile courts, 3.150, 3.160, 3.250 to 3.280, 3.330, 5.020, 46.092

**417.030**  
Alien and nonresident public charges, Ch. 415  
"Child dependency" defined, 418.205  
Confinement of minors with adults, 419.575, 420.915  
"Dependent child" defined, 418.035, 418.205  
Guardianships, 126.003 to 126.143  
Interstate crime prevention compacts, 131.685  
Juvenile court proceedings, 419.472 to 419.618  
Juvenile training schools, Ch. 420  
Parental rights and responsibilities, 108.040, 109.010 to 109.090  
Return of Oregon parole violators from other states, 144.374, 144.376

Supervision of parolees and probationers, 144.610 to 144.620  
Western Interstate Corrections Compact, 421.282 to 421.294

**417.040**  
Administrative procedures governing state agencies, 183.310 to 183.500  
Merit system for state employes, Ch. 240  
State agencies generally, Ch. 182  
State purchasing, Ch. 279

**417.050**  
Permitting ward of juvenile court to reside in other state, 419.507  
Supervision of state institutions, Ch. 179

## ADULT AND FAMILY SERVICES; CORRECTIONS

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### 417.060

Enforcement of duty to support dependents, Ch. 110  
Enforcement of judgments and decrees; executions and  
exemptions, Ch. 23  
Guardianships, 126.003 to 126.143  
Parents' liability for expenses of family, 108.040, 109.010  
to 109.090

Support Enforcement Division, powers with respect to  
enforcement of support, 180.320 to 180.370

### 417.070

Juvenile courts, 3.150, 3.160, 3.250 to 3.280, 3.330, 5.020,  
46.092

**INTERSTATE COMPACTS**

**417.010 "Juvenile" defined for ORS 417.010 to 417.260 and 417.990.** As used ORS 417.010 to 417.260 and 417.990, "juvenile" includes any person who is within the jurisdiction of the juvenile court. [1959 c.434 §8]

**417.020 Declaration of public policy.**

(1) It hereby is found and declared that:

(a) Juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others; and

(b) The cooperation of this state with other states is necessary to provide for the welfare and protection of juveniles and of the people of this state.

(2) It is therefore the policy of this state, in adopting the Interstate Compact on Juveniles, to cooperate fully with other states in returning juveniles to such other states whenever their return is sought, to accept the return of juveniles whenever a juvenile residing in this state is found or apprehended in another state and to take all measures to initiate proceedings for the return of such juveniles.

[1959 c.434 §1]

**417.030 Interstate Compact on Juveniles.** The Governor hereby is authorized and directed to execute for, on behalf of and in the name of the State of Oregon, a compact with any state or states legally joining therein in the form substantially as follows:

The contracting states solemnly agree:

**ARTICLE I  
FINDINGS AND PURPOSES**

That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of nondelinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the

public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the noncriminal, reformatory and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

**ARTICLE II  
EXISTING RIGHTS AND  
REMEDIES**

That all remedies and procedures provided in this compact shall be in addition to and not in substitution for other rights, remedies and procedures and shall not be in derogation of parental rights and responsibilities.

**ARTICLE III  
DEFINITIONS**

That, for the purposes of this compact, "delinquent juvenile" means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or the jurisdiction or supervision of an agency or institution pursuant to an order of such court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states party hereto; "court" means any court having jurisdiction over delinquent, neglected or dependent children; "state" means any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

**ARTICLE IV  
RETURN OF RUNAWAYS**

(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such

parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letter of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file sub-

ject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of his parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding 30 days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and

the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

(c) That "juvenile" as used in the Article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

ARTICLE V  
RETURN OF ESCAPEES AND  
ABSCONDERS

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall

issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding 90 days, as will enable his detention under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their

authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a delinquent juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

#### ARTICLE Va INTERSTATE RENDITION OF JUVENILES ALLEGED TO BE DELINQUENT

(a) This amendment shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

(b) All provisions and procedures of Articles V and VI of the Interstate Compact on Juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of violating any criminal law, shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in Article V of the Compact shall be forwarded by the judge of the court in which the petition has been filed.

#### ARTICLE VI VOLUNTARY RETURN PROCEDURE

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV (a) or of Article V (a) of this compact, may consent

to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which such juvenile or delinquent juvenile is ordered to return.

#### ARTICLE VII COOPERATIVE SUPERVISION OF PROBATIONERS AND PAROLEES

(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court or-

ders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

(d) That the sending state shall be responsible under this Article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

## ARTICLE VIII RESPONSIBILITY FOR COSTS

(a) That the provisions of Articles IV (b), V (b) and VII (d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV (b), V (b) or VII (d) of this compact.

## ARTICLE IX DETENTION PRACTICES

That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

## ARTICLE X SUPPLEMENTARY AGREEMENTS

That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4)

provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

#### ARTICLE XI ACCEPTANCE OF FEDERAL AND OTHER AID

That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

#### ARTICLE XII COMPACT ADMINISTRATORS

That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

#### ARTICLE XIII EXECUTION OF COMPACT

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

#### ARTICLE XIV RENUNCIATION

That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which

executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII of this compact shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X of this compact shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of this Article.

#### ARTICLE XV SEVERABILITY

That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the Constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[1959 c.434 §2; 1979 c.288 §4]

**417.040 Juvenile Compact Administrator and staff.** (1) The office of Juvenile Compact Administrator hereby is created. The Assistant Director for Children's Services shall be ex officio Juvenile Compact Administrator, with no additional compensation. He shall act jointly with like officers of other party states in promulgating rules and regulations to carry out more effectively the terms of the compact. He shall cooperate with all departments, agencies and officers of the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder.

(2) The Juvenile Compact Administrator shall appoint a Deputy Juvenile Compact Administrator to serve at the pleasure of the administrator. The deputy shall be appointed on the basis of his personal qualifications in accordance with standards fixed by the Children's Services Division. The division shall fix

the salary of the deputy. Subject to the approval of the division, and at salaries fixed by it, the administrator may employ such other personnel as may be necessary to accomplish the purposes of ORS 417.010 to 417.260 and 417.990. The administrator shall prescribe the duties of the deputy and such other personnel, and they shall be subject to his control and under his immediate supervision. Personnel other than the administrator and the deputy shall be subject to any applicable provision of the State Merit System Law. Subject to the approval of the division, the administrator may also provide necessary offices, supplies and equipment. [1959 c.434 §3; 1971 c.401 §11]

**417.050 Supplementary agreements.** The Juvenile Compact Administrator may enter into supplementary agreements with appropriate officials of other states under the compact. In the event that a supplementary agreement requires or contemplates the use of any institution or facility of this state or requires or contemplates the providing of any service by this state, the supplementary agreement shall have no force or effect until approved by the head of the department or agency under whose jurisdiction the institution or facility is operated or whose department or agency will be charged with the providing of the service. [1959 c.434 §4]

**417.060 Proceedings for recovery of expenses in enforcing compact and agreements.** The Juvenile Compact Administrator may recover from parents or guardians any moneys expended by this state or any of its subdivisions in returning a delinquent or nondelinquent juvenile to this state, for care pending the return of the juvenile to this state or for care provided pursuant to any supplementary agreement. Proceedings to recover such moneys shall be brought before the juvenile court, which shall, upon the parent, parents or guardian being duly summoned or voluntarily appearing, enter such order or decree as is equitable in the premises. The order or decree may be enforced by execution or in any manner in which a court of equity may enforce its orders or decrees. No property belonging to persons subject to the order or decree shall be exempt from levy and sale under execution. [1959 c.434 §5]

**417.070 Juvenile court jurisdiction.** The juvenile courts of this state have jurisdiction of juveniles within the operation of ORS 417.010 to 417.260 and 417.990. [1959 c.434 §7]

**417.080 Enforcement of compact.** The courts, departments, agencies and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions. [1959 c.434 §6]

**417.200 Interstate Compact on Placement of Children.** The Interstate Compact on the Placement of Children is enacted into law and entered into on behalf of this state with all other jurisdictions legally joining therein in form substantially as follows:

**INTERSTATE COMPACT ON  
THE PLACEMENT OF  
CHILDREN**

**ARTICLE I  
PURPOSE AND POLICY**

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis on which to evaluate a projected placement before it is made.

(d) Appropriate jurisdictional arrangements for the care of children will be promoted.

**ARTICLE II  
DEFINITIONS**

As used in this compact:

(a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(b) "Sending agency" means a party state, officer or employe thereof; a subdivision of a party state, or officer or employe thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

### ARTICLE III CONDITIONS FOR PLACEMENT

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(1) The name, date and place of birth of the child.

(2) The identity and address or addresses of the parents or legal guardian.

(3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.

(4) A full statement of the reasons for such proposed action and evidence of the au-

thority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

### ARTICLE IV PENALTY FOR ILLEGAL PLACEMENT

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

### ARTICLE V RETENTION OF JURISDICTION

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the

return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof.

#### ARTICLE VI INSTITUTIONAL CARE OF DELINQUENT CHILDREN

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

(1) Equivalent facilities for the child are not available in the sending agency's jurisdiction; and

(2) Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

#### ARTICLE VII COMPACT ADMINISTRATOR

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to pro-

mulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

#### ARTICLE VIII LIMITATIONS

This compact shall not apply to:

(a) The sending or bringing of a child into a receiving state by his parent, step-parent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or nonagency guardian in the receiving state.

(b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

#### ARTICLE IX ENACTMENT AND WITHDRAWAL

This compact shall be open to joinder by any state, territory or possession of the United States, the District of Columbia, Commonwealth of Puerto Rico, and, with the consent of Congress, the Government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

#### ARTICLE X CONSTRUCTION AND SEVERABILITY

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party

state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[1975 c.482 §1]

**417.210 Financial responsibility for placed children.** (1) Financial responsibility for any child placed pursuant to the provisions of the Interstate Compact on the Placement of Children shall be determined in accordance with the provisions of Article V thereof in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of ORS 416.010 to 416.260, ORS chapter 110 and any other applicable laws also may be invoked.

(2) The "appropriate public authorities" as used in Article III of the Interstate Compact on the Placement of Children shall, with reference to this state, mean the Children's Services Division of the Department of Human Resources and the division shall receive and act with reference to notices required by Article III thereof.

(3) As used in paragraph (a) of Article V of the Interstate Compact on the Placement of Children, the phrase "appropriate authority in the receiving state" with reference to this state shall mean the Children's Services Division of the Department of Human Resources.

[1975 c.482 §2]

**417.220 Agreements with other states; effect of financial provisions.** The officers and agencies of this state and its subdivisions having authority to place children are authorized to enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph (b) of Article V of the Interstate Compact on the Placement of Children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the State Treasurer in the case of the state and of the chief local fiscal officer in the case of a subdivision of the state. [1975 c.482 §3]

**417.230 Compliance with visitation, inspection or supervision requirements.** Any requirements for visitation, inspection or supervision of children, homes, institutions or other agencies in another party state which may apply under ORS 418.250, 418.255 and 418.260 shall be considered to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this state or a subdivision thereof as contemplated by paragraph (b) of Article V of the Interstate Compact on the Placement of Children. [1975 c.482 §4]

**417.240 Placement of children in institutions in other states.** Any court having jurisdiction pursuant to ORS chapter 419 to place children may place a child in an institution in another state pursuant to Article VI of the Interstate Compact on the Placement of Children and shall retain jurisdiction as provided in Article V thereof. [1975 c.482 §5]

**417.250 "Executive head" defined.** As used in Article VII of the Interstate Compact on the Placement of Children, the term "executive head" means the Governor. The Governor is authorized to appoint a compact administrator in accordance with the terms of said Article VII. [1975 c.482 §6]

**417.260 ORS 418.290 inapplicable to children placed pursuant to compact.** The provisions of ORS 418.290 do not apply to a child placed or proposed to be placed in Oregon pursuant to the Interstate Compact on the Placement of Children. Application of the requirement contained in paragraph (d) of Article III of the Interstate Compact on the Placement of Children shall be in lieu of the requirements of ORS 418.290. [1975 c.482 §7]

## COMMUNITY JUVENILE SERVICES (Generally)

**417.400 Short title.** ORS 417.405 to 417.490 shall be known and may be cited as the "Community Juvenile Services Act." [1979 c.682 §1]

**417.405 Definitions for ORS 417.400 to 417.490.** As used in ORS 417.400 to 417.490, unless the context requires otherwise:

(1) "Commission" means the Juvenile Services Commission.

(2) "County" means a county or two or more counties which have combined to provide services to juveniles.

(3) "Juvenile" means a person who is:

(a) Less than 18 years of age and has not been permanently remanded to criminal court pursuant to subsection (4) of ORS 419.533 or emancipated pursuant to ORS 109.555; or

(b) Eighteen to 20 years of age and is under the jurisdiction of the juvenile court.

(4) "Lay citizen" means a person who is not employed by, or receiving remuneration from, a court, a law enforcement agency or a public or private agency offering direct services to juveniles.

(5) "Plan" means the comprehensive juvenile services plan required by ORS 417.420.

(6) "Program" means those programs and services described in ORS 417.415.

(7) "State agencies" means agencies as defined in ORS 291.002. [1979 c.682 §3]

**417.410 Policy.** It is declared to be the legislative policy of the State of Oregon to aid in the establishment of local juvenile services programs and finance such programs on a continuing basis with appropriations from the General Fund. The intended purposes of ORS 417.400 to 417.490 are to develop state-wide standards for juvenile services through the creation of a Juvenile Services Commission; assist in the provision of appropriate preventive, diversionary and dispositional alternatives for children; encourage coordination of the elements of the juvenile services system; and provide an opportunity for local involvement in developing community services for juveniles so that the following objectives may be obtained:

(1) The family unit shall be preserved;

(2) Intervention shall be limited to those actions which are necessary and utilize the least restrictive and most effective and appropriate resources;

(3) The family shall be encouraged to participate actively in whatever treatment is afforded a child;

(4) Treatment in the community, rather than commitment to a state juvenile training school, shall be provided whenever possible; and

(5) Use of jails for the detention of juveniles shall be eliminated as soon as reasonably possible except for the detention of juveniles

accused of acts involving serious bodily harm or the threat of serious bodily harm to others. [1979 c.682 §2]

**417.415 Commission to make grants to counties for operation of juvenile programs.** Beginning January 1, 1980, and each fiscal year thereafter, the commission shall make grants in accordance with the provisions of ORS 417.400 to 417.490 to assist counties in the implementation and operation of juvenile programs including, but not limited to, programs for delinquency prevention, diversion, detention, shelter care, probation, restitution, family support services and community centers for the care and treatment of juveniles in need of services. [1979 c.682 §8]

**417.420 Application for grants by counties; qualifications of county plans; termination of participation in funding.** (1) A county may apply to the commission in a manner and form prescribed by the commission for funds made available under ORS 417.400 to 417.490. The application shall include a comprehensive juvenile services plan. On request, the commission shall provide consultation and technical assistance to counties to aid in the development and implementation of juvenile services plans.

(2) After approval of the juvenile services plan by the commission, the county may receive moneys for the operation of the plan by notifying the commission 90 days prior to implementation of the plan. Such notification shall be in the form of a resolution by the appropriate board of county commissioners.

(3) All juvenile services plans shall comply with rules adopted pursuant to ORS 417.400 to 417.490 and shall include, but need not be limited to:

(a) A description of the programs of public and private agencies within the county which offer services to juveniles at various age levels, including those programs which have a significant delinquency prevention aspect or objective;

(b) The manner in which each proposed juvenile program will be provided and a demonstration of the need for each program, its purpose, administrative structure, staffing, proposed budget, degree of community involvement, client participation and duration;

(c) The manner in which the policies of ORS 417.410 and the requirements of ORS 417.430 will be met;

(d) The manner in which counties that jointly apply for participation under ORS 417.400 to 417.490 will operate a coordinated juvenile services program;

(e) The manner in which the community juvenile services commission will participate in planning juvenile services;

(f) The manner in which public and private agencies within the county will be notified of the availability of funds and the opportunity to participate under ORS 417.400 to 417.490;

(g) Provisions for administering moneys awarded under ORS 417.400 to 417.490; and

(h) Criteria which shall be used in evaluating programs pursuant to paragraph (f) of subsection (1) of ORS 417.490.

(4) That portion of a juvenile services plan dealing with the administration, procedures and programs of the juvenile court and the county juvenile department shall not be submitted to the commission without the concurrence of the presiding judge of the court having jurisdiction in juvenile cases.

(5) Counties shall give consideration to contracting with private nonprofit agencies for provision of juvenile services and shall notify such agencies of the availability of funds under ORS 417.400 to 417.490.

(6) No amendment to or modification of an approved juvenile services plan which involves more than five percent of the moneys awarded to a county in a fiscal year shall be placed in effect without prior approval of the commission.

(7) Any county that receives funds under ORS 417.400 to 417.490 may terminate its participation at the end of any month by delivering a resolution of its board of commissioners to the commission not less than 120 days before the termination date.

(8) If a county terminates its participation under ORS 417.400 to 417.490, the unexpended and unobligated funds made available to the county under ORS 417.415 shall revert to the commission. [1979 c.682 §9]

**417.425 Determination of county fund share.** (1) Funds for juvenile programs shall consist of payments from moneys appropriated to the commission, pursuant to subsection (1) of section 17, chapter 682, Oregon Laws 1979. The commission shall, prior to October 1, 1979, and prior to April 1 of each year thereafter, determine each county's estimated percentage share of the amount to be appro-

riated for the purposes of this subsection. Such determination shall be based upon each county's respective share of resident juveniles under the age of 18 in accordance with rules adopted by the commission, except that a minimum grant of \$20,000 shall be provided to each participating county. In those cases where two or more counties have combined to deliver services to juveniles, the counties shall not receive less as a group than they would have received if each county had participated separately.

(2) The numbers of resident juveniles under the age of 18 for each county shall be certified to the commission annually by January 1 of each year by the Center for Population Research and Census. [1979 c.682 §10]

**417.430 Obligations of counties receiving funds; assuming certain Children's Services Division responsibilities.**

(1) A county which accepts funds under ORS 417.400 to 417.490 shall:

(a) Within a reasonable time comply, or show substantial progress toward compliance, with the standards and reporting procedures established by the commission pursuant to paragraphs (c) and (e) of subsection (1) of ORS 417.490.

(b) Insure that the following services be provided by the county juvenile department or other public or private agencies:

(A) Twenty-four hour intake screening services or accessibility to such services for juveniles referred to the county juvenile department;

(B) Family crisis intervention services; and

(C) A program to divert juveniles from the juvenile justice system.

(2) Subject to the approval of the commission, a county receiving funds under ORS 417.400 to 417.490 may assume responsibility for some portion of those services currently required to be provided by the Children's Services Division. Such services shall be limited to those which may be appropriately assumed by the county, with due consideration given both to the costs incurred by the county in providing the services and the effect on the treatment quality, and which involve juveniles who are alleged, or have been found, to be within the jurisdiction of the juvenile court for one or more of the acts specified in paragraph (a), (b) or (f) of subsection (1) of ORS 419.476 or paragraph (c) of subsection (1) of

ORS 419.476 when the juvenile's own behavior is such as to endanger the juvenile's welfare or the welfare of another. [1979 c.682 §11]

**417.435 Purpose of grants to counties; restrictions on use.** (1) Within the limits of available funds, the Juvenile Services Commission shall award grants to counties receiving funds under ORS 417.415 for the purpose of acquiring, developing, building or improving local facilities for juveniles, providing the development and use of the facilities are set forth in the counties' approved juvenile services plans. The commission shall award grants on a competitive basis, giving preference to those facilities which are or will be utilized on a regional basis and which, in the opinion of the commission, can lead to a reduction or cessation of the use of jails and lockups for the detention of juveniles or can aid in reducing the number of commitments to the juvenile training schools or placements in other types of long term out-of-home care for children who have been found to have committed offenses.

(2) No funds awarded under ORS 417.400 to 417.490 shall be used to acquire, develop, build or improve local correctional facilities, as defined in ORS 169.005, unless such facilities contain juvenile sections separated from the sight and sound of adult inmates and operated and staffed by county juvenile department employes, or the funds awarded under ORS 417.400 to 417.490 will be used to attain the objectives of having juvenile sections separated from the sight and sound of adult inmates and operated and staffed by county juvenile department employes. [1979 c.682 §12]

**417.440 Review by commission of county implementation of plan; procedure to suspend funding; restriction on use of funds.** (1) The commission shall review periodically the performance of counties participating under ORS 417.400 to 417.490. If the commission determines that there are reasonable grounds to believe that a county is not in substantial compliance with its plan, the commission, after giving the county not less than 120 days' notice, shall conduct a public hearing to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. After the hearing, the commission may suspend any portion of those funds made available to the county under ORS 417.400 to 417.490 until the required compliance occurs.

(2) Funds received by a county under ORS 417.400 to 417.490 shall not be used to replace county general fund moneys, other than federal or state funds, currently being used by the county for existing programs for juveniles.

(3) Funds received under ORS 417.400 to 417.490 shall not be used for capital construction or the lease or acquisition of facilities unless such funds have been awarded under ORS 417.435. [1979 c.682 §13]

**417.445 Counties receiving funds to appoint local juvenile services commission; members; duties and powers.** (1) The board of county commissioners of a county that is receiving, or plans to receive, funds under ORS 417.400 to 417.490 and the presiding judge of the court having jurisdiction in juvenile cases shall appoint a chairperson and at least 11 but not more than 21 other members of a community juvenile services commission. In choosing the members of the commission, the county commissioners and the judge shall each have one vote. A majority of the commission, including the chairperson, shall be lay citizens.

(2) Members of a community juvenile services commission shall be appointed to four-year terms, except that the board of county commissioners shall establish staggered terms for the first persons appointed to such commission. A member is eligible for reappointment.

(3) A community juvenile services commission shall participate actively in the design of the county's juvenile services plan and application for funds, observe the operation of juvenile services in the county, make an annual report and develop appropriate recommendations for improvement or modification of juvenile services to the county commissioners. [1979 c.682 §14]

**417.450 Assessment of counties accepting funds; limitation on amount; use of funds.** (1) After January 1, 1981, each county which accepts funds under ORS 417.400 to 417.490 shall be assessed a charge of \$1,500 for each juvenile who is a resident of that county and who has been committed to a state training school for an act which would be a Class C felony or a lesser offense if committed by an adult, except that within each fiscal year a county shall not be assessed for more than the mean number of such commitments from the county in the three previous fiscal years.

(2) Assessments received by the state under subsection (1) of this section shall be placed in a special account of the Children's Services Division for use in partial payment of the operating expenses of the state training schools. However, the division shall not use such funds until the use is approved by the Legislative Assembly or, if it is not in session, by the Emergency Board. [1979 c.682 §15]

**417.455 Alternative financing method for counties; use of unobligated division moneys.** (1) Counties not participating in ORS 417.400 to 417.490 may receive state financial assistance for juvenile court services as provided in ORS 423.310 to 423.360.

(2) When a county receiving funds under ORS 423.310 to 423.360 becomes a participant in ORS 417.400 to 417.490, any funds appropriated to the Children's Services Division for financial assistance to that county under ORS 423.310 to 423.360 which remain unobligated and unexpended shall not be expended by the division but shall be transferred to the commission effective on the date the county becomes a participant. Such funds shall be distributed to counties participating in ORS 417.400 to 417.490 in a manner determined to be equitable by the commission. [1979 c.682 §16]

#### (Administration)

**417.475 Juvenile Services Commission; members; qualification; advisory committees.** (1) There is created a Juvenile Services Commission consisting of a chairperson and eight members appointed by the Governor. A majority of the commission, including the chairperson, shall be lay citizens. Employees of state agencies shall not be appointed to the commission.

(2) The commission may appoint members of such advisory committees as it considers necessary to assist it in the performance of its duties. [1979 c 682 §4]

**417.480 Terms of commission members; vacancies; reappointment; compensation; expenses; advisory committee expenses.** (1) The chairperson and members of the commission shall serve for a period of four years at the pleasure of the Governor provided their employment does not change in such a way that they fail to meet the requirements of subsection (1) of ORS 417.475. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A mem-

ber is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become effective immediately for the unexpired term.

(2) The chairperson and members of the commission shall receive compensation as provided in ORS 292.495.

(3) A member of an advisory committee shall receive no compensation, but shall receive actual and necessary travel and other expenses incurred in the performance of official duties within limits provided by law or rule under ORS 292.210 to 292.288. [1979 c.682 §5]

**417.485 Executive director; compensation; expenses; employes.** (1) The commission shall appoint an executive director who shall be the administrative officer of the commission. The executive director shall be in the unclassified service for the purposes of the State Merit System Law and shall receive actual and necessary travel and other expenses incurred in carrying out prescribed duties, within limits as provided by law or rule under ORS 292.210 to 292.288.

(2) With the approval of the commission, the executive director may employ such other personnel as may be necessary to facilitate and assist in carrying out the functions of the commission. The employment of such personnel shall be subject to the applicable provisions of the State Merit System Law. [1979 c 682 §6]

**417.490 Duties and powers of commission.** (1) Consistent with the purposes and objectives of ORS 417.400 to 417.490, the commission shall:

(a) Administer funds appropriated for juvenile programs, as provided in ORS 417.425;

(b) Administer funds for capital construction as provided in ORS 417.435;

(c) Establish minimum standards of services to be offered by counties receiving funds under ORS 417.400 to 417.490, including those services set forth in ORS 417.430;

(d) Develop proposed standards for juvenile detention facilities including, but not limited to, standards for physical facilities, care, programs and disciplinary procedures, for presentation to the 1981 session of the Legislative Assembly;

(e) Establish a uniform system of reporting and collecting statistical data from county

juvenile departments and other youth-serving agencies;

(f) Establish and operate a state-wide system to monitor and evaluate the effectiveness of programs provided under ORS 417.400 to 417.490 in preventing persons from entering the juvenile justice system and in rehabilitating juvenile offenders;

(g) Provide consultation services on request to counties, community juvenile services commissions, juvenile court judges and employes of juvenile departments and other youth-serving agencies;

(h) Recommend rules of procedure for juvenile courts to the Council on Court Procedures;

(i) Recommend guidelines to be used by the counties for the diversion of juveniles from the juvenile justice system;

(j) Prepare a biennial report to the Governor and the Legislative Assembly on those standards, recommendations, guidelines and rules developed under this section and including recommendations on administrative and legislative actions which would improve the juvenile justice system;

(k) Insure widespread citizen involvement in all phases of its work;

(L) Meet at least once each quarter; and

(m) Adopt rules in accordance with ORS 183.310 to 183.500.

(2) Consistent with the purposes and objectives of ORS 417.400 to 417.490 and within the limits of available time and appropriations, the commission may:

(a) Recommend standards of administrative procedures for county juvenile departments, including, but not limited to, proce-

dures for intake, detention, petition filing and probation supervision;

(b) Recommend minimum professional standards, including requirements for continuing professional training, for employes of county juvenile departments and other youth-serving agencies;

(c) Recommend curricula for, and cause to have conducted, training sessions for juvenile court judges and employes of county juvenile departments and other youth-serving agencies;

(d) Collect data annually on county juvenile department staffing, salaries, classifications and budgets;

(e) Assist and advise state and local agencies in the establishment of volunteer training programs and the utilization of volunteers; and

(f) Apply for and receive funds from federal and private sources for carrying out the purposes of ORS 417.400 to 417.490.

(3) In formulating and adopting the standards, recommendations, guidelines and rules provided for in this section, the commission shall consider the differences among counties in population, geography and the availability of local resources. [1979 c.682 §7]

## PENALTIES

**417.990 Penalty for placement of children in violation of compact.** The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of the Interstate Compact on the Placement of Children is a Class A misdemeanor. [1975 c.482 §8]

## 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,  
October 1, 1979

Thomas G Clifford  
Legislative Counsel

