

# Chapter 417

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**INTERSTATE COMPACT ON JUVENILES**

**417.010 "Juvenile" defined for ORS 417.010 to 417.080.** As used in ORS 417.010 to 417.080, "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 the return of the juvenile. 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 the running away of the juvenile, 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 the welfare of the juvenile 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 the juvenile is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel a return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, the judge 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 legal custody, and that it is in the best interest and for the protection of such juvenile that the juvenile 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 subject 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 the person 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 shall have appointed to receive the juvenile, unless the juvenile shall first

be taken forthwith before a judge of a court in the state, who shall inform the juvenile of the demand made for the return of the juvenile, and who may appoint counsel or guardian ad litem for the juvenile. If the judge of such court shall find that the requisition is in order, the judge shall deliver such juvenile over to the officer whom the court demanding shall have appointed to receive the juvenile. 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 the parent, guardian, person or agency entitled to 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 the person's own protection and welfare, for such a time not exceeding 30 days as will enable the return to another state party to this compact pursuant to a requisition for the 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 the juvenile is found any criminal charge, or any proceeding to have the juvenile adjudicated a delinquent juvenile for an act committed in such state, or if the juvenile is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, the juvenile 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 the return to the state from which the juvenile 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 the juvenile 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 adjudication as a delinquent juvenile, the circumstances of the breach of the terms of probation or parole or of escape from an institution or agency vested with 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 the person 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 shall have appointed to receive the juvenile, unless the juvenile shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform the juvenile of the demand made for the return and who may appoint counsel or guardian ad litem. If the judge of such court shall find that the requisition is in order, the judge shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding the juvenile 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 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, the juvenile 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 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 legal custody or supervision, there is pending in the state wherein the juvenile is detained any criminal charge or any proceeding to have the juvenile adjudicated a delinquent juvenile for an act committed in such state, or if the juvenile is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, the juvenile 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 the return to the state from which the juvenile 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 delin-

quent 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 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 the immediate return to the state from which the juvenile absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and 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 counsel or guardian ad litem, if any, consent to the 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 the 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 the juvenile to the duly accredited officer or officers of the state demanding the 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 the juvenile to return unaccompanied to such state and shall provide the juvenile 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 orders, 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 the juvenile within the receiving state any criminal charge or any proceeding to have the juvenile adjudicated a delinquent juvenile for any act committed in such state, or if the juvenile is

suspected of having committed within such state a criminal offense or an act of juvenile delinquency, the juvenile 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 the juvenile 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 the juvenile 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 re-

nouncing 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. The administrator 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. The administrator 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 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 ac-

complish the purposes of ORS 417.010 to 417.080. The administrator shall prescribe the duties of the deputy and such other personnel, and they shall be subject to the control and under the immediate supervision of the administrator. Personnel other than the administrator and the deputy shall be subject to any applicable provision of the State Personnel Relations 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 417.080. [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]

**INTERSTATE COMPACT ON  
PLACEMENT OF CHILDREN**

**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 PLACE-  
MENT 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 employee thereof; a subdivision of a party state, or officer or employee 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 authority 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 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 the jurisdiction of the officer and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate 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 a parent, step-parent, grandparent, adult brother or sister, adult uncle or aunt, or guardian and leaving the child with any such relative or non-agency 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]

**OREGON COORDINATING COUNCIL  
FOR CHILDREN AND FAMILIES**

**417.300 Purpose of ORS 417.300 to 417.335.** The purpose of ORS 417.300 to 417.335 is to establish a state policy for serving Oregon's children and families, in recognition that addressing the needs of children necessarily requires addressing the needs of families, and to direct state agencies to coordinate state programs accordingly. [1989 c.834 §2]

**417.305 Legislative findings.** (1) The Legislative Assembly finds and declares that:

(a) Children are our future;

(b) Healthy children and families are of fundamental importance to the vitality of Oregon;

(c) Children are entitled to safety and health;

(d) All children deserve love, respect and guidelines for responsible behavior; and

(e) Families should be supported and strengthened.

(2) The Legislative Assembly recognizes that demands on families, created in part by changes in family structures and relationships, intensify the need for Oregon to support children and families toward the goals of family stability and broader access for children, youth and families to:

(a) The best possible physical and mental health;

(b) Adequate food and safe physical shelter;

(c) A safe and healthy environment;

(d) The highest quality of educational opportunity;

(e) Quality education;

(f) Effective training, apprenticeship and productive employment;

(g) A range of civic, cultural, educational and recreational activities which promote self-esteem and a sense of community;

(h) Community services which are efficient, coordinated and readily available; and

(i) Genuine participation in decisions concerning the planning and managing of their lives and respect for such decisions.

(3) In the interest of assuring coordination of all children and family services and education programs provided by or funded by the state and the effective use of state resources, the state shall:

(a) Develop a plan for appropriating adequate funds;

(b) Develop a cooperative partnership among state agencies that serve children, youth and families;

(c) Establish state priorities; develop and implement service standards that reflect a balanced and comprehensive range of services for all children, youth and families; monitor and evaluate services and insure accessibility of services for all children, youth and families; and

(d) Actively seek the advice of local governmental jurisdictions, providers of services, educators, the private business sector, citizens and youth in effecting this subsection. [1989 c 834 §]

**417.310 Oregon Coordinating Council for Children and Families; duties; mem-**

**bership.** (1) To accomplish the goals set forth in ORS 417.300 and 417.305, the Director of the Department of Human Resources, the Superintendent of Public Instruction, the Commissioner for Community College Services and the Director of the Oregon Community Children and Youth Services Commission shall establish the Oregon Coordinating Council for Children and Families. For state programs providing services to children and families and education programs, the council shall:

(a) Review agency program plans and budgets;

(b) Determine needs for modifying or expanding existing services and programs or adding new services and programs;

(c) Coordinate and improve communication among agencies serving children and families;

(d) Develop a coordinated information base for more effective planning, budgeting and operating; and

(e) Assess progress of effective coordination among human service and education programs directed at children and families.

(2) The officials named in subsection (1) of this section shall serve on the council and shall appoint to the council lead administrators of agency programs that conduct human services or education programs focused on children or families.

(3) A citizen who has experience with private or nonprofit providers of services to children and families shall be appointed to the council by the Governor.

(4) The officials named in subsection (1) of this section shall convene meetings on at least a quarterly basis. [1989 c.834 §4]

**417.315 Reports of council.** (1) The Oregon Coordinating Council for Children and Families shall present written plans and progress reports to the Legislative Assembly and the Governor as to how state agencies are to collaborate with one another at state and local levels to serve children and families in Oregon most efficiently.

(2) Progress reports and revised plans shall be submitted semiannually to the Governor and the President of the Senate and Speaker of the House of Representatives for referral to appropriate interim or standing committees of the Legislative Assembly.

(3) The council shall develop a means to insure that the council considers in its planning, budgeting, coordinating and other activities the information devised by the local planning process created by ORS 417.400, 417.405, 417.420 to 417.430, 417.440, 417.445, 417.475, 417.490 and 417.500, as well as the information generated by state advisory

groups, local government planning and operational efforts, community programs and state personnel working at local levels.

(4) The council's report shall include but is not limited to the following:

(a) Identification of children and family services and education programs of state agencies;

(b) Assessment of duplication of children and family services and education programs among state agencies;

(c) Identification of advisory committees, task forces and commissions related to children and family services and education programs by state agencies, and description as to their mission and operational status;

(d) Recommendations as how to best coordinate and utilize services;

(e) Recommendations as to the most effective manner of informing the public of the availability of appropriate children and family services and education program resources in each local community;

(f) Proposals, as appropriate, for legislation to accomplish report recommendations and goals of ORS 184.457, 184.805, 326.051, 411.060, 417.300 to 417.335, 417.490, 430.021 and 431.110, including budget proposals and priorities for meeting unmet needs; and

(g) Review and assessment of progress toward the goals stated in ORS 417.300 and 417.305 and toward recommendations stated in previous reports. [1989 c 834 §5]

**417.320 Oregon Budget for Children and Families.** Consistent with the policies stated in ORS 417.300 and with the data reported in accordance with ORS 417.315:

(1) The council shall prepare a coordinated biennial Oregon Budget for Children and Families budget document encompassing children and family services and education programs in state agencies.

(2) The coordinated budget document shall be designed to facilitate policy decision-making with sufficient detail to analyze comprehensively children and family services and education programs in state agencies.

(3) The coordinated budget document shall be submitted to the Governor at the designated time for inclusion in the Governor's biennial budget. The coordinated budget document shall also be submitted directly to members of the Legislative Assembly for informational purposes. [1989 c 834 §6]

**417.325 Source of funds available to council.** The Oregon Coordinating Council for Children and Families shall accomplish its work using funds available to each of the participating agencies. [1989 c.834 §7]

**417.330 Coordination of state services to children, youth and families.** The Children's Services Division, the Adult and Family Services Division, the Health Division, the Mental Health and Developmental Disability Services Division and the office of Alcohol and Drug Abuse Programs of the Department of Human Resources, the Department of Education, the Office of Community College Services and the Oregon Community Children and Youth Services Commission shall be guided by the goals set forth in ORS 417.300 to 417.335 in coordinating their planning, budgeting and delivery of services to children, youth and families. [1989 c 834 §8]

**417.335 Short title.** ORS 417.300 to 417.335 may be cited as the Oregon Children and Families Act. [1989 c 834 §1]

## COMMUNITY CHILDREN AND YOUTH SERVICES

### (Generally)

**417.400 Short title.** ORS 417.400 to 417.490 shall be known and may be cited as the "Community Children and Youth Services Act." [1979 c 682 §1; 1989 c.835 §2]

**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 Oregon Community Children and Youth Services Commission.

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

(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 ORS 419.533 (6) 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 children and juveniles.

(5) "Plan" means the comprehensive Juvenile Services, Great Start and Student Retention Initiative plans required by ORS 417.420 to 417.445.

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

(7) "State agencies" means state agencies as defined in ORS 291.002. [1979 c 682 §3; 1985 c.631 §6; 1989 c.835 §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 an Oregon Community Children and Youth 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) Communities shall be encouraged and assisted in the development of alternatives to secure temporary custody for children who are not eligible for secure detention. [1979 c.682 §2, 1985 c.499 §1]

**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 Oregon Community Children and Youth Services 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 covering services described in ORS 417.415. 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 re-

ceive moneys for the operation of the plan by notifying the commission 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 existing 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 effectiveness, its purpose, administrative structure, staffing, proposed budget, degree of community involvement, client participation, duration and the methods by which the program is to be coordinated with existing programs;

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

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

(e) The manner in which the local community children and youth services commission is to participate in planning juvenile services;

(f) The manner in which public and private agencies within the county are to 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;

(h) Criteria which shall be used in evaluating programs pursuant to ORS 417.490 (1)(h); and

(i) A description of community involvement in the planning process and implementation of programs, including other community planning processes and activities of local advisory committees and task forces.

(4) That portion of a juvenile services plan dealing with the administration, procedures and programs of the juvenile court 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 or tax exempt 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; 1981 c.383 §1; 1989 c.835 §14]

**417.425 Determination of county share.** (1) Funds for juvenile programs offered under ORS 417.415 shall consist of payments from moneys appropriated therefor to the Oregon Community Children and Youth Services Commission by the Legislative Assembly. The commission shall prior to April 1 of each odd-numbered year determine each county's estimated percentage share of the amount to be appropriated for the purposes of this subsection. Such determination shall be based upon each county's respective share of resident juveniles under 18 years of age in accordance with rules adopted by the commission, except that a minimum annual grant of \$25,000 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 18 years of age for each county shall be certified to the commission by January 1 of each odd-numbered year by the Center for Population Research and Census. [1979 c.682 §10; 1981 c.383 §2; 1989 c.835 §15]

**417.430 Obligations of counties receiving funds; assuming certain Children's Services Division responsibilities.** (1) A county which accepts funds for juvenile services plans 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 Oregon Community Children and Youth Services Commission pursuant to ORS 417.490 (1)(e) and (g).

(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;

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

(D) A program of alternatives to juvenile court detention; and

(E) A program to provide services to juveniles who are alleged to have committed acts which would not be offenses if committed by adults.

(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 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 ORS 419.476 (1)(a), (b), (c) or (f) when the juvenile's own behavior is such as to endanger the juvenile's welfare or the welfare of another. [1979 c.682 §11; 1981 c.383 §3; 1985 c.618 §9; 1989 c.835 §16]

**417.435 Purpose of grants to counties; restrictions on use.** (1) Within the limits of available funds, the Oregon Community Children and Youth 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 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 employees, 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 employees. [1979 c.682 §12, 1985 c.499 §2]

**417.440 Review by commission of county implementation of plan; procedure to suspend funding; restriction on use of funds.** (1) The Oregon Community Children and Youth Services Commission shall review periodically the performance of juvenile services plans of the counties funded 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 for juvenile services plans 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, 1989 c.835 §17]

**417.445 Local children and youth 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 local community children and youth services commission. In choosing the members of the commission, the county commissioners and the judge shall each have one vote. The appointments shall represent a balance among persons who have knowledge of the issues related to Great Start, Juvenile Services or Student Retention Initiative services provided in ORS 417.400, 417.405, 417.420 to 417.430, 417.440, 417.445, 417.475, 417.490 and 417.500. A majority of the commission, including the chairperson, shall be lay citizens.

(2) Members of a local community children and youth services commission shall be appointed to four-year terms, except that the board of county commissioners shall estab-

lish staggered terms for the first persons appointed to such commission. A member is eligible for reappointment.

(3) A local community children and youth services commission shall prepare the county's Juvenile Services, Great Start and Student Retention Initiative plans and application for funds, observe the operation of Juvenile, Great Start and Student Retention Initiative services in the county, make an annual report and develop appropriate recommendations for improvement or modification of such services to the county commissioners.

(4) The local community children and youth services commission may with the concurrence of the board of county commissioners appoint members to:

(a) A Great Start advisory committee to assist in making applications for the Great Start plans described in sections 8 to 13, chapter 835, Oregon Laws 1989;

(b) A Juvenile Services advisory committee to advise on grant applicants for juvenile services plans;

(c) A Student Retention Initiative advisory committee to advise on grant applications for student retention programs described in section 19, chapter 835, Oregon Laws 1989; and

(d) Other advisory committees as it shall determine are needed. [1979 c.682 §14; 1985 c.499 §9; 1989 c.835 §18]

417.450 [1979 c.682 §15; 1981 c.383 §4, 1983 c.283 §1, 1985 c.499 §7; repealed by 1989 c.119 §1]

**417.455 Other financing method for counties.** Counties may receive state financial assistance for juvenile court services as provided in ORS 423.310 to 423.350 without regard to the counties' participation in ORS 417.400 to 417.490. [1979 c.682 §16; 1981 c.383 §5, 1985 c.499 §5] [1989 c.835 §21]

#### (Administration)

**417.475 Oregon Community Children and Youth Services Commission; term; qualification; advisory committees.** (1) There is created an Oregon Community Children and Youth Services Commission consisting of a chairperson and 10 members appointed by the Governor. The appointments shall represent a balance among persons who have knowledge of the issues related to Great Start, Juvenile Services or Student Retention Initiative services provided in ORS 417.400, 417.405, 417.420 to 417.430, 417.440, 417.445, 417.475, 417.490 and 417.500. A majority of the commission, including the chairperson, shall be lay citizens.

(2) Members of the commission shall be appointed to four-year terms except that the

Governor shall establish staggered terms for the first persons appointed to such a commission.

(3) The commission may designate such advisory committees as it considers necessary to assist it in the performance of its duties. [1979 c.682 §4, 1989 c.835 §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 ORS 417.475 (1). Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member 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; employees.**

(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 Personnel Relations 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 Personnel Relations Law. [1979 c.682 §6]

**417.490 Duties and powers of commission.**

(1) Subject to ORS 417.300 and 417.305 and consistent with the purposes and objectives of ORS 417.400 to 417.490, the commission shall:

(a) Work with the Department of Human Resources, the Department of Education and other state agencies to coordinate the delivery of services to children and youth in the communities;

(b) Be responsible for review and approval of the comprehensive county plan. In addition to such other requirements as specified in ORS 417.400, 417.405, 417.420 to 417.430, 417.440, 417.445, 417.475, 417.490 and 417.500, the county comprehensive plan shall contain a description of the volunteer efforts and additional community activities stimulated by the local community children and youth commission;

(c) Administer funds appropriated for juvenile programs, as provided in ORS 417.425, for Great Start programs, as provided under section 11, chapter 835, Oregon Laws 1989, and for Student Retention Initiative programs as provided under section 19, chapter 835, Oregon Laws 1989;

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

(e) 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 and sections 12 and 13, chapter 835, Oregon Laws 1989;

(f) Develop proposed standards for juvenile detention facilities as defined in ORS 169.005 (2) including, but not limited to, standards for physical facilities, care, programs and disciplinary procedures, for presentation to the Legislative Assembly; and develop, in consultation with the Department of Corrections, guidelines pertaining to the operation of such juvenile detention facilities. The guidelines developed shall be implemented under the provisions of ORS 169.090;

(g) Establish a uniform system of reporting and collecting statistical data from county juvenile departments and other agencies serving children and youth under the provisions of ORS 417.400, 417.405, 417.420 to 417.430, 417.440, 417.445, 417.475, 417.490 and 417.500;

(h) 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;

(i) Establish and operate a state-wide system to monitor and evaluate the effectiveness of Great Start programs under sections 8 to 13, chapter 835, Oregon Laws 1989, in preparing children for school and increasing their ability to learn;

(j) Establish and operate a state-wide system to monitor and evaluate the effectiveness of the Student Retention Initiative programs under section 19, chapter 835, Ore-

gon Laws 1989, in retaining at-risk youth in school until graduation;

(k) Provide consultation services on request to counties, community children and youth services commissions, juvenile court judges and employees of juvenile departments and other agencies serving children and youth;

(L) Recommend rules of procedure for juvenile courts;

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

(n) Prepare a biennial report by January 15 of the odd-numbered year 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 and children's services;

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

(p) Meet at least once each quarter; and

(q) Adopt rules in accordance with ORS 183.310 to 183.550.

(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, procedures for intake, detention, petition filing and probation supervision;

(b) Recommend minimum professional standards, including requirements for continuing professional training, for employees 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 employees 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; 1981 c.869 §6; 1985 c.499 §6, 1987 c.320 §157, 1989 c.834 §16; 1989 c.835 §22]

**417.500 Legislative findings.** The Legislative Assembly finds that:

(1) It is to the benefit of the State of Oregon to provide a continuum of services for children zero to 18 years of age to assure that every child in Oregon has the opportunity to graduate from high school healthy, literate and skilled.

(2) Programs involving children require coordination between the age groups being served, between the nature of and need for services and among agencies serving these children.

(3) A community-based organization with broad representation is an effective mechanism to plan, advocate for and stimulate community action on behalf of children and families.

(4) The Oregon Community Children and Youth Services Commission is an effective agency for coordinating many of the services by reviewing local grant applications and plans while leaving the providing of services to the community.

#### **417.510 Commission report to council.**

The commission shall report annually to the Oregon Coordinating Council for Children and Families on September 1 on the local plans described in sections 10, 14 and 19, chapter 835, Oregon laws 1989, and ORS 417.420 for use by the council in developing its proposals to carry out ORS 184.457, 184.805, 326.051, 411.060, 417.300 to 417.335, 417.490, 430.021 and 431.110. [1989 c.835 §1]

Note: 417.510 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 417 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

### **GREAT START**

Note: Sections 8 to 13, 19, 20 and 29, chapter 835, Oregon Laws 1989, are repealed June 30, 1993. The text is set forth for the user's convenience.

Sec. 8. It is declared to be the legislative policy of the State of Oregon to aid in the establishment of local Great Start programs serving children zero to six years of age and finance such programs on a continuing basis with appropriations from the General Fund. The intended purposes of sections 8 to 13 of this 1989 Act are to develop state-wide standards for children services through the Oregon Community Children and Youth Services Commission; assist in the provision of appropriate prevention and early intervention services; encourage coordination of the elements of the children's services system, and provide an opportunity for local involvement in developing community services for children so that the following objectives may be obtained

(1) The family unit shall be preserved and parents are recognized as the most important teachers, care givers and role models for their children;

(2) Intervention occurs as early as possible when needed and 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 services are made available to a child; and

(4) Community involvement is an integral part of planning and implementation of programs [1989 c.835 §8]

**Sec. 9.** Beginning September 1, 1989, and each fiscal year thereafter, the Oregon Community Children and Youth Services Commission shall make grants in accordance with the provisions of sections 8 to 13 of this 1989 Act with the goal of having children reach the first grade with good physical, social, emotional and language development. The commission shall assist counties in the implementation and operation of Great Start programs for children zero to six years of age including parent support programs, child care and child development services, health and mental health promotion and programs for access to services [1989 c.835 §9]

**Sec. 10.** (1) A county may apply to the Oregon Community Children and Youth Services Commission in a manner and form prescribed by the commission for funds made available under sections 8 to 13 of this 1989 Act. The application shall include a comprehensive Great Start plan covering services described in section 9 of this 1989 Act. On request, the commission shall provide consultation and technical assistance to counties to aid in the development and implementation of Great Start plans

(2) After approval of the Great Start plan by the commission, the county may receive moneys for proposed programs and for development and implementation of the plan by notifying the commission in the form of a resolution by the appropriate board of county commissioners.

(3) All Great Start plans shall comply with rules adopted pursuant to ORS 417.490 and shall include, but need not be limited to.

(a) A description of the existing programs of public and private agencies within the county which offer services to children including those programs which have a significant prevention and early intervention aspect or objective. The plan shall report on the adequacy of services to children in the following areas: Child care; early childhood education and development; prenatal and other health and mental health care, teen pregnancy prevention, services to teenage parents and their children; child abuse prevention, services and treatment, parent education and support, prekindergarten programs; high-risk infant tracking; and referral services,

(b) The manner in which each proposed program to be funded is to be provided and a demonstration of the need for each program, its effectiveness in achieving the stated goal, its purpose, administrative structure, staffing, proposed budget, degree of community involvement, client participation, duration and the methods by which the program will be coordinated with existing programs;

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

(d) The manner in which counties that jointly apply for participation under ORS 417.400 to 417.490 are to operate a coordinated Great Start program,

(e) The manner in which the local community children and youth services commission is to participate in planning Great Start services,

(f) The manner in which public and private agencies within the county are to be notified of the availability of funds and the opportunity to participate under sections 8 to 13 of this 1989 Act,

(g) Provisions for administering moneys awarded under sections 8 to 13 of this 1989 Act;

(h) Criteria which shall be used in evaluating programs pursuant to ORS 417.490 (1)(h); and

(i) Description of community involvement in the planning process and in the implementation of programs, including other community planning processes and activities of local advisory committees and task forces.

(4) Counties shall give consideration to contracting with private nonprofit or tax exempt agencies for provision of children's services and shall notify such agencies of the availability of funds under sections 8 to 13 of this 1989 Act

(5) No amendment to or modification of an approved Great Start 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.

(6) Any county that receives funds under sections 8 to 13 of this 1989 Act 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.

(7) If a county terminates its participation under sections 8 to 13 of this 1989 Act, the unexpended and unobligated funds made available to the county under section 11 of this 1989 Act shall revert to the commission. [1989 c.835 §10]

**Sec. 11.** (1) Funds for Great Start programs shall consist of payments from moneys appropriated therefor to the Oregon Community Children and Youth Services Commission by the Legislative Assembly. Prior to April 1 of each odd-numbered year, the commission shall determine each county's estimated percentage share of the amount to be appropriated for the purposes of this subsection. The determination shall be based upon each county's respective share of resident children, determined in accordance with rules adopted by the commission, except that a minimum annual grant of \$12,500 shall be provided to each participating county. In those cases where two or more counties have combined to deliver services to children, 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 children for each county shall be certified to the commission by January 1 of each odd-numbered year by the Center for Population Research and Census [1989 c.835 §11]

**Sec. 12.** (1) A county which accepts funds for Great Start plans under sections 8 to 13 of this 1989 Act shall

(a) Within a reasonable time comply, or show substantial progress toward compliance, with the standards and reporting procedures established by the Oregon Community Children and Youth Services Commission pursuant to ORS 417.490 (1)(e) and (g).

(b) Demonstrate how each proposed program to be funded meets identified unmet needs in existing local programs and contributes to developing a continuum of services for children zero to six years of age

(2) Subject to the approval of the commission, a county receiving funds for Great Start plans under sections 8 to 13 of this 1989 Act may assume responsibility for some portion of those services currently 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 quality of treatment. [1989 c.835 §12]

**Sec. 13.** (1) The Oregon Community Children and Youth Services Commission shall review periodically the performance of Great Start plans of the counties funded under sections 8 to 13 of this 1989 Act. If the

commission determines that there are reasonable grounds to believe that a county is not in substantial compliance with its Great Start 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 withhold any portion of those funds made available to the county under sections 8 to 13 of this 1989 Act until the required compliance occurs.

(2) Funds received by a county under sections 8 to 13 of this 1989 Act 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 children

(3) Funds received under sections 8 to 13 of this 1989 Act shall not be used for capital construction or the acquisition of facilities [1989 c 835 §13]

**Sec. 19.** (1) The Oregon Community Children and Youth Services Commission shall make grants to counties, school districts, education service districts, and other public and private entities to fund student retention initiatives which have as their goal prevention of student dropouts by identifying at-risk youth in danger of leaving school before graduation and by assisting the youth to overcome the problems that contribute to their leaving school. In order to receive a Student Retention Initiative grant, a Dropout Prevention Plan must be submitted, which is part of the overall comprehensive county plan

(2) The Dropout Prevention plan shall:

(a) Report dropout information from districts covered by a Student Retention Initiative grant application and activities of local advisory committees and task forces;

(b) Describe existing systems for coordinating dropout prevention including referrals, services and planning;

(c) Describe existing programs aimed at dropout prevention supported by the schools, businesses and community organizations,

(d) Provide copies of goals or policies relating to keeping students in school adopted by school boards;

(e) Describe actions planned for dropout prevention over the next two years, and

(f) Describe the manner in which the local community children and youth services commission is to participate in planning student retention services. [1989 c 835 §19]

**Sec. 20.** (1) The Oregon Community Children and Youth Services Commission shall review periodically the performance of student retention programs of the counties funded under section 19 of this 1989 Act. If the commission determines that there are reasonable grounds to believe that a county is not in substantial compliance with its student retention contract, 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 withhold any portion of those funds made available to the county under section 19 of this 1989 Act until the required compliance occurs

(2) Funds received by a county under section 19 of this 1989 Act 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 children.

(3) Funds received under section 19 of this 1989 Act shall not be used for capital construction or the acquisition of facilities [1989 c 835 §20]

## COURT APPOINTED SPECIAL ADVOCATES

**417.600 Definitions for ORS 417.600 to 417.660.** As used in ORS 417.600 to 417.660, unless the context otherwise requires:

(1) "Child" means a person who is under 18 years of age.

(2) "Court appointed special advocate" and "CASA" mean a person appointed by the court pursuant to a CASA Volunteer Program to act as special advocate for a child under ORS 417.600 to 417.670 and 418.770.

(3) "CASA Volunteer Program" means a program approved or sanctioned by the juvenile court to recruit, train and supervise volunteer persons to serve as court appointed special advocates. [1987 c 906 §1]

**417.610 Court appointed special advocate.** (1) In every case involving an abused or neglected child which results in a judicial proceeding in juvenile court, the court shall appoint a court appointed special advocate. The court appointed special advocate shall be deemed a party in these proceedings, and in the furtherance thereof, may be represented by counsel, file pleadings, request hearings, and may subpoena, examine and cross-examine witnesses. If the court appointed special advocate is represented by counsel, counsel shall be paid from funds available to the Court Appointed Special Advocate Volunteer Program. No funds from the State Indigent Defense Fund or Judicial Department Operating Funds shall be used for this purpose.

(2) Subject to the direction of the court, the duties of the court appointed special advocate shall be to:

(a) Investigate all relevant information about the case;

(b) Advocate for the child, assuring that all relevant facts are brought before the court;

(c) Facilitate and negotiate to insure that the court, Children's Services Division, if applicable, and the child's attorney, if any, fulfill their obligations to the child in a timely fashion; and

(d) Monitor all court orders to insure compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order.

(3) If a juvenile court does not have available to it a CASA Volunteer Program, or a sufficient number of qualified CASA volunteers, the court may, in fulfillment of the requirements of this section, appoint a juvenile department employee or other suitable person to represent the child's interest in

court pursuant to ORS 419.494, 419.498 or 419.608. [1987 c.906 §2]

**417.620 Liability of special advocates and CASA personnel.** (1) Any person appointed as a court appointed special advocate in any judicial proceeding on behalf of the child shall be immune from any liability for defamation or statements made in good faith by that person, orally or in writing, in the course of the case review or judicial proceeding.

(2) Any person appointed as a court appointed special advocate, CASA Volunteer Program director, CASA Volunteer Program employee or member of the board of directors or trustees of any CASA Volunteer Program shall be immune from any liability for acts or omissions or errors in judgment made in good faith in the course or scope of that person's duties or employment as part of a CASA Volunteer Program. [1987 c.906 §3]

**417.630 Parental liability for costs of CASA services.** Whenever the court appoints a court appointed special advocate or other person under ORS 417.610 to represent the child, it may require a parent, if able, or guardian of the estate, if the estate is able, to pay, in whole or in part, the reasonable costs of CASA services including reasonable attorney fees. The court's order of payment shall be enforceable in the same manner as an order of support under ORS 419.515. [1987 c.906 §4]

**417.640 Access to records.** Upon presentation of the order of appointment by the court appointed special advocate, any agency, hospital, school organization, division or department of the state, doctor, nurse or other health care provider, psychologist, psychiatrist, police department or mental health clinic shall permit the court appointed special advocate to inspect and copy any records relating to the child or children involved in the case, without the consent of the child or children or parents: [1987 c.906 §5]

**417.650 Confidentiality of records.** All records and information acquired or reviewed by a court appointed special advocate during the course of official duties shall be deemed confidential under ORS 419.567. [1987 c.906 §6]

**417.660 When special advocate considered guardian ad litem.** For the purposes of a Child Abuse Prevention and Treatment Act (42 USC §5101 et seq.) grant to this state

under Public Law No. 93-247, or any related state or federal legislation, a court appointed special advocate or other person appointed pursuant to ORS 417.610 shall be deemed a guardian ad litem to represent the interests of the minor in proceedings before the court. Any provisions of ORS 417.600 to 417.670 and 418.770 which shall cause this state to lose federal funding shall be considered null and void. [1987 c.906 §7]

**417.670 Court Appointed Special Advocate Fund.** (1) There is created a Court Appointed Special Advocate (CASA) Fund in the General Fund. The fund shall consist of all moneys credited thereto. Moneys appropriated to the Court Appointed Special Advocate Fund by ORS 417.600 to 417.670 and 418.770 may be used only to carry out the purposes of ORS 417.600 to 417.670 and 418.770. The Oregon Community Children and Youth Services Commission may apply for and receive funds from federal and private sources for carrying out the provisions of ORS 417.600 to 417.670 and 418.770.

(2) The Oregon Community Children and Youth Services Commission may expend moneys from the Court Appointed Special Advocate Fund directly or indirectly through contracts or grants for the creation, supervision and operation of Court Appointed Special Advocate Volunteer Programs state wide in accordance with the provisions of ORS 423.310 to 423.350. The Oregon Community Children and Youth Services Commission may also expend moneys from the Court Appointed Special Advocate Fund to pay the reasonable costs of its administration of the Court Appointed Special Advocate Fund. The Executive Director of the Oregon Community Children and Youth Services Commission shall adopt rules for carrying out the responsibilities of the commission under ORS 417.600 to 417.670 and 418.770. [1987 c.906 §9; 1989 c.994 §1]

**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]

