

Chapter 420

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GENERAL PROVISIONS

420.005 Definitions. As used in ORS 420.005 to 420.045, 420.060 to 420.320, 420.810 to 420.840 and 420.905 to 420.915, unless the context requires otherwise:

(1) "Assistant director" means the Assistant Director for Children's Services.

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

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

(4) "Student" means any person committed to a juvenile training school, including persons confined to a state hospital by virtue of a transfer from a juvenile training school, and any person who is on parole from a juvenile training school. [1965 c 616 §29, 1969 c 597 §128, 1971 c.401 §96, 1985 c 229 §1]

420.010 [Repealed by 1965 c.616 §101]

420.011 Admissions to juvenile training schools; assignment of persons within custody of Department of Corrections; temporary assignment. (1) Except as provided in subsections (2) and (3) of this section, admissions to the juvenile training schools are limited to persons 12 years of age and older but less than 19 years of age, found by the juvenile court to be within the court's jurisdiction by reason of a ground set forth in ORS 419.509 and placed in the legal custody of the Children's Services Division. No child under the age of 12 years may be admitted to, received by or cared for in a juvenile training school. No child admitted to a juvenile training school shall be transferred by administrative process to any penal or correctional institution.

(2) In addition to the persons placed in the legal custody of the Children's Services Division under ORS 419.507 (1) to (3), and with the concurrence of the assistant director or designee, persons under the age of 21 years who are committed to the custody of the Department of Corrections under ORS 137.124 may be temporarily assigned to a juvenile training school by the Department of Corrections. A person assigned on such a temporary basis remains within the legal custody of the Department of Corrections under ORS 137.124 and such assignment shall be subject to termination by the Assistant Director for Children's Services by referring such youths back to the Department of Corrections.

(3) Any person under 18 years of age who, after remand under ORS 419.533, is sentenced to a term of imprisonment in the

custody of the Department of Corrections, and any person under 16 years of age who after remand is sentenced to a term of imprisonment in the county jail, shall be temporarily assigned to a juvenile training school by the Department of Corrections, or by the sheriff to whose custody the person has been committed, pursuant to ORS 137.124 (4). The Children's Services Division shall designate the appropriate juvenile training school or schools for such assignment. A person assigned to a juvenile training school under ORS 137.124 (4) and this subsection remains within the legal custody of the Department of Corrections or sheriff to whose custody the person was committed. The assignment of such a person to the juvenile training school shall be subject, when the person is 16 years of age or older, to termination by the Assistant Director for Children's Services by referring the person back to the Department of Corrections or the sheriff to serve the balance of the person's sentence. Assignment to a juvenile training school pursuant to ORS 137.124 (4) and this subsection, if not terminated earlier by the Assistant Director for Children's Services, shall terminate upon the person's attaining the age of 21 years, and the person shall be referred to the Department of Corrections or the sheriff having legal custody of the person to serve the balance of the person's sentence.

(4) Whenever a person committed to the custody of the Department of Corrections is temporarily assigned to a juvenile training school pursuant to this section, the Children's Services Division shall have authority to provide such programs and treatment for such person, and to adopt rules relating to conditions of confinement at the training school, as the Children's Services Division shall determine are appropriate. However, the person shall remain subject to laws and rules of the State Board of Parole and Post-Prison Supervision relating to parole. [1965 c 616 §31, 1969 c.679 §5, 1971 c.401 §98, 1971 c.458 §1; 1975 c.182 §1, 1983 c 815 §2, 1985 c.631 §7, 1987 c.320 §159]

420.014 Population limits; controlling admissions. (1) The total population of children confined in the juvenile training schools, as defined in ORS 420.005, shall not exceed 513.

(2) The Assistant Director for Children's Services by rule shall determine reasonable standards for care and treatment of juvenile offenders housed in juvenile training schools. Within the total limit established under subsection (1) of this section, the assistant director shall establish and impose a maximum allowable population level for each juvenile training school. The maximum allowable population shall not exceed the design capacity for the school and shall be further limited by

the ability of the facility to meet the standard of care and treatment established by rule under this subsection, protect communities, hold juvenile offenders accountable for their behavior and improve the competency of students to become responsible and productive members of their communities.

(3) The Assistant Director for Children's Services by rule shall establish criteria upon which the decision to place a child in a juvenile training school must be based, and which, in turn, shall be based upon behaviors and characteristics of children otherwise eligible for commitment to a training school.

(4) After conferring with the juvenile court judges and the Oregon Community Children and Youth Services Commission, the Assistant Director for Children's Services shall develop and implement by rule, a method of controlling admissions to the juvenile training schools so as not to exceed maximum levels determined under subsections (1) and (2) of this section. [1985 c.500 §4; 1987 c.507 §1]

Note: 420.014 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 420 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

420.016 [Formerly 420 150 and then 420 050; repealed by 1971 c 698 §7]

420.017 Diversion plan. (1) The Children's Services Division shall develop annually a plan for diversion of delinquent youth from commitment to the juvenile training schools to alternative community services.

(2) In consultation with the local juvenile services commissions established under ORS 417.445, the juvenile courts shall develop a plan for services needed to divert the commitment of youth from the juvenile training schools, and how these services are to be administered if funds are provided. Following review and comment by local juvenile services commissions, the plan shall be submitted to the Juvenile Corrections Council. The plan must be approved in the form of a resolution by the governing body of the appropriate county and of a letter of concurrence from the presiding judge of the juvenile court having jurisdiction in juvenile cases.

(3) The division shall develop a state-wide diversion plan after taking the local juvenile courts plans into consideration and consulting with the Juvenile Corrections Council. [1985 c 500 §7]

420.019 Implementation of diversion plan. (1) The Children's Services Division may contract with the governing body of the county for implementing the state-wide diversion plan.

(2) Pursuant to ORS 418.495, the division shall enter into contracts with the governing body of the county to provide services to delinquent youth identified as diverted from the state juvenile training schools.

(3) The governing body of the county may subcontract for services as stipulated in the contract with the division.

(4) The division shall be responsible for performance auditing of contracts and subcontracts.

(5) The division shall contract directly with service providers in those counties where the governing body of the county chooses not to contract with the division.

(6) The funds provided for services to implement the diversion plan shall not be used by a county to supplant moneys otherwise provided to the county juvenile department for services to delinquent youth. [1985 c.500 §8]

420.020 [Amended by 1955 c 89 §1, 1965 c.616 §40; renumbered 420 075]

420.021 Expenses borne by county. All traveling and other expenses incurred in placing a person in a juvenile training school in the legal custody of the Children's Services Division and delivering the person into the custody of the division under ORS 419.507 (1) to (3) shall be borne by the county from which the person was placed in the legal custody of the division. [Formerly 420 160, amended by 1969 c 679 §6, 1971 c 401 §97]

420.025 [Formerly 420 170, 1969 c 679 §7, repealed by 1971 c.401 §120]

420.030 [Amended by 1959 c 432 §74; 1963 c 256 §2, 1965 c 616 §41, renumbered 420 080]

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

(2) Upon parole of the person from a juvenile training school, the legal custody of the person is vested in the parents of the person or other person to whom the person is returned, subject to ORS 420.045 (3). [Formerly 420 015, amended by 1969 c.679 §8, 1971 c.401 §99]

420.035 Juvenile Corrections Council; qualifications. (1) The Assistant Director for Children's Services shall establish a Juvenile Corrections Council.

(2) Membership of the Juvenile Corrections Council shall consist of:

(a) A representative of the Children's Services Division;

(b) A representative of the Oregon Community Children and Youth Services Commission;

(c) A representative of the Juvenile Judges Association;

(d) A representative of the Juvenile Department Director's Association;

(e) A representative of private care providers; and

(f) Two public members, one appointed by the Speaker of the House of Representatives and one by the President of the Senate.

(3) The representative of the Children's Services Division shall preside over the council and shall provide all administrative support.

(4) The council shall meet on a quarterly basis or more often if requested by a majority of the council. [1985 c 500 §5]

420.037 Purpose of council. (1) The purpose of the Juvenile Corrections Council established under ORS 420.035 is to be advisory to the Children's Services Division in the development and implementation of an annual plan to divert the commitment of delinquent youth from the juvenile training schools to community alternative programs.

(2) The Assistant Director for Children's Services shall consult with the council regarding:

(a) The development and implementation of an annual juvenile corrections improvement plan;

(b) An administrative formula for the allocation of new community resources and distribution of the juvenile training school population capacity to each county or coalition of counties; and

(c) The development of specific criteria and performance standards for contracted services to serve adjudicated delinquent youth who have been diverted from the juvenile training schools.

(3) The Assistant Director for Children's Services shall submit a progress report semi-annually to the Legislative Assembly on the population reduction in the juvenile training schools. [1985 c 500 §6]

420.040 Liability for misconduct of student of training school. The juvenile training schools, the superintendents thereof, the assistant director and personnel of the Children's Services Division are not liable for any damages whatsoever that are sustained by any person on account of the actions or misconduct of a student of a juvenile training school. [1963 c 256 §10, 1965 c 616 §39; 1969 c.597 §129, 1971 c.401 §100]

420.045 Parole; discharge; revocation of parole. (1) Upon finding that a student of a juvenile training school is ready for release therefrom and that the student had best be returned to the parent or guardian of the

student or to a suitable and desirable home or facility, the Assistant Director for Children's Services or the authorized representative of the assistant director, may, after advising the committing court, release the student on parole conditioned upon good behavior.

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

(3) The Assistant Director for Children's Services or the authorized representative of the assistant director may revoke a parole if the conditions of the parole have been violated or if the continuation of the student on parole would not be in the best interests of the student or the community. After the revocation of parole, the assistant director of the division or the authorized representative of the assistant director shall immediately advise the committing court thereof. [1965 c 616 §37, 1969 c.679 §9, 1971 c 401 §101]

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

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

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

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

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

(4) The location of a research program authorized by subsection (1) of this section

at either training school shall not be considered a violation of ORS 420.120 or 420.320, and the program so located shall be operated by the Children's Services Division with whatever assistance the division may require from the training school at which the program is located. [1969 c.679 §10; 1971 c.401 §102]

Note: 420.055 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 420 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation

EMPLOYMENT PROGRAM

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

(2) For the purposes of ORS 420.060 to 420.074; "juvenile training school" includes youth care centers as defined in ORS 420.855 and approved by the Children's Services Division pursuant to ORS 420.865, and "superintendent" includes the person in charge of any such youth care center. [1969 c.410 §1, 1971 c.401 §103]

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

(2) All sums earned by a student of a juvenile training school, other than amounts involuntarily withheld by the employer of the student, shall be paid directly to the superintendent or to the student if so directed by the superintendent. All moneys received by the superintendent under this section shall be placed in a trust account to be used solely for the benefit of the student. [1969 c.410 §2]

420.070 Student in legal custody of superintendent. A student of a juvenile training school while temporarily employed under ORS 420.060 to 420.074 shall remain in the legal custody of the superintendent. The superintendent shall continue to exercise appropriate supervision over the student during the period of the temporary employment of the student. [1969 c.410 §3]

420.074 Employment status of student. Students of a juvenile training school while temporarily employed under the provisions of ORS 420.060 to 420.074 are entitled to the protection and benefits of ORS chapters 652, 654 and 656 to the same extent as other em-

ployees of their employer under 21, except that:

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

(2) Compensation paid under ORS chapter 656 that is not expended on medical services shall be treated in the same manner as the student's earnings under ORS 420.065, so long as the student remains in the legal custody of the juvenile training school or youth care center. [1969 c.410 §4]

420.075 [Formerly 420.020, repealed by 1969 c.597 §231]

420.077 Petty cash fund. (1) The institution petty cash fund shall be used by the Children's Services Division of the Department of Human Resources to meet immediate spending needs such as clothing, transportation, supplies, and other incidentals for clients at the juvenile training schools as defined by ORS 420.005 (3).

(2) The Assistant Director for Children's Services shall designate custodians for subaccounts of the institution petty cash fund at each of the juvenile training schools. To establish the subaccounts, the division may prepare vouchers in amounts not to exceed the aggregate sum of \$20,000 in favor of the persons designated as custodians. Warrants shall be drawn for the amounts of the vouchers.

(3) Subject to rule established by the Executive Department:

(a) The designated custodians may make disbursements as authorized by subsection (1) of this section.

(b) With the approval of the State Treasurer and notwithstanding ORS 293.265, the designated custodians may hold institution petty cash funds in cash or may deposit them to the account of the Children's Services Division of the Department of Human Resources, in any bank or banks in the state authorized as a depository of state funds, or in the State Treasury, or may hold part in cash and deposit the remainder.

(4) The designated custodians shall at least monthly submit to the Assistant Director for Children's Services verified reimbursement vouchers properly supported by evidences of disbursements from the subaccounts of the petty cash fund. Upon allowance of the reimbursement vouchers, the Executive Department shall issue a warrant on the State Treasurer in favor of the designated custodians, payable out of Children's Services Division of the Department of Human Resources trust fund subaccounts equal to the amounts expended. [1985 c.490 §4; 1987 c.158 §73; 1989 c.51 §2]

Note: 420.077 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 420 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

MacLAREN SCHOOL FOR BOYS

420.110 [Repealed by 1965 c.616 §101]

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

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

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

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

420.130 [Repealed by 1959 c.432 §59]

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

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

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

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

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

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

420.190 [Repealed by 1965 c.616 §101]

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

420.210 Establishing temporary work and training camps for boys. The Superintendent of the MacLaren School for Boys, with the approval of the Assistant Director for Children's Services in cooperation with any public agency, may establish at any place in this state one or more temporary work and training camps for any boys committed to the MacLaren School for Boys who

are determined by the superintendent to be qualified and amenable as security risks for work and training in such camps. [1953 c.154 §1; 1963 c.256 §5; 1969 c.597 §130; 1971 c.401 §105]

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

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

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

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

420.235 Return of rule violator or bad security risk to MacLaren School for Boys. Any boy who violates the rules and regulations relating to discipline of a camp or who appears to the superintendent to be a bad security risk may be returned to the MacLaren School for Boys on order of the superintendent. [1953 c.154 §6].

HILLCREST SCHOOL OF OREGON

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

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

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

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

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

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

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

420.350 [Repealed by 1965 c.616 §101]

420.360 [Repealed by 1959 c.191 §1]

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

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

420.380 [Repealed by 1965 c.616 §101]

420.390 [Repealed by 1965 c 616 §101]

420.400 [Repealed by 1987 c 158 §74]

COMMITMENT OF JUVENILES TO MENTAL INSTITUTIONS

420.500 Restriction on transfer of juvenile training students to mental institutions. No student of a juvenile training school may be transferred to an institution for the mentally ill or mentally deficient for a period of more than 14 days unless the student has been committed to an institution for the mentally ill or mentally deficient in the manner specified in ORS 420.505 and 420.525. [1975 c 662 §3]

420.505 Application by juvenile training student for admission to mental institution; examination of applicant; limitation on involuntary retention at institution. (1) A juvenile who is a student at a juvenile training school may apply for admission to an institution for the mentally ill. The application may be made on behalf of the juvenile by the parents or legal guardian of the juvenile. However, the superintendent shall not be required to cause the examination of a juvenile who applies under this section more often than once in six months.

(2) Within five working days after receipt of the application, the superintendent of the

juvenile training school shall cause the juvenile to be examined by one or more qualified persons at the school and shall request the examination of the juvenile by one or more qualified persons employed or designated by the Mental Health and Developmental Disability Services Division. The examination conducted or authorized by the Mental Health and Developmental Disability Services Division shall take place within five working days after receipt of the request from the superintendent. The examiners shall prepare separate reports and shall submit such reports to the superintendent. A copy of the reports shall be given to the applicant.

(3) If the superintendent finds that there is a probable cause to believe that the juvenile is mentally ill and that it would be in the best interests of the juvenile to be admitted to an institution under the jurisdiction of the Mental Health and Developmental Disability Services Division, the superintendent shall notify the Mental Health and Developmental Disability Services Division and shall order the juvenile transferred pursuant to ORS 179.475.

(4) No student at a juvenile training school voluntarily admitted to any state institution for the mentally ill under ORS 179.475 shall be detained therein more than 72 hours after the student is 21 years of age and has given notice in writing of the desire of the student to be released. If the juvenile is under the age of 21 years, the juvenile may be returned to the juvenile training school after notice in writing has been given by the parent or legal guardian of the juvenile, that such parent or guardian desires that the juvenile be discharged from the state institution for the mentally ill. [1975 c.662 §4, 1977 c.601 §7]

420.510 [Repealed by 1965 c.616 §101]

420.515 [1975 c 662 §5, repealed by 1977 c.601 §8]

420.520 [Repealed by 1965 c 616 §101]

420.525 County of juvenile's residence to pay certain expenses of commitment proceedings. The costs of the hearings held under ORS 179.473, 419.507 (1) to (3) and 420.500 to 420.525 and the fees for physicians and other qualified persons appointed under ORS 179.473, 419.507 (1) to (3) and 420.500 to 420.525 shall be charged to the county of the juvenile's residence prior to the initial commitment of the juvenile to a juvenile training school or to the county of the inmate's residence prior to the initial commitment of the inmate to a penal or correctional institution. Attorney fees may also be charged to that county if the juvenile or inmate has no separate estate or if the parents of the juvenile refuse or are unable to provide an attorney. [1975 c 662 §6]

420.530 [Repealed by 1965 c.616 §101]

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 420.570 [Repealed by 1965 c.616 §101]
 420.580 [Repealed by 1965 c.616 §101]
 420.590 [Repealed by 1965 c.616 §101]
 420.600 [Repealed by 1965 c.616 §101]
 420.610 [Repealed by 1965 c.616 §101]
 420.620 [Repealed by 1965 c.616 §101]
 420.630 [Repealed by 1965 c.616 §101]
 420.640 [Repealed by 1965 c.616 §101]
 420.710 [Repealed by 1957 c.160 §6]
 420.720 [Repealed by 1957 c.160 §6]
 420.730 [Repealed by 1957 c.160 §6]

PLACEMENT OF STUDENTS FROM JUVENILE TRAINING SCHOOLS

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

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

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

(3) The agreement shall be signed by the person assuming the foster care and by the Assistant Director for Children's Services or the authorized representative of the assistant director.

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

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

420.821 Visiting of foster homes by staff members. The Assistant Director for Children's Services or the authorized representative of the assistant director shall designate members of the staff of the assistant director as visiting agents. As required by the assistant director or the authorized rep-

resentative of the assistant director, these visiting agents shall:

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

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

(3) Make reports to the assistant director or the designated representative of the assistant director concerning the investigations and visits. [1971 c.84 §4 (420.821 enacted in lieu of 420.820)]

420.825 Return of child to school. Any child placed pursuant to ORS 420.810 to 420.840 may on order of the Assistant Director for Children's Services or the authorized representative of the assistant director be returned to a juvenile training school or replaced, if in the opinion of the assistant director or the authorized representative of the assistant director the child would benefit by removal from the foster home. [1953 c.153 §4; 1971 c.84 §5]

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

420.835 Prohibition of interference with control of placed child. No parent or other person not a party to the placement agreement shall interfere with or assume any control over the placed child. [1953 c.153 §6]

420.840 Cooperation of superintendents with other child welfare agencies. The Assistant Director for Children's Services or the authorized representative of the assistant director in carrying out the provisions of ORS 420.810 to 420.840 may cooperate with and consult any private or public agency concerned with child welfare. [1953 c.153 §8, 1971 c.84 §6]

YOUTH CARE CENTERS

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

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

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

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

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

established under ORS 419.602 to 419.616 except that when a county operates a combined facility to provide both care and rehabilitation services under ORS 420.855 to 420.885, and detention facilities, the combined facility may be considered a "youth care center" to the extent that it is used to provide the care and rehabilitation services for children not in detention. [1967 c.444 §1, 1969 c.597 §139, 1971 c.401 §62, 1971 c.698 §4, 1985 c.500 §10]

420.860 Policy and intent. It is declared to be the policy and intent of the Legislative Assembly that the State of Oregon shall encourage, aid and financially assist its county governments and public and private agencies in the establishment and development of youth care centers for children found to be in need of care and rehabilitation pursuant to ORS 419.507 (1) to (3). [1967 c.444 §10]

420.865 Commitment to youth care center. (1) The Children's Services Division may place a child who has been placed in its legal custody pursuant to ORS 419.507 (1) to (3) in a youth care center if the center complies with the provisions of ORS 420.855 to 420.885 and has been approved by the Children's Services Division.

(2) Placement of a child by the Children's Services Division in a youth care center does not terminate the juvenile court's wardship over the child or the custody of the Children's Services Division. The center may retain such children in full or part-time residential care or, with the consent of the Children's Services Division, may place them on a full or part-time basis in foster homes. [1967 c.444 §2, 4, 1971 c.401 §63; 1971 c.698 §5]

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

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

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

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

(4) A county must demonstrate that an adequate probation system for children exists in the county in order to be eligible for state support for a youth care center. [1967 c.444 §3; 1971 c.401 §64, 1989 c.41 §1]

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

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

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

420.880 Level of state support; support of child placed outside center. (1) Subject to the availability of funds, each youth care center that has received approval from the Children's Services Division and continues to meet the requirements of ORS 420.855 to 420.885 and the rules of the division is eligible to receive state support in an amount to be negotiated between the youth care center and Children's Services Division.

(2) Subject to the availability of funds, if in the opinion of the youth care center, the welfare of the child requires special care or the interests of the child would be better served outside the center, the center, with the consent of the Children's Services Division, may place the child in foster care or hospital and state support for such child shall be allowed to the center in an amount equal to 50 percent of the actual monthly cost for each such child. [1967 c.444 §6, 1969 c.196 §2; 1971 c.401 §66, 1971 c.698 §6, 1974 s.s. c.57 §1; 1977 c.279 §1; 1985 c.500 §11]

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

(2) When certified by the Children's Services Division, claim for state reimbursement

ments shall be presented to the Executive Department and paid in the same manner as the claims against the state are paid.

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

APPREHENSION OF ESCAPED, ABSENT OR PAROLED STUDENTS

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

420.910 Arrest and detention of escaped, absent or paroled students of training school. (1)(a) When a student of a juvenile training school has escaped or is absent without authorization from the training school or from the custody of any person in whose charge the student lawfully has been placed, the superintendent of the school concerned, or the superintendent's authorized representative, may order the arrest and detention of the student.

(b) When a person on parole from a juvenile training school is absent from the custody of a person in whose charge the person lawfully has been placed, or has failed to abide by rules of parole supervision or to respond successfully to prior sanctions imposed by the Children's Services Division pursuant to administrative rule, the superintendent of the school from which the person is on parole, or the superintendent's authorized representative, may order the arrest and detention of the person.

(c) The superintendent or authorized representative may issue an order under this subsection based on a reasonable belief that grounds exist for issuing the order. Where reasonable, the superintendent or representative shall investigate to ascertain whether such grounds exist.

(2) Any order issued by the superintendent of a juvenile training school, or the superintendent's representative, as authorized by subsection (1) of this section constitutes full authority for the arrest and detention of the escapee, absentee or parole violator, and all laws applicable to warrants of arrest shall apply to such orders.

(3) In lieu of the procedure in subsection (1) of this section, the juvenile court of the county from which the student or parolee was committed may direct issuance of a

warrant of arrest against the student or parolee when notified by the superintendent or authorized representative of the school concerned that any student of a juvenile training school has escaped or is absent without authorization from the institution to which committed, from parole supervision or from the custody of any person in whose charge the student lawfully has been placed. [1957 c.129 §1, 1957 c.481 §1; 1963 c.236 §9, 1965 c.616 §46, 1985 c.229 §2; 1987 c.892 §3]

420.915 Procedure upon apprehension of escapee, absentee or parole violator. (1) Upon issuance of an order or warrant of arrest, any peace officer may apprehend and deliver to a juvenile detention facility as described in ORS 419.612 the escapee, absentee or parole violator described in ORS 420.910 who is under 18 years of age. If the escapee, absentee or parole violator is 18 years of age or older, any peace officer may deliver such person to an adult detention facility.

(2) A training school escapee or absentee described in ORS 420.910 may be held in a juvenile detention facility as described in ORS 419.612 or an adult detention facility as provided in subsection (1) of this section for up to 36 hours.

(3) The parole violator described in ORS 420.910 may be held in a juvenile detention facility as described in ORS 419.612 or an adult detention facility as provided in subsection (1) of this section no more than 72 hours, excluding Saturdays, Sundays and judicial holidays, except pursuant to such provisions as the Children's Services Division may adopt by rule to govern the use of detention for parolees and review of revocation of parole.

(4) The director or authorized representative of the juvenile department in whose juvenile detention facility the escapee or absentee from a juvenile training school is held, or the administrator of the adult detention facility in which the escapee or absentee is held, shall immediately inform the institution to which such escapee or absentee was committed and shall surrender the escapee or absentee to any person authorized by the superintendent or authorized representative of such institution to receive the escapee or absentee.

(5) The director or authorized representative of the juvenile department in whose juvenile detention facility the parole violator is held, or the administrator of the adult detention facility in which the violator is held, shall immediately inform the paroling authority.

(6) Except as provided in subsection (3) of this section, the provisions of ORS 419.577

and 419.601 do not apply to the detention of an escapee, absentee or parole violator under this section. [1957 c.129 §§2, 4, 1985 c.229 §3; 1985 c.618 §4c, 1987 c.892 §4; 1989 c 1033 §5]

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

PENALTIES

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