

Chapter 417

1993 EDITION

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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 accomplish the purposes of ORS 417.010 to 417.080. The administrator shall prescribe the duties of the deputy and such other person-

nel, 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 PLACEMENT OF CHILDREN

ARTICLE I
PURPOSE AND POLICY

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

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

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

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

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

ARTICLE II
DEFINITIONS

As used in this compact:

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

(b) "Sending agency" means a party state, officer or 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 vio-

lation 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 110.005 to 110.291 and 416.010 to 416.260 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 419B.100 or 419C.005 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; 1993 c.33 §324]

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]

EQUAL ACCESS

417.270 Policy; documentation of expenditure for males and females; identification of disparities; equal access plan.

(1) The Legislative Assembly hereby acknowledges that females under 18 years of age often lack equal access, both individually and as a group, when compared with males under 18 years of age, to the facilities, services and treatment available through human services and juvenile corrections programs provided by or funded by the State of Oregon.

(2) The Legislative Assembly therefore declares that, as a matter of statewide concern, it is in the best interests of the people of this state that equal access for both males and females under 18 years of age to appropriate facilities, services and treatment be available through all state agencies providing or funding human services and juvenile cor-

rections programs for children and adolescents.

(3) Recognizing this concern, the Legislative Assembly further declares that:

(a) Any state administrative agency that regularly provides services to minors shall, when the agency submits its annual budget to the Legislative Assembly, specify the percentages of moneys allocated to, and expended for, the two separate groups, males under 18 years of age and females under 18 years of age;

(b) All state agencies providing human services and juvenile corrections programs shall identify existing disparities in the allocations of moneys and services to, and expended for, the two groups, males under 18 years of age and females under 18 years of age, and shall document such disparities, if any, for the purpose of reporting the information to the next session of the Legislative Assembly; and

(c) The state agencies described in subsection (1) of this section shall:

(A) Develop a plan to implement equal access to appropriate services and treatment, based on presenting behaviors, for both males under 18 years of age and females under 18 years of age, by January 1, 1995; and

(B) Monitor the implementation and results of newly enacted legislation intended to improve services for females under 18 years of age.

(4) As used in subsection (3)(b) of this section, disparities include, but are not limited to, disparities in:

(a) The nature, extent and effectiveness of services offered for females under 18 years of age within the areas of teen pregnancy, physical and sexual abuse, alcohol and drug abuse, services offered for runaway and homeless females under 18 years of age and services offered for females under 18 years of age who are involved in gangs or other delinquent activity; and

(b) The equity of services offered to at-risk children and youth with respect to gender within the areas of physical and sexual abuse, alcohol and drug abuse and services offered to runaway and homeless children and youth. [1993 c.461 §1]

OREGON COORDINATING COUNCIL FOR CHILDREN AND FAMILIES

417.300 Purpose of ORS 417.300 to 417.325. The purpose of ORS 417.300 to 417.325 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.

(4) The Legislative Assembly finds that, in order to fulfill the purposes of ORS 417.300 to 417.325, service delivery systems for children and families shall include:

(a) Cooperative partnerships among state agencies that serve children, youth and families;

(b) Family client-centered service systems described in ORS 417.310 (6)(L);

(c) Methods of accountability to measure effectiveness of state-funded programs; and

(d) Use of public resources for programs and services that move the state toward meeting the goals described in subsection (2) of this section and the benchmarks adopted by the Oregon Progress Board. [1989 c.834 §3; 1991 c.715 §1]

417.310 Oregon Coordinating Council for Children and Families; membership; purposes. (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, the executive officer of the Oregon Progress Board and the State Commission on Children and Families shall establish the Oregon Coordinating Council for 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.

(5) The purpose of the council shall be to:

(a) Improve cooperation and communication among agencies that serve children and families;

(b) Collaborate with affected agencies in working toward the Oregon Progress Board benchmarks assigned to the council by the Governor;

(c) Coordinate actions of member agencies in support of the benchmarks and the priorities and outcome established by the council; and

(d) Identify and reduce barriers to family client-centered service delivery to children and families.

(6) For state programs providing services to children and families and education programs, the council shall:

(a) Establish and update priorities and outcomes for children and families in Oregon;

(b) Make recommendations for modifying or expanding existing services and programs or adding new services and programs to make progress toward the Oregon Progress Board benchmarks and council priorities established in paragraph (a) of this subsection;

(c) Identify barriers to effective coordination and communication among human service and education service delivery systems for children and families;

(d) Develop and implement action plans that reduce barriers identified in paragraph (c) of this subsection;

(e) Make recommendations to other agencies and organizations that serve children and families in order to improve coordination and address barriers;

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

(g) Work with the Oregon Progress Board to develop an evaluation mechanism to measure the return on the state's investment in programs that serve children and families;

(h) Review major policy and organizational changes in member agencies in the early stages of planning and make recommendations for implementation and modification in view of the benchmarks and council priorities;

(i) Review agency plans, programs and budgets to assess how they meet the benchmarks developed by the Oregon Progress Board and the priorities and outcomes established by the council;

(j) Receive and review all state reports on children and families;

(k) Receive from the State Commission on Children and Families the results of the local planning efforts. Member agencies shall consider the results in their budgeting and program planning; and

(L) Monitor at least two community-based interagency family client-centered model projects that integrate staff and resources from several agencies to:

(A) Insure active participation of families in service planning, decision-making and service delivery;

(B) Empower direct service workers to gain access to a broad continuum of services and flexible funding to meet the needs of individuals and families served;

(C) Pool funds of multiple service delivery agencies; and

(D) Generate policies for program planning and implementation at the community level. [1989 c.834 §4; 1991 c.715 §2]

417.315 Reports of council. (1) The Oregon Coordinating Council for Children and Families shall present a written report 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) The report and recommendations shall be submitted annually 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 417.705 to 417.790 and 419A.170 as well as the information generated by state advisory groups, local government planning and operational efforts, community programs and state personnel working at the local level.

(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, including budget proposals and priorities for meeting unmet needs, for appropriate legislation or Legislative Assembly action to accomplish report recommendations, the goals incorporated in ORS 326.051, 409.080, 409.200, 411.060, 417.300 to 417.325, 417.705 to 417.790, 419A.170, 430.021 and 431.110 and benchmarks and council outcomes; and

(g) Assessment of progress toward the goals stated in ORS 417.305 to 417.315,

benchmarks and council outcomes. [1989 c.834 §5; 1991 c.715 §3; 1993 c.676 §41a]

Note: Legislative Counsel has substituted "ORS 417.705 to 417.790 and 419A.170" for the words "this Act" or "this 1993 Act" in section 41a, chapter 676, Oregon Laws 1993, amending 417.315, and in sections 1, 2, 3, 5, 10, 14, 15, 16 and 30, chapter 676, Oregon Laws 1993, compiled as 417.705, 417.710, 417.720, 417.725, 417.735, 417.755, 417.775, 417.780 and 417.785. Other ORS references have not been substituted, pursuant to 173.160. The range of sections for which substitutions would be required yields ORS references too numerous to be useful. These sections may be determined by referring to the 1993 Comparative Section Table located in Volume 15 of ORS.

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 [1989 c.834 §8; repealed by 1993 c.676 §53]

417.335 [1989 c.834 §1; repealed by 1993 c.676 §53]

FAMILY SUPPORT SERVICES

417.340 Definitions for ORS 417.340 to 417.348 and others. As used in ORS 344.530, 409.010, 409.200, 410.070, 411.070, 417.340 to 417.348, 430.021 and 431.110:

(1) "Family" means the unit that consists of:

(a) A member with a disability or chronic illness; and

(b) One or more related persons who reside in the same household.

(2) "Family member with a disability or chronic illness" means a person who has a disability or chronic illness that:

(a) Is likely to continue indefinitely;

(b) Results in substantial functional limitations in one or more of the following areas of major life activity:

- (A) Self-care;
- (B) Receptive and expressive language;
- (C) Learning;
- (D) Mobility;
- (E) Self-direction;
- (F) Capacity for independent living; or
- (G) Economic self-sufficiency; and

(c) Reflects the person's need for special, interdisciplinary or generic care, treatment or other services that are of lifelong duration and must be individually planned and coordinated. [1991 c.122 §1]

417.342 Family support services; principles. (1) Family support services are based on the belief that all people, regardless of disability, chronic illness or special need, have the right to a permanent and stable familial relationship in the community. However, nothing in ORS 344.530, 409.010, 409.200, 410.070, 411.070, 417.340 to 417.348, 430.021 and 431.110 is intended to keep a family member with a disability or chronic illness in the family home or to require any person with a disability or chronic illness to live in the family home.

(2) Family support services can provide the support necessary to enable the family to meet the needs of caring for a family member with a disability or chronic illness at home and, subject to available funds, shall be based on the following principles:

(a) Family support services may use private and volunteer resources, publicly funded services and other flexible dollars to provide a family with the services needed to care for the family member with a disability or chronic illness.

(b) Family support services must be sensitive to the unique needs, strengths and multicultural values of an individual and the family rather than fitting the individual and family into existing services.

(c) Family support services must be built on a relationship of respect and trust that recognizes that families are better able to determine their own needs than have their needs determined by the state or a public agency.

(d) Family support services shall be provided in a manner that develops comprehensive, responsive and flexible support to families in their role as primary caregivers for family members with disabilities or chronic illnesses.

(e) Family support services shall focus on the entire family and be responsive to the needs of the individual and the family.

(f) Family support services may be needed throughout the lifespan of the individual family member living at home who has a disability or chronic illness.

(g) Family support services shall be available to families before they are in crisis.

(h) Family support services may be a service option offered to families, but not imposed on them.

(i) Family support services shall encourage maximum use of existing social networks and natural sources of support and should encourage community integration.

(j) Family support services shall not be confined to a single program or set of services but shall be a philosophy that permeates all programs and services. [1991 c.122 §2]

417.344 Types of services included. Family support services may include but are not limited to:

- (1) Family support consultation;
- (2) Information and referral;
- (3) Financial assistance;
- (4) Emergency and outreach services; and
- (5) Individual and family centered assistance, including but not limited to:

- (a) Purchase of special equipment;
- (b) Respite care;
- (c) Recreation;
- (d) Transportation;
- (e) Special dietary needs;
- (f) Day care;
- (g) Medical services;
- (h) Housing modification;
- (i) Counseling; and
- (j) Support groups. [1991 c.122 §3]

417.346 Duties of Director of Department of Human Resources. Subject to the availability of funds therefor, the Director of the Department of Human Resources shall:

(1) Direct all divisions in the department to identify current programs and potential resources in each division available to families providing care for a family member with a disability or chronic illness.

(2) Develop a biennial plan for adequate funding and recommend budgetary priorities for family support services.

(3) Develop a biennial cooperative plan for assuring a statewide interagency system of family support services.

(4) Direct the Children's Services Division, Mental Health and Developmental Dis-

ability Services Division, Senior and Disabled Services Division, Vocational Rehabilitation Division, Health Division and Adult and Family Services Division and any other governmental entities involved in family support services, to adopt rules for family support services that are guided by the goals and principles set forth in ORS 344.530, 409.010, 409.200, 410.070, 411.070, 417.340 to 417.348, 430.021 and 431.110. These rules shall contain a grievance procedure.

(5) Make a biennial report to the Legislative Assembly on the state of the family support system, including strengths, deficiencies, cost savings and recommendations. This report shall include a comprehensive statement of the efforts of each division to carry out the policies and principles set forth in this legislation. The report shall include but not be limited to a list of family support services, a summary of costs and the number of clients served.

(6) Establish a Family Support Advisory Council whose purpose is to review and comment on plans and services provided or contracted for family support by state agencies and advise the director on the state plans for coordinated family support services.

(a) The council shall meet a minimum of four times per year.

(b) The membership of the council shall be 51 percent consumers of family support services.

(c) The remaining membership shall be composed of representatives of agencies providing family support services and representatives of advocacy groups. One member shall be a representative of the Department of Education. [1991 c.122 §4]

417.348 Eligibility requirements. Subject to the availability of funds therefor, a family shall be eligible to receive family support services and goods if the family meets any of the following requirements:

(1) The family has a family member requiring long term care due to disability or chronic illness whom the family desires to keep at home or return to the home from an institution or other out-of-home placement.

(2) The family desires to care for the dependent family member at home if financial, physical or other barriers are reduced or eliminated and adequate community based support services are provided.

(3) The family is caring for a family member who is waiting for residential or vocational services.

(4) Other requirements established by the division of the Department of Human Resources by which the specific family support

services are offered. The requirements must be reviewed by the Family Support Advisory Council. [1991 c.122 §5]

417.350 Family support services as social benefits. Funds, goods and services provided to families under ORS 417.340 to 417.348 are social benefits for the promotion of general welfare. The benefits may not be used to replace or reduce other state or federal benefits provided the families under Oregon law. [1993 c.241 §1]

FAMILY- OR CLIENT-CENTERED SERVICE SYSTEM

417.360 Findings and policy. (1) The Legislative Assembly finds that:

(a) The current delivery system for human services is fragmented and uncoordinated, producing service duplication and inappropriate or inadequate responses to individuals and to families;

(b) Clients with multiple needs must interact with a variety of agencies and frequently feel powerless to negotiate the complicated array of services;

(c) The system is too often perceived as victimizing the persons it is intended to serve;

(d) Dedicated direct service workers become the target of disillusionment by clients even though the workers are equally frustrated by their lack of control over bureaucratic requirements; and

(e) The state needs to rethink and restructure traditional methods of delivering human services. Organizations that have traditionally not viewed themselves as partners, such as social services and education, must be strongly encouraged to integrate their programs.

(2) It shall be the policy of this state to foster a family- or client-centered service delivery system at the community level with the goal of providing more efficient and responsive services, driven by the needs of the individuals and families served and not by funding tied to traditional, categorical programs. [1991 c.359 §1]

417.362 System requirements. A family- or client-centered service system must be a system that:

(1) Insures active participation of clients in service planning, decision making and service delivery;

(2) Empowers direct service workers to gain access to a broad continuum of services and flexible funding to meet the needs of individuals and families served;

(3) Pools funds of multiple service delivery agencies; and

(4) Generates policies for program planning and implementation at the community level rather than mandating policies at the state level. [1991 c.359 §2]

- 417.364 [1991 c.359 §3; repealed by 1993 c.676 §53]
- 417.400 [1979 c.682 §1; 1989 c.835 §2; repealed by 1993 c.676 §53]
- 417.405 [1979 c.682 §3; 1985 c.631 §6; 1989 c.835 §3; 1991 c.581 §7; 1993 c.33 §325; 1993 c.546 §121; repealed by 1993 c.676 §53]
- 417.410 [1979 c.682 §2; 1985 c.499 §1; repealed by 1993 c.676 §53]
- 417.415 [1979 c.682 §8; repealed by 1993 c.676 §53]
- 417.420 [1979 c.682 §9; 1981 c.383 §1; 1989 c.835 §14; repealed by 1993 c.676 §53]
- 417.425 [1979 c.682 §10; 1981 c.383 §2; 1989 c.835 §15; repealed by 1993 c.676 §53]
- 417.430 [1979 c.682 §11; 1981 c.383 §3; 1985 c.618 §9; 1989 c.835 §16; 1993 c.33 §361; repealed by 1993 c.676 §53]
- 417.435 [1979 c.682 §12; 1985 c.499 §2; repealed by 1993 c.676 §53]
- 417.440 [1979 c.682 §13; 1989 c.835 §17; repealed by 1993 c.676 §53]
- 417.445 [1979 c.682 §14; 1985 c.499 §9; 1989 c.835 §18; 1991 c.581 §8; repealed by 1993 c.676 §53]
- 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 [1979 c.682 §16; 1981 c.383 §5; 1985 c.499 §5; 1989 c.835 §21; repealed by 1993 c.676 §53]
- 417.475 [1979 c.682 §4; 1989 c.835 §4; 1991 c.581 §9; repealed by 1993 c.676 §53]
- 417.480 [1979 c.682 §5; repealed by 1993 c.676 §53]
- 417.485 [1979 c.682 §6; repealed by 1993 c.676 §53]
- 417.490 [1979 c.682 §7; 1981 c.869 §6; 1985 c.499 §6; 1987 c.320 §157; 1989 c.834 §16; 1989 c.835 §22; 1991 c.581 §10; repealed by 1993 c.676 §53]
- 417.500 [Repealed by 1993 c.676 §53]
- 417.510 [1989 c.835 §1; repealed by 1993 c.676 §53]
- 417.600 [1987 c.906 §1; repealed by 1993 c.33 §373]
- 417.610 [1987 c.906 §2; repealed by 1993 c.33 §373]
- 417.620 [1987 c.906 §3; repealed by 1993 c.33 §373]
- 417.630 [1987 c.906 §4; repealed by 1993 c.33 §373]
- 417.640 [1987 c.906 §5; repealed by 1993 c.33 §373]
- 417.650 [1987 c.906 §6; repealed by 1993 c.33 §373]
- 417.660 [1987 c.906 §7; repealed by 1993 c.33 §373]
- 417.670 [1987 c.906 §9; 1989 c.994 §1; repealed by 1993 c.33 §373]
- 417.672 [1991 c.747 §1; repealed by 1993 c.33 §373 and 1993 c.676 §53]
- 417.700 [1991 c.265 §§1, 2; 1993 c.18 §102; 1993 c.676 §42; renumbered 417.900 in 1993]

STATE COMMISSION ON CHILDREN AND FAMILIES

(Generally)

417.705 Definition for ORS 417.705 to 417.790. As used in ORS 417.705 to 417.790 and 419A.170, "services for children and families" does not include those services provided by the Department of Education. [1993 c.676 §30]

Note: See note under 417.315.

417.710 Statement of purpose. Subject to the availability of funds therefor and the specific provisions of ORS 417.705 to 417.790 and 419A.170, it is the purpose of ORS 417.705 to 417.790 and 419A.170 to:

(1) Authorize the State Commission on Children and Families to set statewide policies for services to children and families and to insure that state and federal funds for such services are available where the services are needed;

(2) Enable the boards of county commissioners and local commissions on children and families to supervise local services;

(3) Vest in local commissions on children and families the authority to distribute state and federal funds to purchase services to children and families in the local area and to supervise the development of the comprehensive local plan for services;

(4) Require comprehensive local planning for services to children and families to provide local services that are consistent with statewide policies and guidelines;

(5) Retain in the state the responsibility for funding of services to children and families through a combination of local, state and federal funding, including the leveraging of public and private funds available under ORS 417.705 to 417.790 and 419A.170;

(6) Retain state supervision of child protection and other services that should be uniform throughout the state and that are necessarily the state's responsibility; and

(7) Provide continuing service during the transition from the current system of services to a local system of services so that no lapse in services will occur. [1993 c.676 §1]

Note: See note under 417.315.

417.715 Policy; service system values and goals. (1) It is the intent of the Legislative Assembly to enable families and communities to protect, nurture and realize the full physical, social, emotional, cognitive and cultural developmental potential of children in Oregon. Toward this end, the Legislative Assembly shall develop and implement a statewide system of services that is preventive, integrated in local communities and accessible to children and families and that focuses on promoting the wellness of Oregon's children.

(2) The service system shall be based on promoting the wellness of Oregon's children and families. The following values shall guide the design and implementation of this system:

(a) A commitment to children that ranks them as Oregon's first priority;

(b) A commitment to reducing the number of Oregon's children and families living in poverty;

(c) A commitment to equitable treatment of gender in both services and funding;

(d) A view that strengthening families is of paramount concern, but that child safety must come first if a conflict between the well-being of a child and the well-being of a family arises;

(e) A recognition of the central role of families as the best place for children to develop;

(f) A realization that good parenting skills are fundamental to a healthy society;

(g) A sensitivity to diversity that requires culturally competent services respectful of genders, cultures, orientations and disabilities;

(h) An offering of opportunities for children to develop self-worth and concern for others, and to reach their full potential;

(i) A fundamental assumption that children should be provided the means to attain safety and good health; and

(j) A commitment to early detection and treatment of families at risk for child abuse and neglect.

(3) The service system shall emphasize:

(a) Services designed to identify risks and nurture potential at the earliest time in a child's life;

(b) Services designed to respond to and reduce risks at the earliest possible point of detection;

(c) A comprehensive continuum of services such as prevention, early intervention and treatment for children in all age groups;

(d) The realization that funding one age group or gender of children at the expense of another is destructive of the wellness of children; and

(e) That maintenance and enhancement of treatment services and augmentation of preventive services are paramount to the effective delivery of services to children and families.

(4) The service system must begin at the local level, through cooperation and integration of all local and state providers, treat the whole person and be built on the strengths and natural supports of neighborhoods and communities. [1993 c.676 §1a]

417.720 Characteristics of service system. The characteristics of the service system developed and implemented under ORS

417.705 to 417.790 and 419A.170 are that the system:

(1) Is nonstigmatizing;

(2) Is available and accessible when needed and is based on the perspective of children and families and, whenever possible, allows families to design their own service programs, based on assessment of their needs and their solutions and resources for change;

(3) Is outcome-oriented;

(4) Is integrated;

(5) Recognizes the contributions of the system's workers;

(6) Promotes in the community a sense of responsibility for self and others and is committed to the well-being of children as well as support for families;

(7) Emphasizes local planning for children and families and integrates local needs with statewide goals;

(8) Provides services locally in a process that encourages partnerships, alliances and efficient use of resources; and

(9) Provides local service delivery systems that build on the unique strengths of the county or community. [1993 c.676 §2]

Note: See note under 417.315.

417.725 Key elements of system; family resource and service centers. (1) Key elements of the service system developed and implemented under ORS 417.705 to 417.790 and 419A.170 are:

(a) A two-to-seven-year incremental implementation process with measurable outcomes;

(b) An implementation process resulting in a system based on nurturing human development; and

(c) A service continuum based on promoting wellness for the children of Oregon. Family resource centers and family service centers are a viable, but not the exclusive, structure for delivering a service continuum.

(2) If a system of family resource centers and family service centers is selected by a local commission on children and families established pursuant to ORS 417.760:

(a) Family resource centers may serve as the prevention arm of the delivery system and may be integrated into neighborhood-based services with the intent that services be available to all families to promote their children's wellness.

(b) Family service centers may serve as the treatment arm of the delivery system. [1993 c.676 §3]

Note: See note under 417.315.

(State Commission)

417.730 State Commission on Children and Families established; members; appointments; qualifications. (1) There is established a State Commission on Children and Families consisting of the Director of the Department of Human Resources, the Superintendent of Public Instruction and 12 members appointed by the Governor. The appointments shall reflect the state's diverse populations and regions and shall include representatives with expertise along the full developmental continuum of a child from the prenatal stage through 18 years of age.

(2) The appointed members shall include:

(a) One representative from the Oregon Juvenile Department Director's Association, from which the Governor may solicit suggestions for appointment;

(b) Six public members who have demonstrated interest in children, with consideration given to a youth member and persons from the education community;

(c) Two members from local commissions on children and families, one from a rural area and one from an urban area;

(d) One social service professional; and

(e) Two members from the business community who have demonstrated interest in children.

(3) The term of office of each appointed member is four years. Before the expiration of the term of an appointed member, the Governor shall appoint a successor whose term begins on October 1. An appointed member is eligible for reappointment. If there is a vacancy in an appointed position for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(4) The appointments by the Governor to the state commission are subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(5) An appointed member of the state commission is entitled to compensation and expenses as provided in ORS 292.495.

(6)(a) The majority of the members of the state commission shall be laypersons.

(b) As used in this subsection, "layperson" means a person whose primary income is not derived from either offering direct service to children and youth or being an administrator for a program for children and youth. [1993 c.676 §4]

Note: Section 17, chapter 676, Oregon Laws 1993, provides:

Sec. 17. The appointments required by section 4 of this Act [417.730] shall be made within 90 days after the effective date of this Act [August 18, 1993]. The ap-

pointment required by section 11 of this Act [409.190] shall be made on or before July 1, 1995. [1993 c.676 §17]

417.735 Duties of state commission. (1)

The State Commission on Children and Families shall promote the wellness of children and families at the state level and shall act in accordance with the principles, characteristics and values identified in ORS 417.710 to 417.725. The state commission shall provide no direct services, but shall be responsible for statewide planning, standards setting and policy development for services to children and families provided by the local commissions.

(2) Funds for local commissions shall consist of payments from moneys appropriated therefor to the State Commission on Children and Families by the Legislative Assembly. The state commission shall develop an equitable formula for the distribution of funds to counties or regions for services to children and families, and a minimum annual grant shall be provided to each county or region.

(3) The state commission shall:

(a) Adopt goals and priorities for serving children and families;

(b) Determine which services, excluding those identified in section 28 (1) and (2), chapter 676, Oregon Laws 1993, may be transferred to the local commissions on children and families based on consultation with appropriate state agencies and each local commission during its planning process. Responsibility for services to children and families shall be transferred to a local commission at the request of the board or boards of county commissioners of a county or region and after a finding by the state commission that the county or region has a comprehensive and competent plan for delivery of services which focuses on prevention and is integrated with all services to children and families;

(c) Be responsible for statewide planning, outcome standard setting and policy development for service to children and families in consultation with appropriate state and local agencies and local commissions;

(d) Advise the Legislative Assembly and the Governor concerning possible solutions to problems facing children and families;

(e) Identify outcomes relating to children and families for incorporation in the Oregon benchmarks;

(f) Determine a list of children's support areas that local commissions must address and assure that each local plan identifies which entities will be responsible for implementing segments of the plan;

- (g) Review and approve or deny local plans after a review and comment period and following a public hearing;
- (h) Assure that all services for children and families are integrated and evaluated according to their outcomes;
- (i) By January 1, 1995, recommend to the Legislative Assembly what additional proposals of "A Positive Future for Oregon's Children and Families" by the 1991-1992 Oregon Children's Care Team Interim Task Force should be undertaken;
- (j) By January 1, 2000, implement other recommendations of "A Positive Future for Oregon's Children and Families";
- (k) Establish a uniform system of reporting and collecting statistical data from counties and other agencies serving children and families;
- (L) In conjunction with the Department of Human Resources, educate, inform and give technical assistance to local commissions about federal and state laws, regulations and rules, and changes therein, governing the use of federal and state funds; and
- (m) Make recommendations to the Commission for Child Care for the development of the state's biennial child care plan.
- (4) The state commission, in coordination with the local commissions on children and families, shall:
- (a) Assist the local commissions in the development and implementation of performance and outcome criteria for evaluating services at the local level;
- (b) Monitor the progress in meeting criteria in the local plans;
- (c) In coordination with the Department of Human Resources or other appropriate state agency, provide technical assistance to the local commissions in developing the capacity needed to offer all services funded in the approved local plan;
- (d) Conduct research and disseminate information to local commissions on children and families;
- (e) Negotiate federal waivers in consultation with the Department of Human Resources;
- (f) Transfer state and federal funds to the local commission upon approval of its local plan. In those cases where two or more counties have combined to deliver services, the counties shall not receive less as a group than they would have received if each county had participated separately; and
- (g) Develop a process for reviewing requests for waivers from requirements of the state commission. Requests for waivers shall be granted or denied as a part of the plan approval process.
- (5) The state commission shall employ a staff director who shall be responsible for hiring and supervising any additional personnel necessary to assist the state commission in performing its duties. The director shall represent the state commission on the Oregon Coordinating Council for Children and Families. The staff shall be responsible for management functions of the state commission subject to policy direction by the state commission.
- (6) To the extent that federal funding is not jeopardized, the State Commission on Children and Families shall enter into an interagency agreement with the Department of Human Resources in which they agree on a system to:
- (a) Distribute all Title XX Social Services Block Grant funds on and after July 1, 1995;
- (b) Insure that federal and state requirements are met for federal funds administered by the state commission; and
- (c) Carry out the necessary auditing, monitoring and information requirements for federal funds distributed by the state commission.
- (7) In addition to the authority under subsection (4)(f) of this section, the state commission may direct the Department of Human Resources or the appropriate state department providing services for children and families, as defined in ORS 417.705, to negotiate federal waivers. If the Department of Human Resources or any other state agency does not pursue a federal waiver recommended by the state commission, the state commission may ask the governor to direct the Department of Human Resources or other state agency to apply for and negotiate the waiver.
- (8) If the Department of Human Resources or any other state agency refuses to distribute state or federal funds as requested by the state commission, the state commission may ask the Governor to direct the Department of Human Resources or other state agency to distribute the funds.
- (9) The programs shall be funded as fully as possible by Title XX of the federal Social Security Act, consistent with the terms and conditions of the block grant program and the local plans that reflect community priorities established by the local planning process.
- (10) In conjunction with the Department of Human Resources, the state commission, as soon as possible, shall develop a plan to re-engineer and integrate the data processing systems related to children's programs with

the objective of making management information more accessible. The state commission shall make regular presentations to the Joint Legislative Committee on Data Processing on its progress in developing and implementing the plan.

(11) Before each regular session of the Legislative Assembly, the state commission shall report to the Governor and to the appropriate joint interim committee as determined by the Speaker of the House of Representatives and the President of the Senate the following:

(a) The status of the children's service system in all counties;

(b) The progress in service areas provided by the state;

(c) Services identified for funding at or transfer to the local level;

(d) Services identified to stay at the state level; and

(e) The status of integration of service delivery for children and families with the Department of Education.

(12) If it is necessary for any interagency agreements to be executed between the Department of Human Resources and the State Office for Services to Children and Families, the agreements shall be executed no later than July 1, 1995.

(13)(a) The state commission may solicit, accept and receive federal moneys or moneys or other property from persons or corporations, public or private, for the purpose of carrying out the provisions of ORS 417.705 to 417.790 and 419A.170.

(b) All federal moneys collected or received under paragraph (a) of this subsection shall be accepted and transferred or expended by the state commission upon such terms and conditions as are prescribed by the Federal Government.

(c) All moneys and other property accepted by the state commission under this subsection shall be transferred, expended or used upon such terms and conditions as are prescribed by the donor in a manner consistent with applicable law. [1993 c.676 §5]

Note: See note under 417.315.

Note: Section 5b, chapter 676, Oregon Laws 1993, provides:

Sec. 5b. For the 1993-1995 biennium, the Governor and the appropriate legislative interim committee must approve the distribution formula described in section 5 (2) of this Act [417.735 (2)]. In subsequent biennia, distribution of funds according to the formula shall be included in the Governor's budget for consideration by the Legislative Assembly. [1993 c.676 §5b]

417.740 Officers; quorum; meetings. (1) The Governor shall select a chairperson for the State Commission on Children and Families who shall be a layperson as defined in

ORS 417.730 (6)(b). The state commission shall select one of its members as vice chairperson. The chairperson and vice chairperson shall serve for such terms and with such duties and powers as the state commission determines to be necessary to perform the functions of their offices.

(2) A majority of the members of the state commission constitutes a quorum for the transaction of business. The affirmative vote of a majority of the members of the state commission is required for action by the state commission.

(3) The state commission shall meet once a month for the first year and then at least once every three months at a place, day and hour determined by the state commission. The state commission also shall meet at other times and places specified by the call of the chairperson or of a majority of the members of the commission. [1993 c.676 §7]

417.745 Rules. In accordance with applicable provisions of ORS 183.310 to 183.550, the State Commission on Children and Families may adopt rules necessary to administer the duties of the state commission. [1993 c.676 §8]

417.750 Coordinating council to advise commission; advisory and technical committees; expenses of committee members.

(1) The Oregon Coordinating Council for Children and Families shall serve as a resource for technical support to the State Commission on Children and Families and shall advise the state commission on program operations and service integration.

(2) To further aid and advise the state commission in the performance of its functions, the state commission may establish such advisory and technical committees as it considers necessary. The state commission shall determine the representation, membership, terms and organization of the committees and shall appoint the members.

(3) Members of committees are not entitled to compensation, but at the discretion of the state commission may be reimbursed from funds available to the state commission for actual and necessary travel and other expenses incurred in the performance of their official duties, subject to ORS 292.495. [1993 c.676 §9]

417.755 Duty of state agencies providing services for children and families; exception. The purpose of ORS 417.705 to 417.790 and 419A.170, as described in ORS 417.710 to 417.725, shall be implemented by all state agencies providing services for children and families, except as described in ORS 417.705, to guide the providing of those services. [1993 c.676 §10]

Note: See note under 417.315.

(Local and Regional Commissions)

417.760 Local commission; members; staff director; approval of local plan; revised or amended plans. (1) The board of county commissioners of a county or the boards of county commissioners of contiguous counties that agree to appoint a regional commission:

(a) Shall appoint a chairperson and a minimum of eight members to a local commission for children and families in the manner described in ORS 417.765.

(b) Shall appoint a local staff director. The staff director shall hire and supervise any other support staff necessary for operation of the local commission. The staff director and staff are subject to county personnel policies and other administration policies and ordinances. The staff director shall be responsible for all management functions of the local commission.

(c) Must approve the local plan before it may be submitted to the State Commission on Children and Families. If the local plan has been revised or is amended, the revised or amended plan must be submitted to the board or boards for approval before it is submitted to the state commission.

(2) The board or boards of county commissioners must approve any transfer of responsibility for a state service and its funding to a local commission.

(3) Funds payable to implement local plans shall be paid to the county. The board or boards of county commissioners are responsible for the expenditure of such funds subject to county budget and fiscal operating procedures. [1993 c.676 §12]

417.765 Qualifications of members; terms. (1) A majority of the local commission, including the chairperson, shall be laypersons as defined in ORS 417.730 (6)(b). Appointments to the local commission shall reflect the county's or counties' diverse populations and shall reflect expertise along the full spectrum of developmental stages of a child, from the prenatal stage through 18 years of age. Members shall include persons who have knowledge of the issues relating to children and families in the affected communities, including education and the court system.

(2) Members of the local commission shall be appointed to four-year terms. However, the appointing board or boards of county commissioners shall establish staggered terms for the persons initially appointed to the local commission. A member is eligible to be appointed for not more than two consecutive terms. [1993 c.676 §13]

417.770 Regional commissions appointed pursuant to intergovernmental agreement. (1) The boards of county commissioners of contiguous counties that agree to appoint a regional commission by intergovernmental agreement authorized by ORS chapter 190 shall provide in the agreement for the following:

(a) The appointment of the chairperson and members of the regional commission in the manner described in ORS 417.760;

(b) The adoption of procedures and policies to govern the regional commission, which adoption may be subject to concurrence by the boards of county commissioners;

(c) The hiring and supervision of support staff necessary for the operation of the regional commission pursuant to ORS 417.760;

(d) The methods for adoption of a budget for the regional commission, the expenditure of funds and fiscal operating procedures; and

(e) Other conditions and procedures necessary for the cooperation of a regional agency.

(2) The agreement may require the prior approval of the boards of county commissioners for the participating counties to transfer a state service and its funding to the regional commission. [1993 c.676 §13a]

417.775 Purpose and duties of local commission; local plan approval; waiver.

(1) The main purpose of the local commission is to promote wellness for the children and families in the county or region and to develop policy and oversee the implementation of the local plan developed to achieve the outcomes outlined in subsection (2) of this section.

(2) The local commission shall assess needs and identify county or regional outcomes to be achieved. It shall develop and prepare a comprehensive area-wide service delivery plan for each biennium for all services to be provided for children and families in the county or region during the biennium. The local plan shall be designed to achieve state and county or regional outcomes, including the Oregon benchmarks, based on state guidelines and to maintain a level of services consistent with state and federal requirements.

(3) The local commission shall prepare the county or regional plan and application for funds to implement ORS 417.705 to 417.790 and 419A.170. The plans, policies and proposed service delivery systems shall be submitted to the board or boards of county commissioners for approval prior to submission to the state commission. The county or regional plan shall be based on identifying the most effective service delivery system al-

lowing for the continuation of current public and private programs where appropriate. The local commission shall monitor progress of key outcomes related to the county or regional plan.

(4) The plan shall include:

(a) Subject to the availability of funds:

(A) Consideration of prenatal and postnatal screening, assessment and referral to the appropriate services for at-risk children and families, including home visitations and health care, to promote the wellness of the child at the earliest possible time and also include consideration of crisis nurseries; and

(B) Services to children who are newborn through 18 years of age and their families; and

(b) A list of staff positions budgeted to support the local commission on children and families. The list shall indicate the status of each position as a percentage of full-time equivalency dedicated to the implementation of the plan. The county board or boards of commissioners shall be responsible for providing the level of staff support detailed in the plan and shall insure that funds provided for these purposes are used exclusively to carry out the plan.

(5) The plan shall be based on:

(a) Children's support areas;

(b) Local needs and desired outcomes;

(c) Local, state and federal resources;

(d) Best practices for the specific community; and

(e) Continuation of current public and private services where appropriate.

(6) In developing the local comprehensive plan, the local commission shall:

(a) Secure the active participation of local and state service providers, educators, courts, representatives of advisory groups and other groups planning for the delivery of services to children and families, consumers, juvenile justice professionals, child and family advocates, business leaders, citizen review boards, churches, populations representing a diversity of genders, cultures, orientations and disabilities of the county or region, and other private organizations and citizens;

(b) Provide for community participation in the planning process, including media notification;

(c) Conduct an assessment of the community that identifies needs and strengths;

(d) Identify opportunities for service integration;

(e) Develop a comprehensive plan and budget to meet the priority needs of a county or region;

(f) Inform the citizenry about the contents of the plan and provide for a public review and comment period; and

(g) Develop a method for evaluating service outcomes.

(7) The State Commission on Children and Families may disapprove a local plan in whole or in part only upon making specific findings that the local plan substantially fails to conform to the principles, characteristics and values identified in ORS 417.710 to 417.725. If the state commission disapproves a local plan in whole, the state commission shall identify with particularity the manner in which the local plan is deficient. If the state commission disapproves only part of the plan, the remainder of the plan may be implemented. The staff of the state commission shall assist in remedying the deficiencies in the local plan. The state commission shall set a date by which the local plan or the deficient portion thereof shall be revised and resubmitted.

(8) If a local commission determines that the needs of the county or region it serves differ from those identified by the state commission, it may ask the state commission to waive specific requirements in its list of children's support areas. The process for granting waivers shall be developed by the state commission prior to the start of the plan approval process and shall be based primarily on a determination of whether the absence of a waiver would prevent the local commission from best meeting the needs of the county or region.

(9) From time to time, the local commission may amend the local plans and applications for funds to implement ORS 417.705 to 417.790 and 419A.170 upon approval of the board or boards of county commissioners and the State Commission on Children and Families.

(10) The local commission shall provide an opportunity for public and private contractors to review the components of the plan, to receive notice of any component that the county intends to provide through a county agency and to comment publicly to the county board of commissioners if they disagree with the proposed service delivery plan. [1993 c.676 §14]

Note: See note under 417.315.

417.780 State funds not replacement for county moneys; waiver for financial hardship. Funds received by a county or counties from the state to implement ORS 417.705 to 417.790 and 419A.170 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 and youth. However, in case of severe financial hardship demonstrated by a county or counties, the State Commission on Children and Families may waive the requirements of this section in approving the local plan. [1993 c.676 §15]

Note: See note under 417.315.

417.785 Local commission as recommended structure; approved alternative structure allowed. A local commission is the recommended local structure for implementation of ORS 417.705 to 417.790 and 419A.170. However, a county or counties may elect to offer another structure but shall submit only one local plan. The alternative structure must be approved by the State Commission on Children and Families. [1993 c.676 §16]

Note: See note under 417.315.

Note: Sections 18 and 29, chapter 676, Oregon Laws 1993, provide:

Sec. 18. Appointment of local commission; alternative structure proposals; approval of local plan. (1) On or before February 1, 1994, each local commission on children and families shall be appointed and shall hold an organizational meeting. If the recommended local structure is an alternative to a local commission as authorized by section 16 of this Act [417.785], the board or boards of county commissioners must propose the alternative structure to the State Commission on Children and Families by February 1, 1994, so that the structure may be approved or denied by March 1, 1994.

(2) The local plan must be completed and submitted for approval by the state commission by July 31, 1994. The state commission shall approve or deny each local plan within two months after it is submitted. [1993 c.676 §18]

Sec. 29. Transfer of funds to local commission; transfer of services. Effective July 1, 1995, the State Commission on Children and Families shall:

(1) Determine when funds for services to children and families not described in section 28 (1) and (2) of this Act are to be transferred to the local commission. If a local commission with an approved plan requests a transfer, the state commission shall determine whether funds can be transferred.

(2) Determine which, if any, services to children and families that are not described in section 28 (1) and (2) of this Act are not to be transferred to local commissions but are to remain state responsibilities. [1993 c.676 §29]

(State Commission Grants)

417.790 Grants for Student Retention Initiative, Great Start and juvenile services. The State Commission on Children and Families shall:

(1) Make Student Retention Initiative grants to fund student retention initiatives designed to identify youths in danger of leaving school before graduation and to assist them in completing their education.

(2) Make Great Start grants with the goal of having children reach the first grade

with good physical, social, emotional and language development. The state commission shall assist counties in the implementation and operation of Great Start programs for children who are newborn to six years of age including parent support programs, child care and child development services, physical and mental health promotion and access to services.

(3) Make juvenile services grants to fund juvenile delinquent programs for diversion, delinquency prevention, detention, shelter care, probation, restitution, family support services and community centers for the care and treatment of juveniles in need of services, for the purpose of reducing the rate of juvenile delinquency. [1993 c.676 §31]

Note: Section 3, chapter 611, Oregon Laws 1993, provides:

Sec. 3. Development of evaluation plan; Great Start; Student Retention Initiative; implementation; reports to legislative committee. The Joint Legislative Audit Committee and the State Commission on Children and Families shall develop an evaluation plan to measure the costs and results of services, including client outcomes, provided through the Great Start and Student Retention Initiative programs offered by the commission. The commission shall implement the plan within existing resources and provide a preliminary report to the Joint Legislative Audit Committee before December 1994, and a final report by December 1996. [1993 c.611 §3]

(Healthy Start Pilot Programs)

417.795 Healthy Start Family Support Services pilot programs; standards; duties of local commission. (1) The State Commission on Children and Families established under ORS 417.730 shall establish four Healthy Start Family Support Services pilot programs provided through local commissions on children and families. The state commission may authorize the programs on a statewide basis if funding becomes available.

(2) These programs shall be designed to achieve the appropriate Early Childhood Benchmarks and shall:

(a) Provide a comprehensive risk assessment of all newly born children and their families;

(b) Identify families that would benefit most from the programs;

(c) Provide support services, including but not limited to community-based home visiting intervention services and primary health care services;

(d) Provide other supports, including but not limited to referral and coordination of community and public services for children and families such as counseling, child care, food, housing and transportation;

(e) Coordinate services for children;

(f) Provide follow-up services and supports from birth through five years of age;

(g) Establish a data system to document:

(A) Level of screening and assessment;

(B) Profile of risk and family demographics;

(C) Incidence of child abuse and neglect;

(D) Change in stress-coping and managing skills; and

(E) Rate of child development; and

(h) Establish a training program in the dynamics of the skills needed to provide these services, such as assessment and home visiting.

(3) The local commission on children and families, the health department, and other providers of prenatal and perinatal services in participating counties shall jointly develop an amendment to the local comprehensive plan that shall provide the following:

(a) Identify existing perinatal services and describe and prioritize additional services necessary for a voluntary perinatal home visit system;

(b) Build on existing perinatal programs;

(c) Identify ways to maximize the use of paraprofessionals, volunteers and other community resources; and

(d) Target, at a minimum, all first birth families in the county.

(4) The local commission on children and families established under ORS 417.760, according to the portion of the comprehensive local plan dealing with the pilot project, shall cause a family support worker to be assigned to each family assessed as at risk that consents to receive services through the worker. The worker shall conduct home visits and assist the family in gaining access to needed services.

(5) The services required by this section shall be provided through requests for proposals from hospitals, public or private entities or organizations, or any combination thereof, capable of providing all or part of the family risk assessment and the follow-up services. In granting the contract, the local commission shall take into consideration the most effective and consistent service delivery system allowing for the continuation of current public and private programs where appropriate.

(6) The family risk assessment and follow-up services for families at risk shall be provided by paraprofessional family support workers organized in teams supervised by a manager and including a family services coordinator who is available to consult. [1993 c.677 §1]

Note: Sections 2 and 3, chapter 677, Oregon Laws 1993, provide:

Sec. 2. Healthy Start Implementation Task Force. The State Commission on Children and Families shall establish a short-term Healthy Start Implementation Task Force to develop statewide standards for assessment, data collection, program services and evaluation. [1993 c.677 §2]

Sec. 3. Reports to Legislative Assembly; Healthy Start; Early Childhood Benchmarks. The State Commission on Children and Families shall report to the Sixty-eighth Legislative Assembly in the manner described in ORS 192.245 on the implementation of the Healthy Start Family Support Services programs and the outcomes documented by the data system in correlation to the Early Childhood Benchmarks. [1993 c.677 §3]

(Toll-Free Hotline)

417.805 Toll-free child abuse hotline.

(1) Subject to the availability of funds under subsection (2) of this section, the State Commission on Children and Families shall cause to have installed a state toll-free telephone line that may be used in child abuse situations to provide to persons who request such information referrals to local counseling and legal assistance.

(2) The commission may accept contributions of funds from any source to meet the costs of the installation described in subsection (1) of this section. [1993 c.678 §7]

(Children's Ombudsman)

417.810 Office of Children's Ombudsman established; appointment; term; vacancy; confirmation; qualifications. (1) Subject to the availability of funds under ORS 417.805 (2), the Office of Children's Ombudsman is established in the State Commission on Children and Families. The Governor shall appoint the Children's Ombudsman for a four-year term. Any vacancy shall be filled within 60 days. The appointment is subject to confirmation by the Senate under ORS 171.562 and 171.565.

(2) The Children's Ombudsman shall be a person who has background and experience either in law enforcement with particular emphasis on crimes involving child victims or in social work with particular emphasis on child sexual abuse. [1993 c.678 §8]

417.815 Duties of Children's Ombudsman; confidentiality. (1) The Children's Ombudsman shall be accessible through the state toll-free telephone line established pursuant to ORS 417.805 and shall:

(a) Initiate or participate in activities relating to disseminating information on child sexual abuse detection, prosecution, prevention and education.

(b) Cooperate with the Children's Services Division and law enforcement officials in performing duties under ORS 418.747 to

418.749 when the investigation involves alleged child sexual abuse.

(c) Assist the court appointed special advocate under ORS 417.600 to 417.660 (1991 Edition) when the juvenile court proceedings involve a child sexual abuse victim or a child as the alleged perpetrator of child sexual abuse.

(d) Provide technical assistance in the development and implementation of state and local programs that relate to child sexual abuse.

(e) Collect and analyze data on child sexual abuse detection, prosecution, prevention and education.

(2) If the Children's Ombudsman has knowledge of confidential information relating to a child involved or allegedly involved in child sexual abuse, such information shall remain confidential from public disclosure. However, the ombudsman shall be subject to legal mandates in ORS 418.747 to 418.749. [1993 c.678 §§9,10]

417.825 Portions of certain filing fees dedicated to abuse prevention and Children's Ombudsman. In addition to any other fees provided by law, a \$1 fee on the original filing and duplication of birth certificates, adoption filing and divorce filing shall be collected by the agency responsible for collecting the issuance or filing fee and the money dedicated to child sexual abuse prevention and intervention programs and to the Children's Ombudsman pursuant to ORS 417.400 to 417.490 (1991 Edition). The money shall be credited to the commission by the person collecting the fee. [1993 c.678 §11]

(Deschutes County Demonstration Project)

Note: Sections 1 to 6, chapter 675, Oregon Laws 1993, provide:

Sec. 1. Authority of Deschutes County to establish demonstration project. (1) Consistent with the requirements of sections 1a to 3, chapter 676, Oregon Laws 1993 [417.715 to 417.725], the governing body of Deschutes County may establish a demonstration project that authorizes the county to:

(a) Within the county, assume responsibility for providing or obtaining some or all services to children and families that primarily focus on the welfare of the child and that would otherwise be provided or obtained by or through one or more state agencies with the exception of child protective services as described in ORS 418.747 to 418.749 and 418.780 to 418.796; and

(b) During the time the county assumes responsibility for the services and according to the provisions of the intergovernmental agreement by which the county assumes those responsibilities, receive the moneys available to state agencies to provide or obtain those services. If the moneys therefor are not transferred, the county is not required to assume responsibility for the service.

(2) In order to exercise authority under subsection (1) of this section, the local commission appointed under section 2 of this Act shall develop for the governing

body of Deschutes County a plan for assuming the responsibilities described in subsection (1)(a) of this section. The plan shall establish standards by which the appropriate state agencies may monitor and assure performance of the demonstration project. The standards shall not establish requirements for how the county provides or obtains the service, but shall address expected outcomes and goals. The plan may provide for the transfer of employees involved in the services. The provisions of ORS 423.550 shall apply to any transferred employees of the Department of Corrections and the provisions of ORS 236.605 to 236.650 apply to all other transferred employees.

(3) The plan shall be submitted to the county governing body for approval. However, no portion of the plan that relates to the administration, procedures or programs of the courts shall be submitted to the county governing body without the concurrence of the presiding judge of the circuit court for the county.

(4) The plan shall be specific about the services for which the county assumes responsibility and shall provide measures by which the state can assure that services are not being diminished from the level provided or obtained by the state. [1993 c.675 §1]

Sec. 2. Appointment of local commission; duties; staff director. (1) The governing body of the county shall appoint a chairperson and a minimum of eight members to a local commission to develop and implement the plan. No member shall be appointed to the commission whose primary income is derived from either offering direct service to children and youth or being an administrator for a program for children and youth. Members of the commission shall be appointed to four-year terms, except that the terms of the first appointees shall be staggered as determined by the appointing authority. A member is eligible for reappointment. However, if the local commission on children and families has been appointed pursuant to chapter 676, Oregon Laws 1993, the local commission on children and families shall exercise the duties described in this Act and no local commission shall be established under this subsection.

(2) There shall be a staff director for the local commission. The governing body shall hire the staff director. The staff director shall be supervised by the local commission. The staff director shall hire and supervise any other support staff necessary for operation of the local commission. Such staff shall be county employees subject to county personnel rules.

(3) The governing body of the county may include the presiding judge of the circuit court for the county in the appointment of the chairperson and members of the local commission, the hiring of the staff director and the approval of the plan.

(4) The local commission shall establish a local advisory council to aid and advise the commission. Affected state, county and local agencies shall participate in activities of the council and shall identify current delivery systems and attached resources. [1993 c.675 §2]

Sec. 3. Intergovernmental agreement. (1) The governing body of Deschutes County shall:

(a) Submit a request for an intergovernmental agreement to each state agency responsible for the services the county has determined to assume responsibility to provide or obtain. The request for intergovernmental agreement shall describe how the county developed the plan and include a proposal for the intergovernmental agreement. The county shall submit the request to the administrative head of the appropriate state agency then responsible for the services for which the county has determined to assume responsibility; and

(b) Enter into an intergovernmental agreement with the appropriate state agencies to assume responsibility for the services by implementing the plan developed by

the county. If the county submits a request under this subsection, each state agency receiving the request shall work in good faith to develop an intergovernmental agreement to transfer responsibility for such services to the county and to transfer to the county the moneys available to state agencies to provide and obtain those services.

(2) Before the agreement becomes operative, all federal waivers necessary to enable the state to operate under the agreement without loss of federal funds shall be obtained. The county and state agencies shall cooperate in obtaining any necessary federal waivers. [1993 c.675 §3]

Sec. 4. Limitations on county's authority. The authority of Deschutes County under section 1 (1) of this Act is subject to the following limitations:

(1) Unless specifically authorized by the Superintendent of Public Instruction, Deschutes County shall not assume responsibility for any services provided or obtained by the Department of Education.

(2) Unless specifically authorized by the State Court Administrator, Deschutes County shall not assume responsibility for any services provided or obtained by the Judicial Department or any court, division or agency within the Judicial Department. The State Court Administrator shall not delegate authority to execute contracts for indigent defense services to anyone other than a Judicial Department officer or employee. [1993 c.675 §4]

Sec. 5. Reports to Legislative Assembly; legislative committee to monitor resources, provide forum and advise county. (1) Deschutes County and any state agency from which the county proposes to assume responsibility for services under this Act shall report to the appropriate committees of the Legislative Assembly both during the regular session of the Legislative Assembly and during the legislative interim concerning the progress of the demonstration project and any problems or successes of the demonstration project.

(2) In addition to any other duties the committees might have, the committees to which the Speaker of the House of Representatives and the President of the Senate assign the responsibility for monitoring the progress of the demonstration project under this section shall also:

(a) Monitor the identification of resources available to be transferred to Deschutes County when it assumes responsibilities for services under this section; and

(b) Provide a forum for presenting and discussing problems that arise between Deschutes County and state agencies when the county proposes to assume responsibilities for services under this Act. When requested by the county or a state agency during the process of the county's proposal to assume responsibilities under this Act, the committee shall give advice as to the resolution of any conflict concerning the proposal. [1993 c.675 §5]

Sec. 6. Repealer. Sections 1 to 5 of this Act are repealed effective June 30, 1995. [1993 c.675 §6]

Note: Section 1, chapter 242, Oregon Laws 1993, provides:

Sec. 1. Study of validity of American Bar Association Resolution on Representation of Children.

(1) The State Commission on Children and Families shall conduct a study and make recommendations to the Sixty-eighth Legislative Assembly regarding the validity and propriety of the 1992 American Bar Association's resolution in regard to representation of children in civil child protection proceedings and, if applicable, the most efficient and economical way of implementing the resolution.

(2) In conducting the study, the commission shall consult with the Judicial Department, the Children's Services Division of the Department of Human Resources and the leaders of organized bar associations in

the state to assure that every child coming in contact with the court system is provided with effective advocacy, including legal representation where appropriate or required, throughout the judicial process.

(3) The commission shall submit its recommendations to the President of the Senate and the Speaker of the House of Representatives no later than January 1, 1995. [1993 c.242 §1]

(Individual Children's Development Account)

417.900 Individual Children's Development Account Program. (1) The State Commission on Children and Families shall administer the Individual Children's Development Account Program. The program shall include but not be limited to:

(a) Eligibility criteria for state participation in the funding of the Individual Children's Development Accounts, including but not limited to, utilization of a sliding scale based on family income;

(b) A mechanism for community and business contributions to Individual Children's Development Accounts;

(c) Proposal for tax incentives for the establishment and maintenance of such accounts; and

(d) Recommendations regarding account purposes, including but not limited to, the purposes set forth in subsection (2) of this section.

(2) As used in this section, "Individual Children's Development Account Program" means a program established by parents or by the government with parental consent for an Oregon child less than 18 years of age at the time of its establishment that may be used at any age by that child for one or more of these purposes:

(a) Securing post-high school education, including but not limited to, community college, four-year college or university or post-college graduate education;

(b) Securing post-high school job training, including but not limited to, vocational or trade school;

(c) Purchasing a home for the first time, either alone or with another; or

(d) Capitalizing a business. [Formerly 417.700]

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]

