

Chapter 417

2011 EDITION

Interstate Compacts on Juveniles and Children; Children and Family Services

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**THE INTERSTATE COMPACT FOR
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 The Interstate Compact for 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:

**THE INTERSTATE COMPACT
FOR JUVENILES**

ARTICLE I

PURPOSE

The compacting states to this Interstate Compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. 112 (1965), has authorized and encouraged compacts for cooper-

ative efforts and mutual assistance in the prevention of crime.

It is the purpose of this compact, through means of joint and cooperative action among the compacting states to:

A. Ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state;

B. Ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected;

C. Return juveniles who have run away, absconded or escaped from supervision or control or have been accused of an offense to the state requesting their return;

D. Make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services;

E. Provide for the effective tracking and supervision of juveniles;

F. Equitably allocate the costs, benefits and obligations of the compacting states;

G. Establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency that has jurisdiction over juvenile offenders;

H. Ensure immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate across state lines;

I. Establish procedures to resolve pending charges (detainers) against juvenile offenders prior to transfer or release to the community under the terms of this compact;

J. Establish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of Compact activities to heads of state executive, judicial and legislative branches and juvenile and criminal justice administrators;

K. Monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct non-compliance;

L. Coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; and

M. Coordinate the implementation and operation of the compact with the Interstate

Compact for the Placement of Children, the Interstate Compact for Adult Offender Supervision and other compacts affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact.

ARTICLE II DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Bylaws" means those bylaws established by the Interstate Commission for its governance, or for directing or controlling its actions or conduct.

B. "Compact administrator" means the individual in each compacting state appointed pursuant to the terms of this compact, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.

C. "Compacting state" means any state that has enacted the enabling legislation for this compact.

D. "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact.

E. "Court" means any court having jurisdiction over delinquent, neglected or dependent children.

F. "Deputy compact administrator" means the individual, if any, in each compacting state appointed to act on behalf of a compact administrator pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.

G. "Interstate Commission" means the Interstate Commission for Juveniles created by Article III of this compact.

H. "Juvenile" means any person defined as a juvenile in any member state or by the

rules of the Interstate Commission, including:

1. Accused delinquent - a person charged with an offense that, if committed by an adult, would be a criminal offense;

2. Adjudicated delinquent - a person found to have committed an offense that, if committed by an adult, would be a criminal offense;

3. Accused status offender - a person charged with an offense that would not be a criminal offense if committed by an adult;

4. Adjudicated status offender - a person found to have committed an offense that would not be a criminal offense if committed by an adult; and

5. Non-offender - a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

I. "Non-compacting state" means any state that has not enacted the enabling legislation for this compact.

J. "Probation or parole" means any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

K. "Rule" means a written statement by the Interstate Commission promulgated pursuant to Article VI of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

L. "State" means a state of the United States, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Northern Marianas Islands.

ARTICLE III INTERSTATE COMMISSION FOR JUVENILES

A. The compacting states hereby create the "Interstate Commission for Juveniles." The commission shall be a body corporate and joint agency of the compacting states. The commission shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

B. The Interstate Commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of

each compacting state and in consultation with the State Council for Interstate Juvenile Supervision created hereunder. The commissioner shall be the compact administrator, deputy compact administrator or designee from that state who shall serve on the Interstate Commission in such capacity under or pursuant to the applicable law of the compacting state.

C. In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners, but who are members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (non-voting) members. The Interstate Commission may provide in its bylaws for such additional ex-officio (non-voting) members, including members of other national organizations, in such numbers as shall be determined by the commission.

D. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

E. The commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

F. The Interstate Commission shall establish an executive committee, which shall include commission officers, members and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the compact. The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its bylaws and rules, and performs such other duties as directed by the Interstate Commission or set forth in the bylaws.

G. Each member of the Interstate Commission shall have the right and power to

cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person and shall not delegate a vote to another compacting state. However, a commissioner, in consultation with the State Council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

H. The Interstate Commission's bylaws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

I. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

1. Relate solely to the Interstate Commission's internal personnel practices and procedures;
2. Disclose matters specifically exempted from disclosure by statute;
3. Disclose trade secrets or commercial or financial information that is privileged or confidential;
4. Involve accusing any person of a crime, or formally censuring any person;
5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
6. Disclose investigative records compiled for law enforcement purposes;
7. Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity;
8. Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity; or
9. Specifically relate to the Interstate Commission's issuance of a subpoena, or its

participation in a civil action or other legal proceeding.

J. For every meeting closed pursuant to this provision, the Interstate Commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes that shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefore, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

K. The Interstate Commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rules, which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall insofar as is reasonably possible conform to up-to-date technology and coordinate its information functions with the appropriate repository of records.

ARTICLE IV POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The commission shall have the following powers and duties:

1. To provide for dispute resolution among compacting states.

2. To promulgate rules to effect the purposes and obligations as enumerated in this compact, which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.

3. To oversee, supervise and coordinate the interstate movement of juveniles subject to the terms of this compact and any bylaws adopted and rules promulgated by the Interstate Commission.

4. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.

5. To establish and maintain offices that shall be located within one or more of the compacting states.

6. To purchase and maintain insurance and bonds.

7. To borrow, accept, hire or contract for services of personnel.

8. To establish and appoint committees and hire staff that it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III that shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

9. To elect or appoint such officers, attorneys, employees, agents or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation and qualifications of personnel.

10. To accept any and all donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of them.

11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal or mixed.

12. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed.

13. To establish a budget and make expenditures and levy dues as provided in Article VIII of this compact.

14. To sue and be sued.

15. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.

16. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

17. To report annually to the legislatures, governors, judiciary and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

18. To coordinate education, training and public awareness regarding the interstate movement of juveniles for officials involved in such activity.

19. To establish uniform standards of the reporting, collecting and exchanging of data. The Interstate Commission shall maintain its corporate books and records in accordance with the bylaws.

ARTICLE V
ORGANIZATION AND OPERATION OF
THE INTERSTATE COMMISSION

Section A. Bylaws

1. The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

- a. Establishing the fiscal year of the Interstate Commission;
- b. Establishing an executive committee and such other committees as may be necessary;
- c. Providing for the establishment of committees governing any general or specific delegation of any authority or function of the Interstate Commission;
- d. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;
- e. Establishing the titles and responsibilities of the officers of the Interstate Commission;
- f. Providing a mechanism for concluding the operations of the Interstate Commission and the return of any surplus funds that may exist upon the termination of the compact after the payment and/or reserving of all of its debts and obligations;
- g. Providing “start-up” rules for initial administration of the compact; and
- h. Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Section B. Officers and Staff

1. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson’s absence or disability, the vice-chairperson shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission, provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

2. The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such

compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a member and shall hire and supervise such other staff as may be authorized by the Interstate Commission.

Section C. Qualified Immunity, Defense and Indemnification

1. The Commission’s executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that any such person shall not be protected from suit or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person.

2. The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person’s employment or duties for acts, errors or omissions occurring within such person’s state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees and agents. Nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person.

3. The Interstate Commission shall defend the executive director or the employees or representatives of the Interstate Commission and, subject to the approval of the Attorney General of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner’s representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such person.

4. The Interstate Commission shall indemnify and hold the commissioner of a compacting state, or the commissioner’s representatives or employees, or the Interstate Commission’s representatives or employees,

harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE VI

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

B. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rule making shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the Interstate Commission deems appropriate consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the United States Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the Commission.

C. When promulgating a rule, the Interstate Commission shall, at a minimum:

1. Publish the proposed rule's entire text stating the reason(s) for that proposed rule;
2. Allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record, and be made publicly available;
3. Provide an opportunity for an informal hearing if petitioned by 10 or more persons; and
4. Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

D. Allow, not later than 60 days after a rule is promulgated, any interested person to file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For pur-

poses of this subsection, evidence is substantial if it would be considered substantial evidence under the Model State Administrative Procedures Act.

E. If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.

F. The existing rules governing the operation of the Interstate Compact on Juveniles superceded by this Act shall be null and void 12 months after the first meeting of the Interstate Commission created hereunder.

G. Upon determination by the Interstate Commission that a state of emergency exists, it may promulgate an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.

ARTICLE VII

OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

Section A. Oversight

1. The Interstate Commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in non-compacting states that may significantly affect compacting states.

2. The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact that may affect the powers, responsibilities or actions of the Interstate Commission, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

Section B. Dispute Resolution

1. The compacting states shall report to the Interstate Commission on all issues and activities necessary for the administration of

the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.

2. The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues that are subject to the compact and that may arise among compacting states and between compacting and non-compacting states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in Article XI of this compact.

**ARTICLE VIII
FINANCE**

A. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

B. The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff, which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states that governs said assessment.

C. The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same, nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

E. The Interstate Compact for Juveniles Fund is established, separate and distinct from the General Fund. All moneys in the fund are continuously appropriated to the Oregon Youth Authority to be used for the purposes of meeting financial obligations imposed on the State of Oregon as a result of the state's participation in this compact.

F. An assessment levied or any other financial obligation imposed under this compact is effective against the State of Oregon only to the extent that moneys to pay the assessment or meet the financial obligation have been appropriated and deposited in the Interstate Compact for Juveniles Fund.

**ARTICLE IX
THE STATE COUNCIL**

A. The Director of the Oregon Youth Authority, or the director's designee, shall serve as the compact administrator for the State of Oregon and as Oregon's commissioner to the Interstate Commission.

B. The Oregon State Council for Interstate Juvenile Supervision is established, consisting of seven members. The Director of the Oregon Youth Authority, or the director's designee, is a member of the State Council and serves as chairperson of the State Council. Of the remaining members of the State Council:

1. The Governor shall appoint three members, one of whom must represent a crime victims' organization; and

2. The Chief Justice of the Supreme Court, the President of the Senate and the Speaker of the House of Representatives shall each appoint one member.

C. The term of office of a member is four years.

D. The State Council shall meet at least once each calendar year.

E. The State Council may advise the compact administrator on participation in the Interstate Commission activities and administration of the compact.

F. Members of the State Council are entitled to expenses as provided in ORS 292.495. Any legislative members are entitled to payment of compensation and expense reimbursement under ORS 171.072, payable from funds appropriated to the Legislative Assembly.

G. The State Council is subject to the provisions of ORS 291.201 to 291.222 and 291.232 to 291.260.

H. The Oregon Youth Authority shall provide staff support for the State Council.

ARTICLE X

COMPACTING STATES, EFFECTIVE
DATE AND AMENDMENT

A. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Northern Marianas Islands as defined in Article II of this compact is eligible to become a compacting state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no fewer than 35 of the states. The initial effective date shall be the later of July 1, 2004, or upon enactment into law by the 35th jurisdiction. Thereafter it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states and territories of the United States.

C. The Interstate Commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XI

WITHDRAWAL, DEFAULT,
TERMINATION AND
JUDICIAL ENFORCEMENT

Section A. Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every compacting state, provided that a compacting state may withdraw from the compact by specifically repealing the statute that enacted the compact into law.

2. The effective date of withdrawal is the effective date of the repeal.

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

Section B. Technical Assistance, Fines,
Suspension, Termination and Default

1. If the Interstate Commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the bylaws or duly promulgated rules, the Interstate Commission may impose any or all of the following penalties:

a. Remedial training and technical assistance as directed by the Interstate Commission;

b. Alternative Dispute Resolution;

c. Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission; and

d. Suspension or termination of membership in the compact, which shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the Interstate Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer of the state, the majority and minority leaders of the defaulting state's legislature and the State Council. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, the bylaws or duly promulgated rules and any other grounds designated in commission bylaws and rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission and of the default pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the commission, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination.

2. Within 60 days of the effective date of termination of a defaulting state, the commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, the majority and minority leaders of the defaulting state's legislature and the State Council of such termination.

3. The defaulting state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

4. The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

5. Reinstatement following termination of any compacting state requires both a re-enactment of the compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

Section C. Judicial Enforcement

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices, to enforce compliance with the provisions of the compact, its duly promulgated rules and bylaws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys fees.

Section D. Dissolution of Compact

1. The compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduces membership in the compact to one compacting state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XII

SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

ARTICLE XIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other Laws

1. Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.

2. All compacting states' laws other than state Constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

Section B. Binding Effect of the Compact

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the State of Oregon unless contrary to the Oregon Constitution.

2. All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.

3. Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

4. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this compact becomes effective.

5. The State of Oregon is bound by the bylaws and rules promulgated under this compact only to the extent that the operation of the bylaws and rules does not impose an obligation exceeding any limitation on state power or authority contained in the Oregon Constitution as interpreted by the state courts of Oregon.

[1959 c.434 §2; 1979 c.288 §4; 2009 c.891 §1]

Note: Section 2, chapter 891, Oregon Laws 2009, provides:

Sec. 2. Notwithstanding the amendments to ORS 417.030 by section 1 of this 2009 Act, ORS 417.030 (2007 Edition) applies to non-compacting states as defined in Article II of the Interstate Compact for Juveniles. [2009 c.891 §2]

417.040 Juvenile Compact Administrator and staff; rules. (1) The office of Juvenile Compact Administrator hereby is created. The Director of the Oregon Youth Authority 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 Oregon Youth Authority. The youth authority shall fix the salary of the deputy. Subject to the approval of the youth authority, 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 personnel, and they shall be subject to the control and under the immediate supervision of the administrator. Personnel other than the administrator and the deputy shall be subject to any applicable provision of the State Personnel Relations Law. Subject to the approval of the youth authority, the administrator may also provide necessary offices, supplies and equipment. [1959 c.434 §3; 1971 c.401 §11; 2005 c.655 §1]

417.042 Adjudicated delinquent's obligation to report as sex offender. Before granting permission to a sending state to authorize an adjudicated delinquent on probation or parole to reside in this state, the Juvenile Compact Administrator described in ORS 417.040 shall determine whether the adjudicated delinquent is required to report as a sex offender under ORS 181.609. If the adjudicated delinquent is required to report as a sex offender, the Juvenile Compact Administrator shall, before granting permission for the adjudicated delinquent to reside in this state, make a diligent effort to ensure that the sending state notifies the adjudicated delinquent of the obligation to report described in ORS 181.609 and the procedures for obtaining relief from that obligation described in ORS 181.823 and 181.826. [2009 c.713 §19; 2009 c.891 §3; 2011 c.271 §23]

Note: 417.042 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 417 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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 judgment as is equitable in the premises. The order or judgment may be enforced by execution or in any manner in which a court of equity may enforce its orders or judgments. No property belonging to persons subject to the order or judgment shall be exempt from levy and sale under execution. [1959 c.434 §5; 2003 c.576 §444]

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 COMPACTS FOR ADOPTION ASSISTANCE

417.090 Definitions for ORS 417.090 to 417.105. As used in ORS 417.090 to 417.105:

(1) "Adoption assistance" means financial and medical assistance to an adoptive family to assist the family with the costs associated with the needs of the adoptive child.

(2) "Adoption assistance state" means the state that has signed an adoption assistance agreement in a particular case.

(3) "Medical assistance" means programs for payment of medical and remedial care provided to eligible individuals.

(4) "Residence state" means the state in which a child who is the subject of an adoption assistance agreement is living.

(5) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands or a territory

or possession of, or administered by, the United States. [1999 c.859 §1]

417.095 Authority to enter into interstate compacts. (1) The Department of Human Services may develop, participate in the development of, negotiate and enter into one or more interstate compacts on behalf of this state with other states to:

(a) Provide adoption assistance and other necessary services for children who are the subjects of adoption assistance agreements in one state and are residing in another state; and

(b) Establish procedures for efficient interstate delivery of adoption assistance and related services and benefits that will protect the interests of adopted children who move from one state to another.

(2) When the department enters into an interstate compact under this section, the compact has the force and effect of law for as long as it remains in effect. [1999 c.859 §2]

417.100 Requirements for interstate compacts. (1) A compact entered into under ORS 417.095 must contain all of the following:

(a) A provision making the compact available for joinder by all states.

(b) A provision for withdrawal from the compact upon written notice to the parties with a period of one year between the date of the notice and the effective date of the withdrawal.

(c) A requirement that, notwithstanding a state's withdrawal from the compact, the state shall continue to provide the protections afforded by the compact for the duration of any adoption assistance agreement to all children and their adoptive parents who, on the effective date of the state's withdrawal, are receiving adoption assistance from a state other than the residence state.

(d) A requirement that:

(A) Each instance of adoption assistance to which the compact applies be covered by an adoption assistance agreement;

(B) An adoption assistance agreement be in writing and signed by the adoptive parents and the child welfare agency of the state that undertakes to provide the adoption assistance; and

(C) An adoption assistance agreement is intended expressly for the benefit of the adopted child and is enforceable by the adoptive parents and the state agency providing the adoption assistance.

(2) A compact entered into under ORS 417.095 may contain:

(a) Provisions necessary to administer the compact.

(b) Provisions establishing procedures for and entitlement to medical and necessary social services for a child when the child and the adoptive parents are living in a state other than the state responsible for or providing the services or the funds to pay part or all of the costs of the services. [1999 c.859 §3]

417.105 Medical assistance identification document; penalty for false, misleading or fraudulent statement; rules. (1) The Department of Human Services shall issue a medical assistance identification document to a child who is living in this state if the child:

(a) Is the subject of an adoption assistance agreement with another state;

(b) Is eligible for medical assistance in the other state; and

(c) Files with the department a certified copy of the adoption assistance agreement obtained from the adoption assistance state.

(2) The department shall consider the holder of a medical assistance identification document issued under this section to be the same as a holder of any other medical assistance identification document issued under other laws of this state. The department shall process and make payment on claims on behalf of the holder in the same manner and subject to the same conditions and procedures as for other recipients of medical assistance.

(3) The department shall provide coverage and benefits for a child who is in another state and is covered by an adoption assistance agreement made by the department if the coverage or benefits are not provided by the residence state. The adoptive parent may submit to the department evidence of payment for services or benefit amounts that are not payable in the residence state. The department shall reimburse the adoptive parent for services and benefit amounts covered by this state's medical assistance program. However, the department may not reimburse the adoptive parent for services or benefit amounts covered under any insurance or other third-party medical contract or arrangement held by the child or the adoptive parent. The additional services and benefit amounts provided under this subsection are for services for which there is no federal contribution toward the cost of the services, or for services for which there is a federal contribution toward the cost of the services but the services are not provided by the residence state.

(4)(a) For purposes of subsection (1) of this section, the department by rule may require the adoptive parents to show, at least

annually, that the adoption assistance agreement is in force.

(b) The department shall adopt rules implementing subsection (3) of this section. The department shall include in the rules procedures for obtaining prior approval for services in those instances when approval is required for the assistance.

(5) A person who submits a false, misleading or fraudulent claim for payment or reimbursement for services or benefits under this section, or makes a false, misleading or fraudulent statement in connection therewith, commits a Class C felony if the person knows or should know that the claim or statement is false, misleading or fraudulent. [1999 c.859 §4]

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 violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

**ARTICLE V
RETENTION OF JURISDICTION**

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with

an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

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

**ARTICLE VI
INSTITUTIONAL CARE
OF DELINQUENT CHILDREN**

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

- (1) Equivalent facilities for the child are not available in the sending agency's jurisdiction; and
- (2) Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

**ARTICLE VII
COMPACT ADMINISTRATOR**

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in the jurisdiction of the officer and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

**ARTICLE VIII
LIMITATIONS**

This compact shall not apply to:

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

(b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or

to any other agreement between said states which has the force of law.

ARTICLE IX

ENACTMENT AND WITHDRAWAL

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

ARTICLE X

CONSTRUCTION AND SEVERABILITY

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

[1975 c.482 §1]

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

(2) The “appropriate public authorities” as used in Article III of the Interstate Com-

pact on the Placement of Children shall, with reference to this state, mean the Department of Human Services and the department 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 Department of Human Services. [1975 c.482 §2; 1995 c.608 §39; 1999 c.59 §109; 2001 c.900 §250]

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]

INTERCOUNTRY ADOPTIONS

417.262 Intercountry adoptions of children in custody of Department of Human Services; rules. (1) As used in this section:

(a) "Convention" means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, concluded May 29, 1993, and entered into force for the United States on April 1, 2008.

(b) "Convention adoption" means the adoption of a child resident in a Convention country by a United States citizen, or the adoption of a child resident in the United States by an individual residing in a Convention country when, in connection with the adoption, the child has moved or will move between the United States and the Convention country.

(c) "Convention country" means a country that is a party to the Convention and with which the Convention is in force for the United States.

(d) "Intercountry Adoption Act of 2000" means the Intercountry Adoption Act of 2000, 42 U.S.C. 14901 et seq.

(2) To the extent consistent with the Convention and the Intercountry Adoption Act of 2000, the Department of Human Services shall establish rules, policies and procedures to implement the Convention, the Intercountry Adoption Act of 2000 and any applicable federal laws or regulations governing Convention adoptions with respect to any child who is the subject of a Convention adoption, if the child is in the department's custody pursuant to a court order under ORS 418.015 or ORS chapter 419B or 419C or other law of this state. [2009 c.435 §1]

417.265 Department of Human Services to implement Convention adoptions; minimum requirements; exchange of reports. (1) As used in this section:

(a) "Central Authority" means the entity designated by any Convention country as such under Article 6(1) of the Convention or, in the case of the United States, the United States Department of State.

(b) "Central Authority function" means any duty required to be carried out by a Central Authority under the Convention or by an entity authorized to perform Central Authority functions under the Convention.

(c) "Convention" means the Convention on Protection of Children and Co-operation

in Respect of Intercountry Adoption, concluded May 29, 1993, and entered into force for the United States on April 1, 2008.

(d) "Convention adoption" means the adoption of a child resident in a Convention country by a United States citizen, or the adoption of a child resident in the United States by an individual residing in a Convention country when, in connection with the adoption, the child has moved or will move between the United States and the Convention country.

(e) "Convention country" means a country that is a party to the Convention and with which the Convention is in force for the United States.

(f) "Foreign authorized entity" means a foreign Central Authority or foreign entity authorized to perform Central Authority functions, other than a United States authorized entity, in a Convention adoption case.

(g) "Intercountry Adoption Act of 2000" means the Intercountry Adoption Act of 2000, 42 U.S.C. 14901 et seq.

(h) "Outgoing Convention adoption" means a Convention adoption of a child in the custody of the Department of Human Services by an individual residing in a Convention country when, in connection with the adoption, the child has moved or will be moving from the United States to the Convention country.

(2) The Department of Human Services shall work with the United States Department of State to implement the Convention requirements for Convention adoptions.

(3) To the extent consistent with the Convention and the Intercountry Adoption Act of 2000, the rules, policies and procedures adopted by the Department of Human Services under this section must provide that the Department of Human Services shall, in cooperation with a foreign authorized entity of another Convention country:

(a) Develop minimum requirements for the placement and supervision of a child who is the subject of an outgoing Convention adoption.

(b) Require the exchange and provision of appropriate written reports, including but not limited to background and home studies, between the Department of Human Services and the foreign authorized entity as necessary to meet the requirements developed under paragraph (a) of this subsection.

(c) Establish minimum requirements regarding visits:

(A) To the prospective adoptive parent's home;

(B) With the child;

(C) With the prospective adoptive parents;

(D) With other persons living in the prospective adoptive parents' home; and

(E) With other persons who may have information about the child's adoptive placement. [2009 c.528 §1]

**POLICIES ON PROVIDING
SERVICES TO CHILDREN
AND FAMILIES**

417.270 Policy on equal access; 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 corrections 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 odd-numbered year regular 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; 2011 c.545 §50]

417.280 Victim services providers; placement at child welfare offices; coordination of services. (1) As used in this section, "victim services provider" means a nonprofit agency or program receiving moneys administered by the Department of Human Services or the Department of Justice that offers safety planning, counseling, support or advocacy to victims of domestic violence.

(2) The Department of Human Services may contract with local victim services providers to place staff members from victim services providers at child welfare offices for the purposes of allowing the staff members to divide their time between the child welfare office and the staff member's office to foster a closer working relationship between the child welfare system and victim services providers.

(3) If the department contracts with local victim services providers, the staff members described in subsection (2) of this section shall:

(a) Provide in-depth safety planning, education, advocacy and continuing support to adult victims of domestic violence who have children in the child welfare system;

(b) Receive referrals on cases that are closed at assessment; and

(c) Participate in case reviews and provide consultation to workers at the child welfare office.

(4) In addition to the services provided under subsection (3) of this section, staff members from victim services providers shall work with addiction and recovery teams to help address co-occurrence of domestic violence and substance abuse.

(5) If the department contracts with local victim services providers, the department shall consult with victim services providers in creating policies and protocols to coordinate the provision of services under this section. [2009 c.333 §1]

417.300 Purpose of ORS 417.305. The purpose of ORS 417.305 is to establish a state policy for serving Oregon’s children and families, in recognition that addressing the needs, strengths and assets of children necessarily requires addressing the needs, strengths and assets of families and communities, and to direct state agencies to work in partnership with local communities to plan, coordinate and provide programs accordingly. [1989 c.834 §2; 1999 c.1053 §1]

417.305 Legislative findings relating to serving children and families. (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;
 - (e) Families should be supported and strengthened;
 - (f) Communities provide the context for healthy children and families, and strong families and healthy communities are interdependent; and
 - (g) Economic opportunity and social cohesion are essential for healthy communities.
- (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 child care;
 - (e) The highest quality of educational opportunity;
 - (f) Quality education;
 - (g) Effective training, apprenticeship and productive employment;
 - (h) A range of civic, cultural, educational, family support and positive youth development programs and activities that

promote self-esteem, involvement and a sense of community;

- (i) Community services that are efficient, coordinated and readily available; and
- (j) Genuine participation in decisions concerning the planning and managing of their lives and respect for such decisions.

(3) In the interest of ensuring 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 ensure 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 this section, service delivery systems for children and families shall include:

- (a) Cooperative partnerships among state agencies that serve children, youth and families;
- (b) Methods of accountability to measure effectiveness of state-funded programs; and

(c) Use of public resources for programs and services that move the state toward meeting the goals described in subsection (2) of this section. [1989 c.834 §3; 1991 c.715 §1; 1999 c.1053 §2; 2001 c.182 §1; 2001 c.831 §10a; 2003 c.293 §1]

417.310 [1989 c.834 §4; 1991 c.715 §2; 1995 c.440 §49; repealed by 1999 c.1053 §51]

417.315 [1989 c.834 §5; 1991 c.715 §3; 1993 c.676 §41a; repealed by 1999 c.1053 §51]

417.320 [1989 c.834 §6; repealed by 1999 c.1053 §51]

417.325 [1989 c.834 §7; repealed by 1999 c.1053 §51]

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 417.349. As used in ORS 417.340 to 417.348 and 417.349:

(1) “Child’s home” means the home in which a child resides with the child’s biological or adoptive parents or legal guardian. It does not include foster care, proctor care,

group home placement or other institutional placement.

(2) "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.

(3) "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.

(4) "Medically involved" means having a physical or developmental disability that requires assistance with most activities of daily living and requires health and personal care throughout the day and night. [1991 c.122 §1; 2001 c.900 §251; 2007 c.751 §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. Children have a developmental need to grow up in a family home environment. However, nothing in ORS 417.340 to 417.348 or 417.349 is intended 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; 2001 c.900 §252; 2007 c.751 §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) Dependent care;

(g) Medical services;

(h) Housing modification;

(i) Counseling; and

(j) Support groups. [1991 c.122 §3; 1995 c.278 §48]

417.345 Medically Involved Home-Care Program; services; enrollment; effect of program on funding for certain programs; rules. (1) The Medically Involved Home-Care Program is created in the Department of Human Services. The department shall provide all State Plan Medicaid and waived services available under state and federal law that are necessary to enable a medically involved child to be cared for in the child's home. The waived services that must be available include but are not limited to home nursing care, durable medical equipment and respite care.

(2) The department shall adopt by rule criteria for determining the need for and extent of assistance to be provided to a medically involved child enrolled in the Medically Involved Home-Care Program created by subsection (1) of this section. The criteria shall include, but are not limited to, consideration of:

- (a) The medical needs of the child;
- (b) The needs of any other family member with a disability or chronic illness in the child's home;
- (c) Family and community support available to the child and family caregivers; and
- (d) The assistance necessary for the family to care for the child in the child's home, disregarding parental or legal guardian income.

(3) Subject to limits on enrollment required by state or federal law, services offered through the Medically Involved Home-Care Program shall be made available to children meeting the criteria established by the department by rule. Priority for enrollment shall be given to:

- (a) A child transferring to the child's home from nursing home placement, foster care placement or other out-of-home placement;
- (b) A child living at home who is at risk of nursing home placement, foster care placement or other out-of-home placement;
- (c) A child who does not otherwise qualify for medical assistance under ORS chapter 414 and for whom the department pays family support payments pursuant to ORS 430.215 that exceed \$10,000 per year; and
- (d) A child who is at risk of losing eligibility for medical assistance under ORS chapter 414 due to a caregiver's employment or an increase in a caregiver's earnings.

(4) The department shall enroll no fewer than 125 medically involved children in the Medically Involved Home-Care Program beginning January 1, 2008. The department shall enroll an additional 25 medically involved children each calendar year thereaf-

ter, to the maximum number allowed by federal law or under the terms of the federal approval.

(5) Moneys appropriated to the department for the Medically Involved Home-Care Program may not be used to supplant moneys appropriated to the department for the Children's Intensive In-Home Services program.

(6) As used in this section, "child" means a person under 18 years of age. [2007 c.751 §§4 to 6; 2009 c.11 §60]

417.346 Duties of Director of Human Services; rules. Subject to the availability of funds therefor, the Director of Human Services, in consultation with the Director of the Oregon Health Authority, shall:

(1) Identify current programs and potential resources 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) Adopt rules for family support services that are guided by the goals and principles set forth in ORS 417.340 to 417.348. 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 the Department of Human Services 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; 2001 c.900 §109; 2009 c.595 §358]

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 Department of Human Services. The requirements must be reviewed by the Family Support Advisory Council. [1991 c.122 §5; 2001 c.900 §110]

417.349 Department of Human Services to provide family support services. In accordance with ORS 417.342 and 417.344, the Department of Human Services shall provide family support services throughout the department. Notwithstanding ORS 430.640 and 430.664, the department may contract directly with community organizations for the provision of family support services. [2001 c.900 §6; 2011 c.720 §156]

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]

417.355 Principles of family law system. The Sixty-eighth Legislative Assembly accepts the recommendations of the Task Force on Family Law and recognizes that a comprehensive family law system must reflect the following principles:

(1) The welfare of children shall be paramount in the resolution of family conflicts.

(2) Children must learn to develop healthy relationships and to resolve conflicts in peaceful ways.

(3) Whenever possible and appropriate, children shall continue to have both parents in their lives and parents shall be encouraged to work out agreements between themselves regarding their children.

(4) The safety and economic well-being of family members shall be given priority.

(5) Family members in conflict must have appropriate forums in which to grieve and accept change.

(6) All families deserve respect and the support of social policy. [1995 c.800 §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. Family services available through community level delivery systems should include, but need not be limited to, education, information and referral services. [1991 c.359 §1; 1995 c.800 §1a]

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;

(4) Generates policies for program planning and implementation at the community

level rather than mandating policies at the state level; and

(5) Supports and enhances family harmony with the goal of preserving the health and integrity of all family units. [1991 c.359 §2; 1995 c.800 §2]

417.364 [1991 c.359 §3; repealed by 1993 c.676 §53]

FAMILY DECISION-MAKING MEETING

417.365 “Family decision-making meeting” defined for ORS 417.365 to 417.375. As used in ORS 417.365 to 417.375, “family decision-making meeting” means a family-focused intervention facilitated by professional staff that is designed to build and strengthen the natural caregiving system for the child. Family decision-making meetings may include family group conferences, family unity meetings, family mediation or other professionally recognized interventions that include extended family and rely upon the family to make decisions about planning for its children. The purpose of the family decision-making meeting is to establish a plan that provides for the safety, attachment and permanency needs of the child. [1997 c.799 §1]

417.368 Consideration of meeting required for certain cases. (1) The Department of Human Services shall consider the use of a family decision-making meeting in each case in which a child is placed in substitute care for more than 30 days.

(2) When the department determines that the use of a family decision-making meeting is appropriate, the meeting shall be held, whenever possible, before the child has been in substitute care for 60 days.

(3) If the department elects not to conduct a family decision-making meeting, the reasons for that decision shall be clearly documented in the written service plan of the child developed by the department. [1997 c.799 §2]

417.371 Notice to family members of meeting; definitions. (1) If the Department of Human Services determines that the use of a family decision-making meeting is appropriate, the department shall conduct and document reasonable inquiries to promptly locate and notify the parents, grandparents and any other family member who has had significant, direct contact with the child in the year prior to the substitute care placement.

(2) All family members notified by the department may attend the meeting unless the department determines that the safety of any attendee will be compromised by the attendance of any family member.

(3) Any family member the department deems a safety risk may provide written

statements that address the subject of any family decision-making meeting, including the determination of placement of the child or components of a service plan for the child and family members.

(4) As used in this section:

(a) “Family member” means any person related to the child by blood, marriage or adoption, including but not limited to parents, grandparents, stepparents, aunts, uncles, sisters, brothers, cousins or great-grandparents. “Family member” also includes a child 12 years of age or older, or a child younger than 12 years of age when appropriate.

(b) “Reasonable inquiries” means efforts that involve reviewing the case file for relevant information, contacting the parents or guardians and contacting additional sources of information that may lead to ascertaining the whereabouts of family members, if necessary. [1997 c.799 §3]

417.375 Development of family plan; contents. (1) If the Department of Human Services conducts a family decision-making meeting under ORS 417.365 to 417.375, the meeting shall result in the development of a written family plan that may include a primary permanent plan, concurrent permanent plan, placement recommendations and service recommendations. The family plan or service agreement shall also include:

(a) The expectations of the parents of the child and other family members;

(b) Services the department will provide;

(c) Timelines for implementation of the plan;

(d) The benefits of compliance with the plan;

(e) The consequences of noncompliance with the plan; and

(f) A schedule of subsequent meetings, if appropriate.

(2) Any family member participating in a family decision-making meeting shall sign a written acknowledgment of the content of the family plan developed at the family decision-making meeting and their attendance at the meeting.

(3) The department shall incorporate the family plan developed at the family decision-making meeting into the department’s service plan for the child to the extent that the family plan protects the child, builds on family strengths and is focused on achieving permanency for the child within a reasonable time.

(4) If the family plan is not incorporated in the department’s service plan for the

child, the department shall document the reasons in the service plan.

(5) The department shall send a copy of the family plan to the family participants, including those family members who participated in writing pursuant to ORS 417.371 (3), no later than 21 days after the conclusion of the family decision-making meeting. [1997 c.799 §4; 2001 c.686 §18]

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]

SERVICES TO CHILDREN AND FAMILIES

(Generally)

417.705 Definitions for ORS 417.705 to 417.800. As used in ORS 417.705 to 417.800:

(1) “Community mobilization” means government and private efforts to increase community awareness and facilitate the active participation of citizens and organizations in projects and issues that will have positive impact on the well-being of children, families and communities.

(2) “Efficiency” means a measurable indicator of the amount of resources required to produce an output.

(3) “High-level outcome” means the Oregon benchmarks adopted by the Oregon Progress Board and any other measurable indicators of societal well-being.

(4) “Intermediate outcome” means a measurable indicator of the effort by an agency or other entity toward achieving a high-level outcome target.

(5) “Local commission” means a local commission on children and families established pursuant to ORS 417.760.

(6) “Local coordinated comprehensive plan” or “local plan” means a local coordinated comprehensive plan for children and families that is developed pursuant to ORS 417.775 through a process coordinated and led by a local commission and that consists of:

(a) A community plan that identifies the community’s needs, strengths, goals, priorities and strategies for:

(A) Creating positive outcomes for children and families;

(B) Community mobilization;

(C) Coordinating programs, strategies and services for children who are 0 through 18 years of age and their families among community groups, government agencies, private providers and other parties; and

(D) Addressing the needs of target populations; and

(b) The service plans listed in ORS 417.775 (6) that designate specific services for the target populations identified in the community plan.

(7) “Outcome” means the measure of a desired result.

(8) “Output” means the amount or frequency of products or services delivered by an agency or other entity.

(9) “Performance measure” includes outcomes, outputs and efficiencies that indicate how well an agency or other entity is carrying out its mission and achieving its goals.

(10) “Services for children and families” does not include services provided by the Department of Education or school districts that are related to curriculum or instructional programs.

(11) “State commission” means the State Commission on Children and Families established under ORS 417.730.

(12) “Target” means a specific level of achievement desired for a specific time, expressed numerically. [1993 c.676 §30; 1999 c.1053 §3; 2003 c.148 §1; 2003 c.553 §1]

417.707 Duty of state agencies providing services for children and families. The purpose of ORS 417.705 to 417.800 and 419A.170, as described in ORS 417.708 to 417.725, shall be implemented by all state agencies providing services for children and families to guide the providing of those services. [Formerly 417.755]

417.708 Legislative findings relating to young children. The Legislative Assembly finds:

(1) The first three years of life are a crucial period in a child’s life, and during this period a child is sensitive to the protective mechanisms of parental and family support.

(2) Brain development that takes place during the first year of life is rapid and extensive and has implications for lifelong physical, social-emotional and cognitive well-being. [2001 c.831 §2]

417.710 Statement of purpose. Subject to the availability of funds therefor and the specific provisions of ORS 417.705 to 417.800 and 419A.170, it is the purpose of ORS 417.705 to 417.800 and 419A.170 to:

(1) Authorize the State Commission on Children and Families to set statewide guidelines for the planning, coordination and delivery of services for children and families in conjunction with other state agencies and other planning bodies;

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

(3) Provide a process for comprehensive local planning for services for children and families to provide local services that are consistent with statewide guidelines;

(4) Retain in the state the responsibility for funding of services for 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 417.800 and 419A.170; and

(5) Retain state supervision of child protection and other services that should be uniform throughout the state and that are necessarily the state’s responsibility. [1993 c.676 §1; 1999 c.1053 §4; 2003 c.553 §2]

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 417.800 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]

417.725 Key elements of system; family resource and community learning centers. (1) Key elements of the service system developed and implemented under ORS 417.705 to 417.800 and 419A.170 are:

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

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

(c) A service continuum based on promoting wellness for the children of Oregon whose parents have given their express written consent. Family resource centers and

community learning centers as defined in ORS 329.007 are a viable, but not the exclusive, structure for delivering a service continuum.

(2) If a system of family resource centers and community learning centers is selected by a local commission on children and families established pursuant to ORS 417.760 to deliver services, the centers:

(a) May serve as the prevention arm of the voluntary delivery system and may link and integrate neighborhood-based services with the intent that services be available to all families who have given their express written consent to promote their children's wellness;

(b) Shall involve parents in the care and education of their children;

(c) Shall involve the local community in developing and overseeing family resource center programs and community learning center programs;

(d) Shall be consistent with the local coordinated comprehensive plan; and

(e) Shall incorporate the requirements specified for community learning centers under ORS 329.156. [1993 c.676 §3; 2001 c.831 §10; 2003 c.153 §1]

417.727 Oregon Early Childhood System. Based on the findings expressed in ORS 417.708, there is created the Oregon Early Childhood System. The goals of the system are to:

(1) Prevent child abuse and neglect;

(2) Improve the health and development of young children;

(3) Promote bonding and attachment in the early years of a child's life;

(4) Support parents in providing the optimum environment for their young children;

(5) Link and integrate services and supports in the voluntary statewide early childhood system pursuant to ORS 417.728;

(6) Link and integrate services and supports in the voluntary local early childhood system pursuant to ORS 417.777;

(7) Ensure that children are entering school ready to learn; and

(8) Ensure that children receive quality child care. [2001 c.831 §4]

417.728 Statewide early childhood system; requirements. (1) The State Commission on Children and Families, the Department of Education, the Employment Department, the Department of Human Services and the Oregon Health Authority shall lead a joint effort with other state and local early childhood partners to establish the policies necessary for a voluntary statewide

early childhood system that shall be incorporated into the local coordinated comprehensive plan.

(2) The voluntary statewide early childhood system shall be designed to achieve:

(a) The appropriate early childhood benchmarks jointly identified by the State Commission on Children and Families, the Department of Education, the Employment Department, the Department of Human Services and the Oregon Health Authority, with input from early childhood partners, as the appropriate benchmarks; and

(b) Any other early childhood benchmark or intermediate outcome jointly identified by the State Commission on Children and Families, the Department of Education, the Employment Department, the Department of Human Services and the Oregon Health Authority, with input from early childhood partners, as an appropriate benchmark or outcome.

(3) The voluntary statewide early childhood system shall include the following components:

(a) A process to identify as early as possible children and families who would benefit from early childhood services;

(b) A plan to support the identified needs of the child and family that coordinates case management personnel and the delivery of services to the child and family; and

(c) Services to support children who are zero through eight years of age and their families who give their express written consent, including:

(A) Screening, assessment and home visiting services pursuant to ORS 417.795;

(B) Specialized or targeted home visiting services;

(C) Community-based services such as relief nurseries, family support programs and parent education programs;

(D) High quality child care, as defined by the Commission for Child Care;

(E) Preschool and other early education services;

(F) Health services for children and pregnant women;

(G) Mental health services;

(H) Alcohol and drug treatment programs that meet the standards promulgated by the Oregon Health Authority pursuant to ORS 430.357;

(I) Developmental disability services; and

(J) Other state and local services.

(4) The State Commission on Children and Families, the Department of Education, the Employment Department, the Department

of Human Services and the Oregon Health Authority shall jointly:

(a) Consolidate administrative functions relating to the voluntary statewide early childhood system, to the extent practicable, including but not limited to training and technical assistance, planning and budgeting. This paragraph does not apply to the administrative functions of the Department of Education relating to education programs;

(b) Adopt policies to establish training and technical assistance programs to ensure that personnel have skills in appropriate areas, including screening, family assessment, competency-based home visiting skills, cultural and gender differences and other areas as needed;

(c) Identify research-based age-appropriate and culturally and gender appropriate screening and assessment tools that would be used as appropriate in programs and services of the voluntary statewide early childhood system;

(d) Develop a plan for the implementation of a common data system for voluntary early childhood programs as provided in section 7, chapter 831, Oregon Laws 2001;

(e) Coordinate existing and new early childhood programs to provide a range of community-based supports;

(f) Establish a common set of quality assurance standards to guide local implementation of all elements of the voluntary statewide early childhood system, including voluntary universal screening and assessment, home visiting, staffing, evaluation and community-based services;

(g) Ensure that all plans for voluntary early childhood services are coordinated and consistent with federal and state law, including but not limited to plans for Oregon prekindergarten programs, federal Head Start programs, early childhood special education services, early intervention services and public health services;

(h) Identify how the voluntary statewide early childhood system for children who are zero through eight years of age will link with systems of support for older children and their families;

(i) Contract for an evaluation of the outcomes of the voluntary statewide early childhood system; and

(j) During January of each odd-numbered year, report to the Governor and the Legislative Assembly on the voluntary statewide early childhood system. The report shall include the evaluation described in paragraph (i) of this subsection.

(5) The State Commission on Children and Families, the State Board of Education,

the Employment Department, the Department of Human Services and the Oregon Health Authority when adopting rules to administer voluntary early childhood programs under their individual authority shall adopt rules that are consistent with the requirements of the voluntary statewide early childhood system created under this section.

(6) Information gathered in conjunction with the voluntary comprehensive screening and assessment of children and their families may be used only for the following purposes:

(a) Providing services to children and families who give their express written consent;

(b) Providing statistical data that are not personally identifiable;

(c) Accomplishing other purposes for which the family has given express written consent; and

(d) Meeting the requirements of mandatory state and federal disclosure laws. [Formerly 417.748; 2003 c.293 §2; 2005 c.271 §2; 2009 c.595 §359]

(State Commission)

417.730 State Commission on Children and Families; members; appointments; qualifications. (1) There is established a State Commission on Children and Families consisting of:

(a) The Director of Human Services;

(b) The Superintendent of Public Instruction;

(c) The Director of the Employment Department or, at the Governor's direction, the chairperson of the Commission for Child Care;

(d) The Director of the Oregon Health Authority;

(e) One member appointed by the President of the Senate, who shall be a member of the Senate and who shall be a nonvoting, advisory member;

(f) One member appointed by the Speaker of the House of Representatives, who shall be a member of the House of Representatives and who shall be a nonvoting, advisory member; and

(g) Twelve members appointed by the Governor.

(2) The appointments made by the Governor 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. The members appointed by the Governor shall include:

(a) One representative from the Oregon Juvenile Department Directors' 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 member appointed by the Governor 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 who is not a member of the Legislative Assembly is entitled to compensation and expenses as provided in ORS 292.495. Members who are members of the Legislative Assembly shall be paid compensation and expense reimbursement as provided in ORS 171.072, payable from funds appropriated to the Legislative Assembly.

(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; 1999 c.1053 §5; 2001 c.104 §146; 2003 c.293 §3; 2009 c.595 §360]

417.733 State Commission on Children and Families Account. The State Commission on Children and Families Account is established separate and distinct from the General Fund. All moneys received by the State Commission on Children and Families, other than appropriations from the General Fund, shall be deposited into the account and are continuously appropriated to the commission to carry out the duties, functions and powers of the commission. [2001 c.716 §14]

Note: 417.733 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 417 or any series therein by legislative

action. See Preface to Oregon Revised Statutes for further explanation.

417.735 Duties of state commission; rules. (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 417.708 to 417.725. The state commission shall provide no direct services.

(2)(a) Funds for local commissions shall consist of payments from moneys appropriated for local commissions 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 for children and families, and a minimum annual grant shall be provided to each county or region.

(b) The state commission shall provide technical assistance and research-based information to local commissions to support the development of county goals, performance measures and outcomes for services and programs.

(c) The state commission may withhold funds from a local commission if services and programs funded through the local commission do not meet appropriate performance measures and outcomes.

(3) The state commission shall:

(a) Set guidelines for the planning, coordination and delivery of services by local commissions in partnership with other planning bodies and agencies providing services for children and families. The guidelines shall be consistent with the key elements of the service system developed and implemented under ORS 417.705 to 417.800. In conjunction with other planning bodies and agencies providing social supports, the state commission shall use the local coordinated comprehensive plans to advise agencies, the Legislative Assembly and the Governor;

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

(c) In consultation with other agencies, identify high-level and intermediate outcomes relating to children and families and monitor the progress of local coordinated comprehensive plans in meeting intermediate outcome targets;

(d) Encourage the development of innovative projects, based on proven practices of effectiveness, that benefit children and families;

(e) Ensure that all services for children and families are integrated and evaluated according to their outcomes;

(f) Compile, analyze and distribute information that informs and supports statewide coordinated planning;

(g) Establish a uniform system of reporting and collecting statistical data from counties and other agencies serving children and families;

(h) Provide a process whereby the Department of Human Services, Oregon Health Authority, Juvenile Crime Prevention Advisory Committee, Oregon Youth Authority, Department of Education, Department of Community Colleges and Workforce Development, Employment Department, Housing and Community Services Department and Oregon Business Development Department review all findings from data collected by the local commissions through the local coordinated comprehensive plans. The information gathered in this review shall be considered by those agencies in designing future economic resources and services and in the coordination of services;

(i) Make recommendations to the Commission for Child Care for the development of the state's biennial child care plan; and

(j) Communicate information and policy advice on current research and proven practices of effectiveness, from both inside and outside the state, including successful local strategies, to local commissions, the Governor, the Legislative Assembly, state agencies and the public. The information shall include progress in meeting intermediate outcome targets identified in the local coordinated comprehensive plans.

(4)(a) The state commission shall develop a review and approval process for local coordinated comprehensive plans that includes:

(A) A requirement that the local plan has been approved by the board or boards of county commissioners;

(B) Assurance that the local plan meets essential criteria and approval required by appropriate entities and meets appropriate systems and planning connections; and

(C) Review of state expenditures of resources allocated to the local commissions on children and families.

(b) The state commission shall develop the process under this subsection in consultation with other entities involved in the review and approval process.

(c) The state commission shall act on any waiver request from a local commission within 90 days after receipt of the request.

(d) The state commission may disapprove a local plan for failure to address the elements described in paragraph (a) of this subsection within 90 days after receipt of the request.

(5) 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 measures and outcomes for evaluating services at the local level;

(b) Monitor the progress in meeting intermediate outcome targets in the local coordinated comprehensive plans;

(c) In conjunction with the Department of Human Services and using the staff resources and other resources of the state commission, educate, inform and provide technical assistance to local commissions, including but not limited to technical assistance with:

(A) Federal and state laws, regulations and rules, and changes therein, governing the use of federal and state funds;

(B) Facilitation;

(C) Planning;

(D) Policy development;

(E) Proven practices of effectiveness;

(F) Local systems development;

(G) Community problem solving and mobilization; and

(H) Other services, as appropriate;

(d) Conduct research and disseminate information to local commissions on children and families;

(e) Negotiate federal waivers in consultation with the Department of Human Services; and

(f) 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 approval process for a local coordinated comprehensive plan. The state commission shall not grant a request for waiver that allows funds to be used for any purpose other than early childhood prevention, intervention and treatment programs.

(6) 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 staff director shall be responsible for management functions of the state commission subject to policy direction by the state commission.

(7) 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 Services in which they agree on a system to:

(a) Distribute all Title XX Social Services Block Grant funds;

(b) Ensure 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.

(8) In addition to the authority under subsection (5)(e) of this section, the state commission may direct the Department of Human Services or the appropriate state department providing services for children and families to negotiate federal waivers. If the Department of Human Services 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 Services or other state agency to apply for and negotiate the waiver.

(9) If the Department of Human Services 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 Services or other state agency to distribute the funds.

(10) 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 coordinated comprehensive plans that reflect community priorities established by the local planning process.

(11) In conjunction with the Department of Human Services, 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 Information Management and Technology on its progress in developing and implementing the plan.

(12) Before each odd-numbered year 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) Any additional proposals contained in "A Positive Future for Oregon's Children and Families" by the 1991-1992 Oregon Children's Care Team Interim Task Force that should be undertaken;

(b) The status in all counties of local service systems related to the health and

wellness of children and the adequacy of financial resources to deliver services;

(c) The progress in achieving desired outcomes, including but not limited to the statewide guidelines set by the state commission under ORS 417.710 (1);

(d) Barriers to achieving intermediate and high-level outcome targets as identified in local coordinated comprehensive plans;

(e) Proposed solutions to barriers identified under paragraph (d) of this subsection, including proven, effective and innovative strategies; and

(f) County and community mobilization to increase public awareness and involvement and funding of community determined priorities.

(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 417.800 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.

(14) The state commission shall:

(a) Implement the recommendations of the Juvenile Crime Prevention Advisory Committee, as approved by the Governor; and

(b) In cooperation with other state and federal agencies, coordinate technical assistance efforts on a statewide and county-specific basis relating to juvenile crime prevention programs and services.

(15) The state commission may contract with local governments or other entities to administer juvenile crime prevention programs and services. In accordance with the applicable provisions of ORS chapter 183, the state commission may adopt rules necessary for the administration of juvenile crime prevention programs and services. [1993 c.676 §5; 1995 c.800 §3; 1997 c.249 §129; 1997 c.707 §30; 1999 c.1053 §6; 2001 c.831 §10b; 2001 c.905 §1; 2003 c.148 §2; 2003 c.293 §4; 2005 c.503 §9; 2009 c.595 §361; 2011 c.545 §51]

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 chapter 183, the State Commission on Children and Families may adopt rules necessary to administer the duties of the state commission. [1993 c.676 §8]

417.747 Foster care demonstration projects. (1) The Department of Human Services, in consultation with local commissions on children and families, may establish community-based foster care demonstration projects. The purposes of the demonstration projects are to:

(a) Promote strategies that keep abused and neglected children in their familiar surroundings and neighborhood schools;

(b) Recruit community volunteers to serve as foster parents for abused and neglected children who live in the community;

(c) Identify barriers to recruiting community foster parents and recommend strategies to address those identified barriers; and

(d) Create a community-based system of support for foster children and community foster parents.

(2) A demonstration project shall be subject to federal requirements and the restrictions agreed upon between the department and the county where the demonstration project is located. [1993 c.676 §28(3); 1999 c.1053 §7; 2001 c.189 §1; 2001 c.900 §226]

417.748 [1999 c.1053 §20; 2001 c.831 §5; renumbered 417.728 in 2001]

417.750 Advisory and technical committees; expenses of committee members.

(1) To aid and advise the State Commission on Children and Families 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. The advisory and technical committees shall include members of local commissions on children and families.

(2) 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; 1999 c.1053 §8]

417.755 [1993 c.676 §10; 1999 c.1053 §10; renumbered 417.707 in 2001]

(Local Commissions on Children and Families)

417.760 Local commissions; 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 on 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 coordinated comprehensive 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 local 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 coordinated comprehensive 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; 1999 c.59 §110; 1999 c.1053 §11]

417.765 Qualifications of members; terms. (1) A majority of a local commission on children and families, 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, municipal government and the court system.

(2) Members of the local commission shall be appointed to four-year terms. The appointing board or boards of county commissioners may appoint a member for additional terms or may limit the number of terms that a member may serve. [1993 c.676 §13; 1999 c.528 §1; 1999 c.1053 §12]

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 coordinated comprehensive plan; community plan. (1) Under the direction of the board or boards of county commissioners, and in conjunction with the guidelines set by the State Commission on Children and Families, the local commission on children and families shall promote wellness for children of all ages and their families in the county or region, if the families have given their express written consent, mobilize communities and develop policy and oversee the implementation of a local coordinated comprehensive plan described in this section. A local commission shall:

- (a) Inform and involve citizens;
- (b) Identify and map the range of resources in the community;
- (c) Plan, advocate and fund research-based and tribal-based initiatives for children who are 18 years of age or younger, including prenatal, and their families;
- (d) Develop local policies, priorities, outcomes and targets;
- (e) Prioritize activities identified in the local plan and mobilize the community to take action;
- (f) Prioritize the use of nondedicated resources;
- (g) Monitor implementation of the local plan; and
- (h) Monitor and evaluate the intermediate outcome targets identified in the local plan that are reviewed under ORS 417.797, and report on the progress in addressing priorities and achieving outcomes.

(2)(a) A local commission may not provide direct services for children and their families.

(b) Notwithstanding paragraph (a) of this subsection, a local commission may provide direct services for children and their families for a period not to exceed six months if:

- (A)(i) The local commission determines that there is an emergency;
- (ii) A provider of services discontinues providing the services in the county or region; or
- (iii) No provider is able to offer the services in the county or region; and

(B) The family has given its express written consent.

(3) The local commission shall lead and coordinate a process to assess needs, strengths, goals, priorities and strategies, and identify county or regional outcomes to be achieved. The process shall be in conjunction with other coordinating bodies for services for children and their families and shall include representatives of education, mental health services, developmental disability services, alcohol and drug treatment programs, public health programs, local child care resource and referral agencies, child care providers, law enforcement and corrections agencies, private nonprofit entities, local governments, faith-based organizations, businesses, families, youth and the local community. The process shall include populations representing the diversity of the county or region.

(4) Through the process described in subsection (3) of this section, the local commission shall coordinate the development of a single local plan for coordinating community

programs, strategies and services for children who are 18 years of age or younger, including prenatal, and their families among community groups, government agencies, private providers and other parties. The local plan shall be a comprehensive area-wide service delivery plan for all services to be provided for children and their families in the county or region, if the families have given their express written consent. The local plan shall be designed to achieve state and county or regional outcomes based on state policies and guidelines and to maintain a level of services consistent with state and federal requirements.

(5) The local commission shall prepare the local coordinated comprehensive plan and applications for funds to implement ORS 417.705 to 417.800 and 419A.170. The local plan, 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 local plan shall be based on identifying the most effective service delivery system allowing for the continuation of current public and private programs where appropriate. The local plan shall address needs, strengths and assets of all children, their families and communities, including those children and their families at highest risk.

(6) Subject to the availability of funds:

(a) The local coordinated comprehensive plan shall include:

(A) Identification of ways to connect all state and local planning processes related to services for children and their families into the local coordinated comprehensive plan to create positive outcomes for children and their families; and

(B) Provisions for a continuum of social supports at the community level for children from the prenatal stage through 18 years of age, and their families, that takes into account areas of need, service overlap, asset building and community strengths as outlined in ORS 417.305 (2).

(b) The local coordinated comprehensive plan shall reference:

(A) A voluntary local early childhood system plan created pursuant to ORS 417.777;

(B) Local alcohol and other drug prevention and treatment plans developed pursuant to ORS 430.242;

(C) Local service plans, developed pursuant to ORS 430.630, for the delivery of mental health services for children and their families;

(D) Local public health plans, developed pursuant to ORS 431.385, that include public health issues such as prenatal care, immu-

nizations, well-child checkups, tobacco use, nutrition, teen pregnancy, maternal and child health care and suicide prevention; and

(E) The local high-risk juvenile crime prevention plan developed pursuant to ORS 417.855.

(7) The local coordinated comprehensive plan shall include 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 local coordinated comprehensive plan. The county board or boards of commissioners shall be responsible for providing the level of staff support detailed in the local plan and shall ensure that funds provided for these purposes are used to carry out the local plan.

(8) The local coordinated comprehensive plan shall:

(a) Improve results by addressing the needs, strengths and assets of all children, their families and communities in the county or region, including those children and their families at highest risk;

(b) Improve results by identifying the methods that work best at the state and local levels to coordinate resources, reduce paperwork and simplify processes, including data gathering and planning;

(c) Be based on local, state and federal resources;

(d) Be based on proven practices of effectiveness for the specific community;

(e) Contribute to a voluntary statewide system of formal and informal services and supports that is provided at the community level, that is integrated in local communities and that promotes improved outcomes for Oregon's children;

(f) Be presented to the citizens in each county for public review, comment and adjustment;

(g) Be designed to achieve outcomes based on research-identified proven practices of effectiveness; and

(h) Address other issues, local needs or children and family support areas as determined by the local commission pursuant to ORS 417.735.

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

(a) Secure active participation pursuant to subsection (3) of this section;

(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; and

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

(10) The state commission may disapprove the part of the local coordinated comprehensive plan relating to the planning process required by this section and the voluntary local early childhood system plan.

(11)(a) The state commission may disapprove the planning process and the voluntary local early childhood system plan only upon making specific findings that the local plan substantially fails to conform to the principles, characteristics and values identified in ORS 417.708 to 417.725 and 417.735 (4) or that the local plan fails to conform with the planning process requirements of this section. The staff of the state commission shall assist the local commission in remedying the deficiencies in the planning process or the voluntary local early childhood system plan. The state commission shall set a date by which any deficient portions of the planning process or the voluntary local early childhood system plan must be revised and resubmitted to the state commission by the local commission.

(b) The state commission does not have approval authority over the following service plans referenced in the local coordinated comprehensive plan:

(A) The local alcohol and other drug prevention and treatment plans developed pursuant to ORS 430.242;

(B) Local service plans, developed pursuant to ORS 430.630, relating to the delivery of mental health services;

(C) Local public health plans developed pursuant to ORS 431.385; and

(D) Local high-risk juvenile crime prevention plans developed pursuant to ORS 417.855.

(12) The state commission, the Department of Human Services and the Juvenile Crime Prevention Advisory Committee may jointly approve the community plan that is part of the local coordinated comprehensive plan, but may not jointly approve the service plans that are referenced in the local plan. If the community plan is disapproved in whole, the agencies shall identify with particularity the manner in which the community plan is deficient and the service plans may be implemented. If only part of the community plan is disapproved, the remainder of the community plan and the service plans may be implemented. The staff of the

agencies shall assist the local commission in remedying the disapproved portions of the community plan. The agencies shall jointly set a date by which the deficient portions of the community plan shall be revised and re-submitted to the agencies by the local commission. In reviewing the community plan, the agencies shall consider the impact of state and local budget reductions on the community plan.

(13) 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 review and approval process for the local coordinated comprehensive plan described in ORS 417.735 (4) 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.

(14) From time to time, the local commission may amend the local coordinated comprehensive plan and applications for funds to implement ORS 417.705 to 417.800 and 419A.170. The local commission must amend the local plan to reflect current community needs, strengths, goals, priorities and strategies. Amendments become effective upon approval of the board or boards of county commissioners and the state commission.

(15) The local commission shall keep an official record of any amendments to the local coordinated comprehensive plan under subsection (14) of this section.

(16) The local commission shall provide an opportunity for public and private contractors to review the components of the local coordinated comprehensive plan and any amendments to the local plan, to receive notice of any component that the county or counties intend to provide through a county agency and to comment publicly to the board or boards of county commissioners if they disagree with the proposed service delivery plan.

(17) Alcohol and drug prevention and treatment services included in the local coordinated comprehensive plan must meet minimum standards adopted by the Oregon Health Authority under ORS 430.357. [1993 c.676 §14; 1999 c.1053 §13; 2001 c.179 §1; 2001 c.276 §2; 2001 c.831 §11; 2003 c.148 §3; 2003 c.293 §5; 2003 c.553 §3; 2009 c.856 §§7,17; 2011 c.673 §13]

417.777 Local early childhood system plan. (1) Each local commission on children and families, as part of the local coordinated comprehensive plan developed under ORS

417.775 for the county or region, shall lead and coordinate the development of a voluntary local early childhood system plan that shall focus on the needs of children who are zero through eight years of age and their families. Local Oregon prekindergarten programs, early childhood special education programs and early intervention services shall collaborate and participate with the local commission in the development and implementation of the voluntary early childhood system plan.

(2) In the process of developing the voluntary local early childhood system plan, a local commission shall include parents, youth, community representatives and representatives of local providers of early childhood services that reflect the diversity of the county or region, including but not limited to representatives from:

- (a) Hospitals and the health professions;
 - (b) Local interagency coordinating councils;
 - (c) Oregon prekindergarten programs;
 - (d) Contractors who are designated by the Superintendent of Public Instruction to be responsible for the administration of early childhood special education and early intervention services in a service area;
 - (e) Community corrections agencies;
 - (f) Mental health services;
 - (g) County health departments;
 - (h) Healthy Start Family Support Services programs;
 - (i) Alcohol and drug treatment programs;
 - (j) Local child care resource and referral agencies;
 - (k) Child care providers;
 - (L) Developmental disability services;
 - (m) The kindergarten through grade 12 education community;
 - (n) Faith-based organizations; and
 - (o) Other providers of prenatal and perinatal services.
- (3) A voluntary local early childhood system plan shall:
- (a) Provide for the coordination of early childhood programs by creating a process to connect children and families with the most appropriate supports;
 - (b) Include a description of how the components of the voluntary statewide early childhood system specified in ORS 417.728 will be implemented in the county or region;
 - (c) Build on existing programs;
 - (d) Identify ways to maximize the use of volunteers and other community resources; and

(e) Ensure that the diverse populations within a community receive services that are culturally and gender appropriate.

(4) Local communities are encouraged to:

(a) Use private nonprofit organizations to raise community awareness and support for the voluntary local early childhood system; and

(b) Involve the medical community to ensure appropriate referrals to services and supports that are provided through the voluntary local early childhood system. [2001 c.831 §9; 2003 c.293 §6]

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 417.800 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 coordinated comprehensive plan. [1993 c.676 §15; 1999 c.1053 §15]

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 417.800 and 419A.170. However, a county or counties may elect to offer another structure but shall submit only one local coordinated comprehensive plan. The alternative structure must be approved by the State Commission on Children and Families. [1993 c.676 §16; 1999 c.1053 §16]

417.787 Transfer of funds to local commission; transfer of services. The State Commission on Children and Families shall:

(1) Determine when funds for services for children and families not described in ORS 409.010 (2)(a) and 430.215 are to be transferred to the local commission. If a local commission with an approved local coordinated comprehensive plan requests a transfer, the state commission shall determine whether funds can be transferred.

(2) Determine which, if any, services for children and families that are not described in ORS 409.010 (2)(a) and 430.215 are not to be transferred to local commissions but are to remain state responsibilities. [1993 c.676 §29; 1999 c.1053 §17; 2001 c.900 §227]

(Programs and Services)

417.788 Relief nurseries. (1) The State Commission on Children and Families shall support relief nurseries statewide through local commissions on children and families as funding becomes available. Local commissions may establish relief nurseries for young children who are at risk and their families. Local commissions in adjoining counties may choose to establish regional relief nurseries. The relief nurseries shall:

(a) Be consistent with the voluntary early childhood system plan that is part of the local coordinated comprehensive plan; and

(b) Involve the parents of children served by the relief nurseries.

(2) Programs at the relief nurseries shall include:

(a) Therapeutic early childhood education programs; and

(b) Parent education, training and support.

(3) Each relief nursery that receives state funding shall have financial support from the community that is at least equal to 25 percent of any state allocation. [1999 c.1053 §22; 2001 c.831 §12]

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

(1) Make grants to local commissions on children and families to fund research-based services and initiatives to improve outcomes for children, youth or families. The state commission shall assist counties in the implementation of community services that are efficient, accountable, coordinated and readily available. Grants for services and initiatives to support children, youth or families shall be used at the local level according to the county's local coordinated comprehensive plan. These services shall be provided in accordance with ORS 417.715 and 417.720.

(2) Make Great Start grants to local commissions on children and families to fund community-based programs for children who are newborn through eight years of age. A county or region shall use Great Start grant funds to provide research-based early childhood programs in community settings and to provide services that have proven to be successful and that meet the needs of the community as described in the county's local coordinated comprehensive plan. These services shall be provided in accordance with ORS 417.728. [1993 c.676 §31; 2001 c.976 §1]

417.793 Parents-as-teachers programs.

The State Commission on Children and Families shall support parents-as-teachers programs statewide through local commissions on children and families as funding becomes available. If a local commission offers a program, the program shall be part of a comprehensive, research-based approach to parent education and support. The program shall be consistent with the voluntary early childhood system plan that is part of the local coordinated comprehensive plan. [2001 c.831 §12b]

417.795 Healthy Start Family Support Services programs; standards; coordination.

(1) The State Commission on Children and Families established under ORS 417.730 shall establish Healthy Start Family Support Services programs through contracts entered into by local commissions on children and families in all counties of this state as funding becomes available.

(2) These programs shall be nonstigmatizing, voluntary and designed to achieve the appropriate early childhood benchmarks and shall:

(a) Ensure that express written consent is obtained from the family prior to any release of information that is protected by federal or state law and before the family receives any services;

(b) Ensure that services are voluntary and that, if a family chooses not to accept services or ends services, there are no adverse consequences for those decisions;

(c) Offer a voluntary comprehensive screening and risk assessment of all newly born children and their families;

(d) Ensure that the disclosure of information gathered in conjunction with the voluntary comprehensive screening and risk assessment of children and their families is limited pursuant to ORS 417.728 (6) to the following purposes:

(A) Providing services under the programs to children and families who give their express written consent;

(B) Providing statistical data that are not personally identifiable;

(C) Accomplishing other purposes for which the family has given express written consent; and

(D) Meeting the requirements of mandatory state and federal disclosure laws;

(e) Ensure that risk factors used in the risk assessment are limited to those risk factors that have been shown by research to be associated with poor outcomes for children and families;

(f) Identify, as early as possible, families that would benefit most from the programs;

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

(h) Provide other supports, including but not limited to referral to and linking of community and public services for children and families such as mental health services, alcohol and drug treatment programs that meet the standards promulgated by the Oregon Health Authority pursuant to ORS 430.357, child care, food, housing and transportation;

(i) Coordinate services for children consistent with the voluntary local early childhood system plan developed pursuant to ORS 417.777;

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

(k) Integrate data with any common data system for early childhood programs implemented pursuant to section 7, chapter 831, Oregon Laws 2001;

(L) Be included in a statewide independent evaluation to document:

(A) Level of screening and assessment;

(B) Incidence of child abuse and neglect;

(C) Change in parenting skills; and

(D) Rate of child development;

(m) Be included in a statewide training program in the dynamics of the skills needed to provide early childhood services, such as assessment and home visiting; and

(n) Meet voluntary statewide and local early childhood system quality assurance and quality improvement standards.

(3) The Healthy Start Family Support Services programs, local health departments and other providers of prenatal and perinatal services in counties, as part of the voluntary local early childhood system, shall:

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

(b) Build on existing programs;

(c) Maximize the use of volunteers and other community resources that support all families;

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

(e) Ensure that home visiting services provided by local health departments for children and pregnant women support and are coordinated with local Healthy Start Family Support Services programs.

(4) Through a Healthy Start Family Support Services program, a trained family sup-

port worker or nurse shall be assigned to each family assessed as at risk that consents to receive services through the worker or nurse. The worker or nurse shall conduct home visits and assist the family in gaining access to needed services.

(5) The services required by this section shall be provided by 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 a contract, a local commission may utilize collaborative contracting or requests for proposals and shall take into consideration the most effective and consistent service delivery system.

(6) The family risk assessment and follow-up services for families at risk shall be provided by trained family support workers or nurses organized in teams supervised by a manager and including a family services coordinator who is available to consult.

(7) Each Healthy Start Family Support Services program shall adopt disciplinary procedures for family support workers, nurses and other employees of the program. The procedures shall provide appropriate disciplinary actions for family support workers, nurses and other employees who violate federal or state law or the policies of the program. [1993 c.677 §1; 1999 c.1053 §21; 2001 c.831 §14; 2003 c.14 §209; 2005 c.271 §3; 2009 c.595 §362]

(Evaluation of Local Plans)

417.797 Responsibility; requirements; review of outcomes. (1) Each state agency or other entity that is responsible for a component of the local coordinated comprehensive plan shall ensure that a biennial evaluation of the plan component is conducted according to a consistent framework. The program evaluation shall include:

(a) An identified goal and associated Oregon benchmarks;

(b) Proven practices of effectiveness and related Oregon data;

(c) A target population and a description of local service systems that may be used in identifying, screening, recruiting and serving the target population;

(d) Specific intermediate outcomes that measure progress in addressing risk contributors or developing core supports and competencies and specific tools and data sources to measure the intermediate outcomes;

(e) Baseline data about the incidence of risk and asset and support factors with the goal of measuring change over time, including an assessment of local need;

(f) Measures of fiscal accountability;

(g) Identified roles and responsibilities for state agencies and local partners and performance measures to evaluate effectiveness in agreed-upon roles; and

(h) Measures of the change in coordination among service providers and programs as a result of the local plan, including increases in access to services.

(2) The State Commission on Children and Families shall disclose the results of the evaluations to any person upon request.

(3) The Oregon Progress Board shall conduct a review of the intermediate outcome targets achieved by local coordinated comprehensive plans in accordance with ORS 417.735 (3)(c) for the purpose of identifying progress in achieving outcomes specified in local plans. The Oregon Progress Board shall coordinate the review with the evaluations conducted according to subsection (1) of this section. [1999 c.1053 §19; 2003 c.148 §4]

(Runaway and Homeless Youth)

417.799 Runaway and homeless youth; delivery of services; policies. (1) The Department of Human Services is responsible for coordinating statewide planning for delivery of services to runaway and homeless youth and their families.

(2) The department shall recommend policies that integrate a system of services and support for runaway and homeless youth into the state's continuum of care for children who are 0 through 18 years of age.

(3) The department may work with the Juvenile Crime Prevention Advisory Committee, the Employment Department, the Housing and Community Services Department, the Department of Community Colleges and Workforce Development, the Department of Education and the Oregon Youth Authority to develop a comprehensive and coordinated approach for services and support for runaway and homeless youth and their families.

(4) In addition to the state agencies listed in subsection (3) of this section, the department shall include representatives of youth, nonprofit organizations and statewide coalitions related to runaway and homeless youth services and supports in the joint process described in subsection (3) of this section.

(5) The department may enter into and renew contracts with providers for the provision of services to runaway and homeless youth and their families. [2005 c.495 §2; 2011 c.678 §2]

417.800 Department to coordinate efforts and make recommendations. The Department of Human Services shall coordinate the collection of data, provision of

technical assistance to communities for assessing the needs of runaway and homeless youth, and identification and promotion of the best practices for service delivery, and shall recommend long term goals to identify and address the underlying causes of homelessness of youth. [2005 c.495 §3; 2011 c.678 §3]

417.801 [2005 c.495 §5; repealed by 2011 c.678 §1]

(Office of Children’s Advocate)

417.805 Toll-free child abuse hotline.

The Office of Children’s Advocate shall maintain a state toll-free telephone line to allow the public to:

- (1) Access information and be referred to the appropriate services in matters of child abuse.
- (2) Voice concerns regarding the actions and conduct of the Department of Human Services relating to child abuse.
- (3) Have a single place to file complaints concerning the actions and conduct of the Department of Human Services relating to child abuse. [1993 c.678 §7; 2003 c.591 §3]

417.810 Office of Children’s Advocate established; appointment; staff.

(1) The Office of Children’s Advocate is established in the Department of Human Services. The office is under the supervision and control of the Children’s Advocate, who is responsible for the performance of the duties, functions and powers of the office. With the concurrence of the Governor, the Director of Human Services shall appoint the Children’s Advocate and may terminate the Children’s Advocate.

- (2) Subject to available funds and the applicable provisions of ORS chapter 240, the Children’s Advocate may hire staff to carry out the duties, functions and powers of the office and shall prescribe their duties and fix their compensation.
- (3) The Children’s Advocate shall be a person who has background and experience in:

- (a) Law enforcement with particular emphasis on crimes involving child victims; or
- (b) Social work with particular emphasis on child abuse. [1993 c.678 §8; 2003 c.591 §4]

417.815 Duties of office; confidentiality; protection for person filing complaint.

(1) The Office of Children’s Advocate shall be accessible to the public through the state toll-free telephone line maintained pursuant to ORS 417.805 and through other electronic and written forms of communication. The office shall:

- (a) Disseminate information and educate the public about the detection and pre-

vention of child abuse and about the prosecution of persons accused of child abuse;

(b) Cooperate with other units within the Department of Human Services and law enforcement officials in performing duties under ORS 418.747 and 418.748 and 419B.005 to 419B.050 when the investigation involves alleged child abuse;

(c) Provide technical assistance in the development and implementation of state and local programs that relate to child abuse;

(d) In cooperation with the department, objectively review the department’s systems for handling child abuse cases; and

(e) Analyze data collected by the office to discern general patterns and trends, chronic problems and other systemic difficulties in the detection, reporting, investigation, prosecution and resolution of cases of child abuse.

(2) In addition to the duties required under subsection (1) of this section, the office shall:

(a) Review any complaint regarding the department’s involvement in a specific child abuse case, unless the office determines there is an adequate remedy for the complaint;

(b) Make any appropriate referrals of the complaint or complainant at the time the office receives the complaint or during the office’s review process;

(c) Inform the complainant of the referral of the complaint or any other action taken by the office on the complaint;

(d) Inform the department of the office’s intention to review the department’s action, unless the office determines that advance notice will unduly hinder the review; and

(e) Conduct a review of the department’s action when appropriate, and inform the department of the results of the review, including any recommendation the Children’s Advocate believes would resolve any case or any systemic issues identified in the review.

(3) If the office has knowledge of confidential information relating to a child involved or allegedly involved in child abuse, the office shall keep the information confidential from public disclosure. However, the office is subject to legal mandates in ORS 418.747 and 418.748 and 419B.005 to 419B.050.

(4) A person who files a complaint under this section or ORS 417.805 or participates in any investigation under this section may not be, because of that action:

- (a) Subject to any penalties, sanctions or restrictions imposed by the department;

(b) Subject to any penalties, sanctions or restrictions connected with the person's employment; or

(c) Denied any right, privilege or benefit.

(5) If deemed necessary by the Children's Advocate for the purposes of carrying out the duties of the office, the office may conduct criminal records checks pursuant to ORS 181.537 on a person through the Law Enforcement Data System maintained by the Department of State Police. [1993 c.678 §§9,10; 1995 c.79 §211; 2003 c.591 §5; 2005 c.730 §22]

417.825 Portions of certain filing fees dedicated to office. (1) In addition to any other fees provided by law, the appropriate agency:

(a) When birth certificates are registered with the state, shall pay a \$1 fee on each birth certificate registered with the agency.

(b) That issues birth certificates for the state or a county, shall collect a \$1 fee on each birth certificate issued by the agency.

(2) The agencies paying or collecting the fees described in subsection (1) of this section shall transfer moneys from the fees imposed by this section to the State Treasurer for deposit in the Department of Human Services Account established under ORS 409.060. The moneys deposited under this section are appropriated continuously to the Department of Human Services for use by the Office of Children's Advocate for the administration of ORS 417.805, 417.810 and 417.815. [1993 c.678 §11; 2003 c.591 §6; 2011 c.595 §111]

**(Deschutes County
Demonstration Project)**

417.830 Authority of Deschutes County to establish demonstration project; plan. (1) Consistent with the requirements of ORS 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, 418.748 and 418.746 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 re-

quired to assume responsibility for the service.

(2) In order to exercise authority under subsection (1) of this section, the local commission appointed under ORS 417.833 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 423.549 shall apply to any transferred employees of the Department of Corrections and the provisions of ORS 236.605 to 236.640 apply to all other transferred employees.

(3) The plan shall be submitted to the county governing body and may be submitted to the presiding judge for the judicial district for approval. 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 for the judicial district.

(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; 1995 c.161 §1; 1995 c.781 §48a]

417.833 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. A member is eligible for reappointment.

(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 for the judicial district 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; 1995 c.161 §2; 1995 c.781 §49]

417.836 Intergovernmental agreement; federal waivers. (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]

417.839 Limitations on county's authority. The authority of Deschutes County under ORS 417.830 (1) 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. [1993 c.675 §4; 2001 c.962 §94]

417.842 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 ORS 417.830 to 417.842 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 ORS 417.830 to 417.842. When requested by the county or a state agency during the process of the county's proposal to assume responsibilities under ORS 417.830 to 417.842, the committee shall give advice as to the resolution of any conflict concerning the proposal. [1993 c.675 §5]

JUVENILE CRIME PREVENTION

417.845 Juvenile Crime Prevention Advisory Committee; membership; chairperson, staffing. (1) The Juvenile Crime Prevention Advisory Committee is created within the State Commission on Children and Families.

(2) The committee shall have the following members:

(a) The Director of the Oregon Youth Authority or a designee of the director;

(b) The staff director of the State Commission on Children and Families or a designee of the staff director;

(c) The Director of the Oregon Health Authority or one or more designees of the director, one of whom has expertise in treatment and prevention of substance abuse;

(d) The executive director of the Oregon Criminal Justice Commission or a designee of the executive director;

(e) The Superintendent of Public Instruction or a designee of the superintendent;

(f) The Superintendent of State Police or a designee of the superintendent;

(g) The Director of the Department of Corrections or a designee of the director;

(h) One designee of the Governor;

(i) One member appointed by the President of the Senate, who shall be a member of the Senate and who shall be a nonvoting, advisory member;

(j) One member appointed by the Speaker of the House of Representatives, who shall be a member of the House of Representatives and who shall be a nonvoting, advisory member; and

(k) One designee of the Chief Justice of the Supreme Court from the Judicial Department who serves as a nonvoting member to provide information and support the partnership role of the courts in an effective comprehensive statewide approach to high-risk youth and their families.

(3) In addition to the members listed in subsection (2) of this section, the Governor shall appoint the following members who shall be representative of the geographic and cultural diversity of the state:

(a) To represent local public and private entities:

(A) A county commissioner;

(B) A local juvenile director;

(C) A director of a local commission on children and families;

(D) Two law enforcement officials;

(E) A county mental health director;

(F) An alcohol and drug abuse professional;

(G) A school superintendent;

(H) A private youth service provider; and

(I) An elected city official;

(b) A researcher;

(c) A citizen member; and

(d) Other members as determined by the Governor.

(4) Each member of the committee appointed by the Governor under subsection (3) of this section shall serve a term of four years. Members appointed by the Governor shall serve at the pleasure of the Governor. A vacancy in the office of any member appointed by the Governor under subsection (3) of this section shall be filled by the Governor by appointment for the unexpired term.

(5) The Governor shall select one of the members of the committee as chairperson and one of its members as vice chairperson.

(6) The committee shall meet at times, places and intervals deemed advisable by a majority of the members.

(7) The State Commission on Children and Families shall provide staff support to the committee.

(8) Members of the committee who are members of the Legislative Assembly are entitled to compensation and reimbursement of expenses as provided in ORS 171.072.

(9) Members of the committee who are not members of the Legislative Assembly are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses shall be paid out of funds appropriated to the State Commission on Children and Families for purposes of the committee. [1999 c.1053 §36; 2001 c.900 §111; 2001 c.904 §8; 2001 c.905 §9; 2005 c.503 §8; 2009 c.595 §363; 2011 c.272 §7]

417.850 Duties of committee. The Juvenile Crime Prevention Advisory Committee shall:

(1) Review the budget and allocation formula for appropriations for the purpose of juvenile crime prevention;

(2) Review the components of the local coordinated comprehensive plans for children and families created pursuant to ORS 417.775 that address local high-risk juvenile crime prevention plans developed under ORS 417.855 and make recommendations to the Governor about the local plans;

(3) Ensure that high-risk juvenile crime prevention planning criteria are met by state and local public and private entities;

(4) Recommend high-risk juvenile justice and juvenile crime prevention policies to the Governor and the Legislative Assembly;

(5) Ensure initiation of contracts based on approved local high-risk juvenile crime prevention plans and oversee contract changes;

(6) Review data and outcome information;

(7) Establish and publish review and assessment criteria for the local high-risk juvenile crime prevention plans. The criteria shall include, but not be limited to, measuring changes in juvenile crime and juvenile recidivism;

(8) Review and coordinate county youth diversion plans and basic services grants with the local high-risk juvenile crime prevention plans. Basic services grants may be used for detention and other juvenile department services including:

(a) Shelter care;

(b) Treatment services;

(c) Graduated sanctions; and

(d) Aftercare for youth offenders;

(9) Work to ensure broad-based citizen involvement in the planning and execution of high-risk juvenile crime prevention plans at both the state and local levels;

(10) Develop a funding policy that provides incentives for flexible programming and promotes strategies that stress reinvestment in youth;

(11) Periodically report to the Governor and the Legislative Assembly on the progress of the committee;

(12) Oversee and approve funding and policy recommendations of the state advisory group as required by the federal Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601 et seq.; and

(13) Work with tribal governments to develop tribal high-risk juvenile crime prevention plans. [1999 c.1053 §38]

417.855 Local high-risk juvenile crime prevention plan. (1) Each board of county commissioners shall designate an agency or organization to serve as the lead planning organization to facilitate the creation of a partnership among state and local public and private entities in each county. The partnership shall include, but is not limited to, local commissions on children and families, education representatives, public health representatives, local alcohol and drug planning committees, representatives of the court system, local mental health planning committees, city or municipal representatives and local public safety coordinating councils. The partnership shall develop a local high-risk juvenile crime prevention plan that shall be incorporated into the local coordinated comprehensive plans created pursuant to ORS 417.775.

(2) The local high-risk juvenile crime prevention plans shall use services and activities to meet the needs of a targeted population of youths who:

(a) Have more than one of the following risk factors:

- (A) Antisocial behavior;
- (B) Poor family functioning or poor family support;
- (C) Failure in school;
- (D) Substance abuse problems; or
- (E) Negative peer association; and

(b) Are clearly demonstrating at-risk behaviors that have come to the attention of government or community agencies, schools or law enforcement and will lead to imminent or increased involvement in the juvenile justice system.

(3)(a) The State Commission on Children and Families shall allocate funds available to support the local high-risk juvenile crime

prevention plans to counties based on the youth population age 18 or younger in those counties.

(b) The state commission shall award a minimum grant to small counties. The minimum grant level shall be determined by the Juvenile Crime Prevention Advisory Committee through a public process and reviewed by the committee biennially. [1999 c.1053 §39; 2005 c.503 §10]

417.857 Deschutes County; waiver; early intervention. (1) Deschutes County may place greater emphasis on early intervention and work with younger children than required by the Juvenile Crime Prevention Advisory Committee if the county has been granted a waiver pursuant to this section.

(2) The Juvenile Crime Prevention Advisory Committee shall develop an objective process, review criteria and timetable for consideration of a waiver request. A waiver granted under this section applies to the requirements for basic services grants described in ORS 417.850 (8) and high-risk juvenile crime prevention resources managed by the State Commission on Children and Families. The waiver shall be consistent with the goals of ORS 417.705 to 417.800, 417.850 and 417.855.

(3) Any documentation required for a waiver under this section shall be obtained to the greatest extent possible from material contained in the county's juvenile crime prevention plan and from material as determined through biennial intergovernmental agreements. The Juvenile Crime Prevention Advisory Committee may ask the county to submit additional information regarding how the county intends to use crime prevention funds under the waiver.

(4) The Juvenile Crime Prevention Advisory Committee shall grant a waiver or continue a waiver based on criteria that include:

(a) The rate of Oregon Youth Authority discretionary bed usage compared to other counties;

(b) The county's rates of first-time juvenile offenders, chronic juvenile offenders and juvenile recidivism compared to other counties;

(c) The amount and allocation of expenditures from all funding sources for juvenile crime prevention, including prevention and early intervention strategies, and how the requested waiver addresses the needs and priorities for the target population described in ORS 417.855 and for the target population described in the waiver;

(d) Inclusion of prevention or early intervention strategies in the juvenile crime prevention plan;

(e) Investments in evidence-based crime prevention programs and practices;

(f) Support of the local public safety coordinating council, local commission on children and families and board of county commissioners;

(g) Local integration practices including citizens, victims, courts, law enforcement, business and schools;

(h) Identification of the risk factors for the target population described in the waiver; and

(i) Changes in the risk factors for the target population described in the waiver.

(5) The committee shall review and act on any request for a waiver within 90 days after receipt of the request.

(6) The duration of a waiver granted under this section is four years. Before the expiration of a waiver granted under this section, the county may submit a request for another waiver. [1999 c.1053 §40; 2005 c.503 §18; 2005 c.517 §1; 2009 c.856 §8]

417.900 [Formerly 417.700; 1995 c.343 §44; repealed by 2007 c.765 §7]

PENALTIES

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