Chapter 418

2011 EDITION

Child Welfare Services

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CHILD WELFARE SERVICES GENERALLY

418.001 Definition for ORS 418.005 to 418.030. As used in ORS 418.005 to 418.030, "child" or "juvenile" means an individual under 21 years of age. [1973 c.827 §34]

418.003 [1973 c.463 §§2,3; repealed by 2001 c.900 §261]

418.005 Powers of department in connection with child welfare services; rules; advisory committee. (1) In order to establish, extend and strengthen welfare services for the protection and care of homeless, dependent or neglected children or children in danger of becoming delinquent, the Department of Human Services may:

(a) Make all necessary rules and regulations for administering child welfare services under this section.

(b) Accept and disburse any and all federal funds made available to the State of Oregon for child welfare services.

(c) Make such reports in such form and containing such information as may from time to time be required by the federal government and comply with such provisions as may from time to time be found necessary to insure correctness and verification of such reports.

(d) Cooperate with medical, health, nursing and welfare groups and organizations and with any agencies in the state providing for protection and care of homeless, dependent or neglected children or children in danger of becoming delinquent.

(e) Cooperate with the United States Government or any of its agencies in administering the provisions of this section.

(2)(a) There is created an advisory committee that shall consist of 21 members to advise the department on the development and administration of child welfare policies, programs and practices. Members shall be appointed by and serve at the pleasure of the Director of Human Services.

(b) Advisory committee membership shall include representatives of other state agencies concerned with services, representatives of professional, civic or other public or private organizations, private citizens interested in service programs, and recipients of assistance or service or their representatives.

(c) Members of the advisory committee shall receive no compensation for their services. Members of the advisory committee other than members employed in full-time public service shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties by the department. Such reimbursements shall be subject to the provisions of ORS 292.210 to 292.288. Members of the advisory committee who are employed in full-time public service may be reimbursed for their actual and necessary expenses incurred in the performance of their duties by their employing agency.

(d) The advisory committee shall meet at least once every three months.

(3) Subject to the allotment system provided for in ORS 291.234 to 291.260, the department may expend the amounts necessary to carry out the purposes and administer the provisions of this section. [Formerly 419.002; 1971 c.401 §12; 1975 c.352 §1; 1997 c.249 §130; 2001 c.900 §112; 2003 c.14 §210]

418.010 Children not to be taken charge of when parents object. Nothing in ORS 418.005 shall be construed as authorizing any state official, agent or representative, in carrying out any of the provisions of that section, to take charge of any child over the objection of either of the parents of such child or of the person standing in loco parentis to such child. [Formerly 419.004]

418.015 Custody and care of needy children by department. (1) The Department of Human Services may, in its discretion, accept custody of children and may provide care, support and protective services for children who are dependent or neglected, who have mental or physical disabilities or who for other reasons are in need of public service.

(2) The department shall accept any child placed in its custody by a court under, but not limited to ORS chapter 419B or 419C, and shall provide such services for the child as the department finds to be necessary.

(3) All children in the legal custody of the department who, in the judgment of the Director of Human Services or the authorized representative for the director are in need of care or treatment services, may be placed with any person or family of good standing or any child caring agency for such services under an agreement pursuant to ORS 418.027. [Formerly 419.006; 1971 c.401 §13; 1971 c.698 §1; 1977 c.117 §1; 1987 c.157 §1; 1993 c.33 §326; 2007 c.70 §196]

418.016 Criminal records checks required for caregivers of children and for other persons in household; rules. (1) To protect the health and safety of children who are in the custody of the Department of Human Services and who may be placed in a foster home or adoptive home or with a relative caregiver, the department shall adopt rules pursuant to ORS 181.534 and ORS chapter 418 to require that criminal records checks be conducted under ORS 181.534 on:

(a) All persons who seek to be foster parents, adoptive parents or relative caregivers; and

(b) Other individuals over 18 years of age who will be in the household of the foster parent, adoptive parent or relative caregiver.

(2) Rules adopted under subsection (1) of this section shall include:

(a) A list of crimes for which a conviction disqualifies a person from becoming a foster parent, adoptive parent or relative caregiver;

(b) A requirement that persons who have been convicted of crimes listed in the rules are disqualified from becoming a foster parent, adoptive parent or relative caregiver; and

(c) A provision that the department may approve a person who has been convicted of certain crimes listed in the rules if the person demonstrates to the department that:

(A) The person possesses the qualifications to be a foster parent or adoptive parent regardless of having been convicted of a listed crime; or

(B) The disqualification would create emotional harm to the child for whom the person is seeking to become a foster parent, adoptive parent or relative caregiver and placement of the child with the person would be a safe placement that is in the best interests of the child. [2001 c.686 §26; 2005 c.730 §23; 2007 c.611 §1]

Note: 418.016 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 418 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

418.017 Parent allowed to anonymously leave child at authorized facility; facility immunity; notification to department. (1) A parent may leave an infant at an authorized facility in the physical custody of an agent, employee, physician or other medical professional working at the authorized facility if the infant:

(a) Is 30 days of age or younger as determined to a reasonable degree of medical certainty; and

(b) Has no evidence of abuse.

(2) A parent leaving an infant under this section is not required to provide any identifying information about the infant or the parent.

(3) An agent, employee, physician or other medical professional working at an authorized facility shall receive an infant brought to the authorized facility under this section.

(4) If acting in good faith in receiving an infant, an authorized facility receiving an infant under this section and any agent, employee, physician or other medical professional working at the authorized facility are immune from any criminal or civil liability that otherwise might result from their actions relating to receiving the infant. A city, county or other political subdivision of this state that operates a sheriff's office, police station or fire station that receives an infant under this section is immune from any criminal or civil liability that otherwise might result from the actions taken by its employees or agents in receiving the infant.

(5) When an infant has been left at an authorized facility as provided in this section:

(a) The authorized facility shall notify the Department of Human Services that an infant has been left at the facility as provided in subsection (1) of this section no later than 24 hours after receiving the infant.

(b) The infant is deemed abandoned for purposes of ORS 419B.100, and the department is deemed to have protective custody of the infant under ORS 419B.150 from the moment the infant was left at the facility. The department shall comply with the applicable provisions of ORS chapter 419B with regard to the infant.

(6) The authorized facility shall release the infant to the department when release is appropriate considering the infant's medical condition and shall provide the department with all information the facility has regarding the infant.

(7) As used in this section:

(a) "Abuse" has the meaning given that term in ORS 419B.005.

(b) "Authorized facility" means a hospital as described in ORS 442.015, freestanding birthing center as defined in ORS 442.015, physician's office, sheriff's office, police station or fire station.

(c) "Physician" means a person licensed by the Oregon Medical Board to practice medicine and surgery. [2001 c.597 §1; 2005 c.22 §288]

Note: 418.017 and 418.018 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 418 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

418.018 Department required to inform public about ORS 418.017 and affirmative defense; funding. (1) The Department of Human Services shall inform the public about the provisions of ORS 418.017 and the affirmative defense created in ORS 163.535.

(2) Notwithstanding any other provision of law, the Department of Human Services may accept gifts, grants or contributions from any source, whether public or private, for the purpose of carrying out subsection (1)

of this section. Moneys accepted under this subsection shall be deposited in the State Treasury to the credit of the department and are continuously appropriated to the department for the payment of expenses and costs incurred in carrying out subsection (1) of this section. [2001 c.597 §3]

Note: See note under 418.017.

418.020 Unexpended balances of budgeted county funds may be expended as aid for children. The governing body of any county may expend as aid for homeless, neglected or abused children, foundlings or orphans, wayward children or children in need of correctional or institutional care or committed to a youth care center, as defined in ORS 420.855, the whole or any part of any unexpended balance of any fund budgeted by the county for any purpose whatsoever. [Formerly 419.008; 1965 c.567 §§10,11; 1967 c.444 §8]

418.025 Prevention, reduction or control of juvenile delinquency by county programs and activities. (1) The governing body of any county, or its representatives designated by it for the purpose, on behalf of the county, may:

(a) Conduct programs and carry on and coordinate activities for the prevention, reduction or control of juvenile delinquency, including but not limited to the establishment and operation of youth care centers, as defined in ORS 420.855, to care for children committed to the custody of the centers under ORS 420.865.

(b) Cooperate, coordinate or act jointly with any other county, any city or any appropriate officer or public or private agency in conducting programs and carrying on and coordinating activities for the prevention, reduction or control of juvenile delinquency, including but not limited to the establishment, support and maintenance of joint agencies, institutions or youth care centers to conduct such programs and carry on and coordinate such activities.

(c) Expend county moneys for the purposes referred to in paragraph (a) or (b) of this subsection.

(d) Accept and use or expend property or moneys from any public or private source made available for the purposes referred to in paragraph (a) or (b) of this subsection.

(2) All officers and agencies of a county, upon request, shall cooperate in so far as possible with the governing body of the county, or its designated representatives, in conducting programs and carrying on and coordinating activities under subsection (1) of this section. [Formerly 419.010; 1965 c.567 §§12,13; 1967 c.444 §9]

418.027 Agreements for custody, care or treatment; rules. (1) The Director of Human Services or the authorized representative of the director may enter into agreements with persons, families or child caring agencies found suitable for the placement of children in the legal custody of the Department of Human Services. If, in the judgment of the director or the authorized representative of the director, a child needs placement services after reaching 18 years of age, such services must be approved by the director or authorized representative.

(2) The agreement shall provide for such services as the child might require, such as the custody, care or treatment of the child for a time fixed in the agreement but not to exceed the time when the child reaches 21 years of age.

(3) The agreement shall be signed by the person or authorized representative of the agency providing the care or treatment and by the director or the authorized representative of the director.

(4) If the agreement provides for payments to the agency providing such services as the child may require, the department shall make these payments.

(5) The department shall adopt rules specifying criteria upon which the director shall base the judgment that a child needs placement services after reaching 18 years of age. [1987 c.157 §3]

418.030 Services to prevent, control and treat juvenile delinquency. The Department of Human Services may provide consultation services related to the prevention, control and treatment of juvenile delinquency to local and statewide public and private agencies, groups and individuals or may initiate such consultation services. Consultation services include but are not limited to conducting studies and surveys, sponsoring or participating in education programs, and advising and assisting agencies, groups and individuals. [1971 c.401 §90; 1975 c.795 §1; 1995 c.79 §212]

418.032 Department subrogated to right of support for certain children in department custody; child support agreements for children with disabilities. (1) Whenever the Department of Human Services has accepted custody of a child under the provisions of ORS 418.015 and is required to provide financial assistance for the care and support of the child, the state shall, by operation of law, be assignee of and subrogated to any right to support from any other person including any sums that may have accrued, up to the amount of assistance provided by the department. If the right to support is contained in a judgment or order that requires a single gross monthly payment for

the support of two or more children, the assignment and right of subrogation shall be of such child's proportionate share of the gross amount. The assignment shall be as provided in ORS 412.024.

(2) The department shall attempt to enter into agreements with any person who voluntarily gives custody of a child with a mental or physical disability to the department. Any agreement entered into shall set out the timely and nonadversarial settlement of child support obligations that the person may have with respect to the child. [1979 c.343 §4; 1995 c.502 §1; 1999 c.80 §75; 2003 c.73 §65; 2003 c.576 §445; 2007 c.70 §197]

418.033 Release of records to citizen review board; when findings of board public; rules. The Department of Human Services may release pertinent portions of client or provider records to citizen review boards established by the department to hear client or provider grievances pursuant to rules of the department. The citizen review boards may make such information available to participants in the review of client or provider grievances. The findings of the citizen review board in client or provider grievances may be disclosed to the public, at the discretion of the department, if the aggrieved client or provider has disclosed information concerning the grievance to the public either directly or through another person or persons acting on behalf of the aggrieved client or provider. [1985 c.601 §3]

418.034 Department responsible for costs of medical care of certain children in detention or lockup facilities; recovery of costs; obtaining additional funds. (1) Notwithstanding ORS 169.140 or any other provision of law, within the availability of funds therefor, the Department of Human Services shall be responsible for the costs and expenses associated with the provision of medical care for any child in the care and custody of the Department of Human Services who is held in a juvenile detention facility or in a local correctional facility or lockup as defined in ORS 169.005.

(2) Nothing in subsection (1) of this section prevents the Department of Human Services from obtaining reimbursement for such costs and expenses as provided in ORS 419B.400, 419B.402, 419B.404, 419B.406, 419C.590, 419C.592, 419C.595 or 419C.597.

(3) If funds are not available to pay for medical costs as required by subsection (1) of this section, the Department of Human Services shall apply to the Emergency Board or to the Legislative Assembly for additional necessary funds.

(4) As used in this section, "medical care" means emergency medical care or medical care for a medical condition that existed prior to the child's being held in a juvenile detention facility or in a local correctional facility or lockup. [1979 c.97 §1; 1993 c.33 §327]

418.035 [Formerly 419.052 and then 418.055; 1967 c.155 §1; 1969 c.69 §7; 1981 c.819 §1; 1983 c.414 §2; 1995 c.343 §45; 1999 c.59 §111; 2003 c.14 §211; 2007 c.861 §1; renumbered 412.001 in 2007]

418.036 Child welfare report. On or before November 1 of each even-numbered year, the Department of Human Services shall develop and submit a report to the appropriate legislative interim committees dealing with child welfare matters. The report shall cover the prior 24-month period and shall include, but need not be limited to:

(1) The number of children in foster care;

(2) The number of children that have had more than one foster care placement;

(3) The number of placements for each child described in subsection (2) of this section;

(4) The percentage of foster children placed apart from siblings;

(5) The number of placement changes experienced by foster children;

(6) The number and percentage of children placed with relatives; and

(7) The department's Status of Children in Oregon's Child Protection System annual report. [2007 c.238 §1]

Note: 418.036 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 418 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

418.040 [Formerly 419.054 and then 418.060; 1969 c.468 §5; 1995 c.816 §1; 1997 c.581 §27; 2005 c.22 §289; 2007 c.861 §2; renumbered 412.006 in 2007]

418.042 [1975 c.458 §12; 1983 c.767 §4; 1995 c.816 §9; 1999 c.80 §74; 2003 c.14 §212; 2003 c.73 §66; 2007 c.861 §12; renumbered 412.024 in 2007]

418.045 [Formerly 419.056 and then 418.065; 1965 c.41 §1; 1995 c.816 §2; 1997 c.581 §28; 2007 c.861 §§3,3a; renumbered 412.009 in 2007]

418.047 [1995 c.816 §7; 1997 c.581 §29; renumbered 412.151 in 2007]

418.050 [1963 c.610 §5; 1975 c.243 §1; 1997 c.581 §30; 2001 c.900 §113; renumbered 412.026 in 2007]

418.054 [1963 c.610 §6; 1973 c.823 §132; renumbered 412.028 in 2007]

418.055 [Formerly 419.052; 1963 c.610 §1; renumbered 418.035]

418.059 [1963 c.610 §7; 1973 c.823 §133; renumbered 412.029 in 2007]

418.060 [Formerly 419.054; renumbered 418.040]

418.065 [Formerly 419.056; 1963 c.610 §2; renumbered 418.045]

418.070 [1961 c.712 §2; 1963 c.610 §3; 1967 c.155 §2; 1969 c.65 §1; 1973 c.464 §2; 1983 c.414 §3; 1985 c.622 §2; 1997 c.581 §31; 1999 c.59 §112; 2001 c.900 §114; 2003 c.14 §213; 2007 c.806 §14; 2007 c.861 §4; renumbered 418.647 in 2007]

418.075 [1961 c.712 §3; 1971 c.779 §54; 2003 c.14 §214; 2005 c.218 §7; 2007 c.861 §14; renumbered 412.034 in 2007]

418.080 [1961 c.712 §5; repealed by 1965 c.538 §1]

418.085 [1961 c.712 §4; 2003 c.14 §215; 2007 c.861 §15; renumbered 412.039 in 2007]

418.090 [1961 c.712 §6; repealed by 1971 c.779 §78]

418.095 [1961 c.712 §7; 1965 c.291 §3; 1967 c.130 §6; repealed by 2007 c.861 §23]

418.097 [1963 c.610 §8; 1967 c.130 §7; renumbered 412.044 in 2007]

418.100 [Formerly 419.058; 1971 c.779 §56; 1975 c.242 §1; 1997 c.581 §32; renumbered 412.049 in 2007]

418.105 [Formerly 419.060; repealed by 1971 c.779 §78]

418.110 [Formerly 419.062; 1969 c.68 §9; 1971 c.779 §57; renumbered 412.054 in 2007]

418.115 [Formerly 419.064; 1969 c.68 §10; 1971 c.779 §58; renumbered 412.059 in 2007]

418.120 [Formerly 419.066; 1969 c.68 §11; 1971 c.779 §59; renumbered 412.064 in 2007]

418.125 [Formerly 419.068; 1971 c.779 §60; 1973 c.612 §16; renumbered 412.069 in 2007]

418.130 [Formerly 419.070; 1975 c.387 §1; 1995 c.609 §9; 1997 c.581 §33; 2001 c.900 §115; 2003 c.14 §216; renumbered 412.074 in 2007]

418.131 [1995 c.816 §4; 2003 c.212 §3; 2007 c.861 §5; renumbered 412.079 in 2007]

418.132 [1995 c.816 §5; 1997 c.581 §34; 2007 c.861 §16; renumbered 412.084 in 2007]

418.133 [1995 c.816 §11; repealed by 1997 c.581 §48]

418.134 [1995 c.816 §6; 1997 c.581 §35; 2007 c.861 §§5a,5b; renumbered 412.089 in 2007]

418.135 [Formerly 419.072; 1971 c.779 §61; 1979 c.690 §14; 2007 c.356 §5; renumbered 412.094 in 2007]

418.140 [1961 c.341 §2; 1963 c.332 §1; 1969 c.246 §1; renumbered 412.099 in 2007]

418.145 [1963 c.332 §3; 1967 c.446 §1; 1971 c.779 §62; 1997 c.581 §36; renumbered 412.104 in 2007]

418.147 [1987 c.3 §10; 1997 c.581 §37; renumbered 412.109 in 2007]

418.149 [1987 c.3 §§11,12; 2007 c.861 §5c; renumbered 412.114 in 2007]

418.150 [1969 c.281 §2; 1997 c.581 §38; 2005 c.22 §290; renumbered 412.076 in 2007]

418.155 [1969 c.281 §3; 1973 c.222 §1; 1995 c.816 §12; 1997 c.581 §39; 2003 c.14 §217; 2007 c.861 §6; renumbered 412.124 in 2007]

418.160 [1969 c.281 §4; 1973 c.222 §2; 1979 c.452 §1; 1995 c.816 §13; 2007 c.861 §19; renumbered 412.139 in 2007]

418.163 [1973 c.222 §4; 1979 c.452 §2; 2001 c.900 §116; 2007 c.861 §20; renumbered 412.144 in 2007]

418.165 [1969 c.281 §5; repealed by 1973 c.222 §5]

418.170 [1969 c.281 §6; repealed by 1973 c.222 §5]

418.172 [1975 c.734 §3; 1977 c.841 §12; 1997 c.170 §30; renumbered 412.155 in 2007]

418.175 [1969 c.281 §§7,8; repealed by 1973 c.222 §5]

418.180 [1983 c.414 §1; 1985 c.622 §1; 1997 c.581 §40; renumbered 412.161 in 2007]

418.185 [1983 c.414 §4; 1995 c.816 §10; 1997 c.581 §41; repealed by 2007 c.861 §23]

PREVENTION OF CHILD ABUSE AND NEGLECT

418.187 [1985 c.549 §1; repealed by 1999 c.1084 §56]

418.189 Policy on child abuse and neglect. The Legislative Assembly recognizes that children are society's most valuable resource and that child abuse and neglect is a threat to the physical, mental and emotional health of children. The Legislative Assembly further recognizes that assisting community-based private nonprofit and public organizations, agencies or school districts in identifying and establishing needed primary prevention programs will reduce the incidence of child abuse and neglect, and the necessity for costly subsequent intervention in family life by the state. Child abuse and neglect prevention programs can be most effectively and economically administered through the use of trained volunteers and the cooperative efforts of the communities, citizens and the state. [1985 c.549 §2]

418.191 [1985 c.549 §§3,7; 1993 c.678 §1; 1995 c.440 §43; 1999 c.1053 §28; 1999 c.1084 §42; repealed by 1999 c.1084 §56]

418.193 [1985 c.549 §4; 1993 c.678 §2; 1995 c.440 §44; 1999 c.1053 §29; 1999 c.1084 §43; repealed by 1999 c.1084 §56]

418.195 [1985 c.549 §5; 1999 c.1084 §44; repealed by 1999 c.1084 §56]

418.197 [1985 c.549 §6; 1999 c.1084 §45; repealed by 1999 c.1084 §56]

418.198 [1995 c.440 §46; repealed by 1999 c.1084 §37]

418.199 [1985 c.549 §8; 1987 c.771 §3; 1989 c.966 §48; 1993 c.678 §3; 1995 c.440 §48; repealed by 1999 c.1084 §37]

CHILD-CARING AGENCIES; PLACEMENT IN FOSTER HOMES BY CHILD-CARING AGENCIES

418.205 Definitions for ORS 418.205 to 418.310 and 418.992 to 418.998. As used in ORS 418.205 to 418.310 and 418.992 to 418.998, unless the context requires otherwise:

(1) "Child" means an unmarried person under 18 years of age.

(2)(a) "Child-caring agency" means any private school, private agency or private organization providing:

(A) Day treatment for children with emotional disturbances;

(B) Adoption placement services;

(C) Residential care, including but not limited to foster care or residential treatment for children;

(D) Residential care in combination with academic education and therapeutic care, including but not limited to treatment for emotional, behavioral or mental health disturbances;

(E) Outdoor youth programs; or

(F) Other similar services for children.

(b) "Child-caring agency" does not include:

(A) Residential facilities or foster care homes certified or licensed by the Department of Human Services under ORS 443.400

to 443.455, 443.830 and 443.835 for children receiving developmental disability services;

(B) Any private agency or organization facilitating the provision of respite services for parents pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this subparagraph, "respite services" means the voluntary assumption of short-term care and control of a minor child without compensation or reimbursement of expenses for the purpose of providing a parent in crisis with relief from the demands of ongoing care of the parent's child; or

(C) A private residential boarding school as defined in subsection (5)(b) of this section.

(3)(a) "Outdoor youth program" means a program that provides, in an outdoor living setting, services to children who have behavioral problems, mental health problems or problems with abuse of alcohol or drugs.

(b) "Outdoor youth program" does not include any program, facility or activity:

(A) Operated by a governmental entity;

(B) Operated or affiliated with the Oregon Youth Conservation Corps; or

(C) Licensed by the Department of Human Services under other authority of the department.

(4) "Private" means not owned, operated or administered by any governmental agency or unit.

(5) "Private residential boarding school" means either of the following as the context requires:

(a) A child-caring agency that is a private school that provides residential care in combination with academic education and therapeutic care, including but not limited to treatment for emotional, behavioral or mental health disturbances; or

(b) A private school providing residential care that is primarily engaged in educational work under ORS 418.327. [Formerly 419.101; 1975 c.310 §1; 1983 c.510 §1; 1999 c.316 §3; 2001 c.809 §1; 2001 c.900 §117; 2007 c.70 §198; 2010 c.60 §1; 2011 c.278 §1]

418.210 Application of ORS 418.205 to 418.325. ORS 418.205 to 418.325 shall not apply to:

(1) Homes established and maintained by fraternal organizations wherein only members, their wives, widows and children are admitted as residents;

(2) Any family foster home that is subject to ORS 418.625 to 418.645;

(3) Any child care facility that is subject to ORS 657A.030 and 657A.250 to 657A.450;

(4) Any individual, or home of an individual, providing respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056;

(5) Any private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056; or

(6) A private residential boarding school as defined in ORS 418.205 (5)(b). [Formerly 419.105; 1975 c.310 §2; 1983 c.510 §2; 1995 c.278 §49; 2010 c.60 §2; 2011 c.278 §2]

418.215 Private child-caring agency to be licensed. No private child-caring agency shall provide or engage in any care or service described in ORS 418.205 unless the agency is at the time:

(1) Duly incorporated under the corporation laws of any state; and

(2) Licensed to provide or engage in the care or service by the Department of Human Services under the provisions of ORS 418.205 to 418.325. [Formerly 419.106; 1975 c.310 §3; 1977 c.717 §16; 1983 c.510 §3; 1987 c.94 §131; 2011 c.597 §192]

418.220 [Formerly 419.108; 1971 c.401 §14; 1975 c.310 §4; 1983 c.510 §4; repealed by 1987 c.94 §171]

418.225 [Formerly 419.110; 1971 c.401 §15; 1975 c.310 §5; 1975 c.795 §2; 1983 c.510 §5; repealed by 1987 c.94 §171]

418.230 [Formerly 419.112; repealed by 1983 c.510 §21]

418.235 [Formerly 419.114; 1971 c.401 §16; 1973 c.367 §17; 1983 c.510 §6; repealed by 1987 c.94 §171]

418.240 Licensing criteria; duration; fees; rules. (1) All private child-caring agencies subject to ORS 418.205 to 418.325 shall obtain from the Department of Human Services a license authorizing their work. The department shall use the criteria designated in this subsection, and such rules pursuant thereto as the department may develop subject to ORS chapter 183, as the basis of judgment in granting, withholding, suspending or revoking such licenses. The criteria are as follows:

(a) The fitness of the applicant.

(b) The employment of capable, trained or experienced staff who are not applicants for the approval.

(c) Sufficient financial backing to insure effective work.

(d) The probability of permanence in the proposed organization.

(e) The care and services provided to the children served will be in their best interests and that of society.

(f) That the agency is in compliance with the standards of care and treatment established in rules by the department.

(2) In addition to the licensing requirements of subsection (1) of this section, a private child-caring agency shall submit written

proof of compliance with ORS 336.575 to the department.

(3) The department shall charge no fee for its own inspections leading to its decisions regarding such licensing, nor for issuance of such licenses, but may impose fees to cover costs of related inspections done for the department by other governmental agencies.

(4) A license issued by the department under this section shall be valid for a period of two years, unless suspended or revoked sooner by the department. However, the department at any time may require amendments to an existing license to accommodate changes in the factors upon which an existing license was based. [Formerly 419.116; 1971 c.401 §17; 1983 c.510 §7; 1985 c.264 §2; 1987 c.94 §132]

418.243 Outdoor Youth Program Advisory Board; duties; membership; staff. (1) There is established the Outdoor Youth Program Advisory Board for the purpose of providing advice to the Department of Human Services on licensing outdoor youth programs as child-caring agencies. The department shall consult with the board on the licensure of outdoor youth programs as child-caring agencies prior to the adoption of rules and on a regular basis.

(2) The board shall provide advice to the department in the following areas:

(a) Policies adopted by the department regarding outdoor youth programs;

(b) Requirements for treatment programs provided by outdoor youth programs;

(c) Requirements for behavior management by outdoor youth programs;

(d) Requirements for health and safety; and

(e) Any other requirements the department imposes on outdoor youth programs.

(3) The board shall be appointed by the Governor and consist of:

(a) Three members who are providers of outdoor youth programs or employed by outdoor youth programs;

(b) Two members of the general public; and

(c) One member from an agency that regulates public lands.

(4) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(5) The appointment of a member of the board is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(6) A member of the board is entitled to expenses as provided in ORS 292.495 (2).

(7) The department shall provide the board with the necessary clerical and support staff to assist the board in carrying out the responsibilities of the board. [2001 c.809 §3]

Note: 418.243 to 418.246 were added to and made a part of 418.205 to 418.310 by legislative action but were not added to any other series. See Preface to Oregon Revised Statutes for further explanation.

418.244 Officers of Outdoor Youth Program Advisory Board; quorum; meetings. (1) The Outdoor Youth Program Advisory Board shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the board determines.

(2) A majority of the members of the board constitutes a quorum for the transaction of business.

(3) The board shall meet at times and places specified by the call of the chairperson or of a majority of the members of the board. [2001 c.809 §5]

Note: See note under 418.243.

418.245 [Formerly 419.118; repealed by 1975 c.310 §9]

418.246 Bond for outdoor youth program licensure. (1) In addition to any requirements for licensure established by the Department of Human Services, each outdoor youth program that is applying for licensure as a child-caring agency shall file with the department a bond in the amount of $50,000 or 50 percent of the program's yearly budget, whichever amount is less. The bond shall be issued by a surety company or an insured institution, as defined in ORS 706.008, authorized to do business in this state.

(2) The bond required under subsection (1) of this section shall be continuous until canceled and shall remain in full force and unimpaired at all times to comply with this section. The surety or insured institution shall give the department at least 30 days' written notice before it cancels or terminates its liability under the bond.

(3) An action on the bond may be brought by any person aggrieved by the misconduct of an outdoor youth program required to be licensed under ORS 418.205 to 418.310. [2001 c.809 §6]

Note: See note under 418.243.

418.250 Supervision of child-caring agencies. (1) In order to enable it to supervise all child-caring agencies and institutions in this state, public and private, and also all homeless or neglected children in this state, whether kept in such agencies or institutions or not, the Department of Human Services may require such agencies or institutions, and also any court functioning as a juvenile court, to furnish at any time, on blanks prepared or recommended by the department, such information as the department in its judgment may require in regard to each child in any such agency or institution or any record of each child that has been placed out under order of any such court. The agency, institution or court shall furnish such information to the department upon request. All such information so requested and received by the department shall be considered and treated at all times as confidential and not as a public record.

(2) No employee of the department shall disclose any such information contrary to the provisions of subsection (1) of this section. [Formerly 419.120; 1971 c.401 §18]

418.255 Inspection and supervision; training. (1) The Department of Human Services shall inspect and supervise all private child-caring agencies, whether incorporated or not, within this state, and may inspect and supervise public child-caring agencies within this state. The department is given right of entrance, privilege of inspection, and access to all accounts and records of work and children, for the purpose of ascertaining the kind and quality of work done and to obtain a proper basis for its decisions and recommendations.

(2) Inspection and visitation of child-caring agencies by the department shall be made at unexpected times, with irregular intervals between visits, and without previous notice to the agency visited. In addition to such official inspection, many other informal visits shall be made.

(3) The department shall advise agency and institution officers and workers in regard to approved methods of child care, best types of housing and equipment and adequate records of agency or institutional work. The principal purpose of such advice shall be to offer friendly counsel and assistance on child welfare problems and advice on progressive methods and improvement of the service.

(4) In addition to advice provided under subsection (3) of this section, the department shall provide training regarding appropriate ethnic hair and skin care for children of African-American, Hispanic, Native American, Asian-American or multiracial descent to:

(a) Child-caring agencies;

(b) Persons providing treatment, care or services under the supervision of a child-caring agency; and

(c) Prospective adoptive parents of a child in foster care. [Formerly 419.122; 1971 c.401 §19; 1983 c.510 §8; 2011 c.692 §1]

418.260 Investigation of abuses, derelictions or deficiencies in child-caring agencies. If any abuses, derelictions or deficiencies are made known to the Department of Human Services or its agents during their inspection of any child-caring agency or institution, or at any time are reported to the department, the department shall at once carefully investigate the reports or rumors and take such action as the matters require. If any abuses, derelictions or deficiencies are found in any state child-caring institution or agency, they shall be reported at once in writing to the responsible state agency. If any such abuses, derelictions or deficiencies are found in any other public institution, they shall be reported in like manner to the proper authority or governing board. In either case, if such abuses, derelictions or deficiencies are not corrected in a reasonable time, the same shall be reported in writing to the legislature or the appropriate interim committee if the legislature is not in session. If any such abuses, derelictions or deficiencies are found in any private child-caring agency, they shall be brought at once to the attention of its trustees or managers. If they are not corrected in a reasonable time, the department shall suspend or revoke its approval of such agency. However, if the abuses, derelictions or deficiencies found in a private child-caring agency are determined by the department to be or threaten a serious danger to any child or to the public, the department may immediately suspend or revoke the agency's license, subject to the provisions of ORS 183.430. [Formerly 419.124; 1971 c.401 §20; 1975 c.310 §6; 1983 c.510 §9]

418.263 Private Child-Caring Agencies Fund. There is established in the State Treasury, separate and distinct from the General Fund, the Private Child-Caring Agencies Fund. The fund consists of moneys received by the Department of Human Services under ORS 418.998 (2) and such other moneys as may be otherwise made available by law. Interest earned on the fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the department and must be used only for the administration and enforcement of ORS 418.205 to 418.310. [2009 c.846 §2]

Note: 418.263 was added to and made a part of 418.205 to 418.310 by legislative action but was not added to any other series. See Preface to Oregon Revised Statutes for further explanation.

418.265 Reports; audit. (1) At the request of the Department of Human Services, each public or private child-caring agency or institution within this state shall make a report of its work to the department in such form and detail as the department prescribes.

(2) The reports may include detailed statistics of all children served, financial statements of the expense of their care, the number and kind of workers employed, the value and conditions of the plant owned or used, the amount of the endowment or invested funds and any other essential matters that may be indicated by the requirements of the department.

(3) The department shall prepare and supply to the various child-caring agencies and institutions the necessary printed blanks to record the desired information. Within any year, the department may require such further detailed information and audit of the financial affairs of such agency or institution as it deems to be in the public interest and may make such inspection of the books and records of such agency or institution as it deems necessary. Such audit and inspection of books and records of such agencies and institutions shall be at the expense of the department.

(4) All such agencies or institutions shall conform their records to the statutory fiscal year of the state.

(5) All reports required of agencies and institutions shall be filed with the department not later than 60 days from the date of request. [Formerly 419.126; 1971 c.401 §21; 1983 c.478 §1]

418.270 Surrender of child to private child-caring agency; consent to adoption; time for adoption proceedings; effect of release and surrender. (1) If licensed for such purposes by the Department of Human Services, a private child-caring agency may receive children from their parents or legal guardians for special, temporary or continued care. The parents or guardians may sign releases or surrenders giving to such agencies guardianship and control of the persons of such children during the period of such care, which may be extended until the children arrive at legal age. Such releases do not surrender the rights of such parents or guardians in respect to the adoption of such children and do not entitle such organization to give consent to the adoption of the children unless the release or surrender expressly recites that it is given for the purpose of adoption. Private child-caring agencies are authorized to place children for adoption or foster care only if authorized by the department in the license issued by the department.

(2) Any entire severance of family ties of such children by adoption or otherwise shall be accomplished only by the order of a court of competent jurisdiction.

(3) In the absence of the certificate provided for in subsection (4) of this section, it is unlawful to present a child surrendered to an agency by a parent, parents or guardian for a court to pass upon the adoption of the child until at least six months have elapsed after signing the surrender.

(4) Parents or legal guardians of children whom they have by release or surrender agreement given into the guardianship of incorporated child-caring agencies for the purpose of adoption may, concurrently or subsequently and without any adoption proceeding having been initiated, agree that the release or surrender shall become irrevocable as soon as the child is placed by the agency in the physical custody of a person or persons for the purpose of adoption by them, and waive their right to personal appearance in court in matters of adoption of such children, by a duly signed and attested certificate. From and after such physical placement for adoption such certificate of irrevocability and waiver and the release or surrender may not be revoked by the parent or guardian unless fraud or duress is affirmatively proved.

(5) No agreement to release or surrender a child for adoption, or other agreement or waiver of rights having the same effect, executed before March 24, 1971, in connection with the surrender of a child into the guardianship of a child-caring agency for purposes of adoption, may be revoked or held invalid for any reason except upon affirmative proof of fraud or duress. [Formerly 419.128; 1971 c.26 §1; 1975 c.310 §7; 1983 c.510 §10]

418.275 Private child-caring agency as guardian of child; power of agency. (1) A private child-caring agency shall be the guardian of each child released or surrendered to it under the conditions provided in ORS 418.270 and of each child committed to it through a permanent order of a court of competent jurisdiction.

(2) The agency may retain children released, surrendered or committed to it in institutional care, or may place them in private family homes temporarily or as members of families. If the agency deems the action proper and desirable, it may consent in loco parentis to the legal adoptions of the children, subject to the conditions provided in ORS 418.270. [Formerly 419.130; 1967 c.375 §1; 1973 c.823 §134; 1983 c.510 §11]

418.280 Placement of children. Private child-caring agencies, in placing children in private families, shall:

(1) Safeguard the welfare of the children by the thorough investigation of each applicant and home and its environment;

(2) Carefully select the child to suit the new relationship and location;

(3) Personally and adequately supervise each home and child until the latter returns to the direct care of the agency or, if permanently placed, receives legal adoption or attains legal age; and

(4) So far as practicable, place such children in families of the same religious faith as that held by the children or their parents. [Formerly 419.132; 1983 c.510 §12; 2003 c.14 §218]

418.285 Authority of department same as private child-caring agency under ORS 418.270 to 418.280. In addition to its other powers and responsibilities, the Department of Human Services has the same authority as a private child-caring agency under ORS 418.270 to 418.280. In exercising this authority, the department shall comply with the provisions of ORS 418.270 to 418.280 the same as a private child-caring agency. [Formerly 419.133; 1971 c.401 §22; 2003 c.14 §219]

418.290 Child placement by nonresident. No person, agent, agency or institution of another state shall place a child in a family home in this state without first having furnished the Department of Human Services such guarantee as the department may require against the child becoming a public charge within five years from the date of such placement. [Formerly 419.134; 1971 c.401 §23; 1975 c.310 §8]

418.295 Certain attorneys not to represent prospective adoptive parents; employees not to recommend any attorney to prospective adoptive parents. (1) No attorney employed by the State of Oregon shall represent prospective adoptive parents in their attempt to adopt a child being cared for under the provisions of ORS 412.001 to 412.161, 418.005 to 418.025, 418.205 to 418.315, 418.625 to 418.685 and 418.647.

(2) No employee of the Department of Human Services shall recommend any attorney to serve as counsel for prospective adoptive parents. [Formerly 419.135; 1969 c.597 §254; 1971 c.401 §24; 2001 c.900 §118]

418.300 When child placement by private persons prohibited. No private individual, including midwives, physicians, nurses, hospital officials and all officers and employees or representatives of unauthorized agencies, organizations or institutions, shall engage in child-placing work, except that relatives of the first and second degrees may thus provide for children of their own blood. [Formerly 419.136; 1983 c.510 §13]

418.302 Administrative review required for certain children in voluntary placement. For those children who have remained in voluntary placement for 18 months, an administrative review by the Department of Human Services shall be required. The department shall review the same information required in reports on children placed pursuant to court order. [1981 c.777 §3]

418.305 Authority of department to visit placed-out children; location and relationships confidential. The Department of Human Services may require any child-caring agency to divulge the location and relationship of any of its placed-out children. The department or its agents may visit the location to ascertain the condition of such children or the quality of the child-placing work done. The location and relationship of each placed-out child shall be confidentially held by the department and its agents and revealed only when the welfare of the child requires such action on order of a court of competent jurisdiction. [Formerly 419.138; 1971 c.401 §25; 2003 c.14 §220]

418.306 Denial of visitation by child-caring agency as disciplinary measure prohibited. A child-caring agency providing residential care shall not deny a parent or guardian of a child who is under the care of the child-caring agency the right to visit the child solely as a disciplinary measure against the child. [1993 c.785 §2]

418.307 Medical or dental treatment of children without consent; conditions; immunity of treating personnel. (1) A physician licensed by the Oregon Medical Board, or a dentist licensed by the Oregon Board of Dentistry, or a hospital licensed by the Department of Human Services is authorized to treat a child who is ward of the court or is a dependent or delinquent child in accord with the physician's best medical judgment and without consent if:

(a) Because of the general state of the child's health or any particular condition, the physician, dentist, or responsible official of the hospital determines that in the medical judgment of the physician, dentist or responsible official prompt action is reasonably necessary to avoid unnecessary suffering or discomfort or to effect a more expedient or effective cure; and

(b) It is impossible or highly impractical to obtain consent for treating the child from the child-caring agency, the child's parent or the child's legal guardian.

(2) No charge of assault or battery shall be made against a physician, dentist, or hospital official or employee who provides medical treatment pursuant to subsection (1) of this section.

(3) A minor child described in subsection (1) of this section who is 15 years of age or older may consent to medical treatment pursuant to ORS 109.640. [1975 c.580 §2]

418.310 Application of statutes to institutions caring for adults and children. ORS 418.205 to 418.310 and 418.992 to 418.998 apply to private agencies and institutions for the combined care of adults and children where the care for children includes day or residential treatment or care. [Formerly 419.140; 1983 c.510 §14]

418.312 When transfer of custody not required; voluntary placement agreement; review of children placed in certain institutions. (1) The Department of Human Services may not require any parent or legal guardian to transfer legal custody of a child in order to have the child placed under ORS 418.205 to 418.310, 418.480 to 418.500 and 418.992 to 418.998 in a foster home, group home or institutional child care setting, when the sole reason for the placement is the need to obtain services for the child's emotional, behavioral or mental disorder or developmental or physical disability. In all such cases, the child shall be placed pursuant to a voluntary placement agreement. When a child is placed pursuant to a voluntary placement agreement, the department shall have responsibility for the child's placement and care. When a child remains in voluntary placement for more than 180 days, the juvenile court shall make a judicial determination, within the first 180 days of the placement, that the placement is in the best interests of the child. In addition, the juvenile court shall hold a permanency hearing as provided in ORS 419B.476 no later than 14 months after the child's original voluntary placement, and not less frequently than once every 12 months thereafter during the continuation of the child's original voluntary placement, to determine the future status of the child.

(2) As used in this section, "voluntary placement agreement" means a binding, written agreement between the department and the parent or legal guardian of a minor child that does not transfer legal custody to the department but that specifies, at a minimum, the legal status of the child and the rights and obligations of the parent or legal guardian, the child and the department while the child is in placement. [1979 c.746 §1; 1993 c.348 §1; 1995 c.79 §213; 1999 c.59 §113; 2001 c.686 §6]

Note: 418.312 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 418 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

418.315 Department may provide foster care for children surrendered or committed to department. The Department of Human Services may, in its discretion, provide foster care and other services for any child who has been surrendered under ORS 418.270, as authorized by ORS 418.285, to the department for adoption or has been permanently committed to the department by order of court. [Formerly 419.142; 1969 c.45 §9; 1971 c.401 §26; 1971 c.779 §63]

418.319 Goal regarding placed children receiving federal assistance. For each federal fiscal year beginning on and after October 1, 1983, the Department of Human Services establishes as a goal that no more than 33 percent of the children receiving assistance in foster home or substitute care placements under Title 4E of the Social Security Act shall have been in such placement at any time during that fiscal year for a period in excess of 24 months. The department shall report to each odd-numbered year regular session of the Legislative Assembly with its plan for achieving its goal and any plans for reducing the number or percentage of children in such placements during the period before the next October 1. [1981 c.251 §1; 2011 c.545 §52]

Note: 418.319 was enacted into law by the Legislative Assembly but was not added to or made a part of any series within ORS chapter 418 by legislative action. See Preface to Oregon Revised Statutes for further explanation.

418.320 [Formerly 419.144; repealed by 1971 c.401 §120]

418.325 Medical examinations required; frequency; child's health record; other health care; explanation to adoptive parents. (1) A child-caring agency shall safeguard the health of each ward or other dependent or delinquent child in its care by providing for medical examinations of each child by a qualified physician at the following intervals:

(a) Three examinations during the first year of the child's life;

(b) One examination during the second year of the child's life;

(c) One examination at the age of four;

(d) One examination at the age of six;

(e) One examination at the age of nine; and

(f) One examination at the age of 14.

(2) If an examination under subsection (1) of this section has not occurred within six months prior to the transfer for adoption of the custody of a child by a child-caring agency to the prospective adoptive parents of such child, a child-caring agency shall provide for a medical examination of such child within six months prior to such transfer.

(3) Any testing that occurs at intervals other than those specified in subsections (1)

and (2) of this section shall not be considered to be in lieu of the required examinations. However, nothing in subsections (1) and (2) of this section is intended to limit more frequent examinations that are dictated by the general state of the child's health or by any particular condition.

(4) Within 90 days of obtaining guardianship over a child under six years of age, a child-caring agency shall provide for such child to be:

(a) Inoculated as determined appropriate by the county public health department; and

(b) Tested for:

(A) Phenylketonuria pursuant to ORS 433.285;

(B) Visual and aural acuity consistent with the child's age;

(C) Sickle-cell anemia;

(D) Effects of rubella, if any;

(E) Effects of parental venereal disease, if any; and

(F) The hereditary or congenital effects of parental use of drugs or controlled substances.

(5) Within six months prior to the transfer for adoption of the custody of a child by a child-caring agency to the prospective adoptive parents of such child, the child-caring agency shall provide for such child to have a complete physical examination by a physician, including but not limited to inspection for evidence of child abuse in accordance with rules of the Department of Human Services, and be tested for visual and aural acuity consistent with the child's age.

(6) A child-caring agency shall record the results of tests provided a child pursuant to subsections (1) to (5) of this section in the child's health record. The child's health record shall be kept as a part of the agency's total records of that child. The child's health record shall be made available to both natural parents and to both prospective foster or adoptive parents of that child. A qualified member of a child-caring agency under the supervision of a qualified physician shall explain to adoptive parents the medical factors possible as a result of a child's birth history, hereditary or congenital defects, or disease or disability experience.

(7) This section does not apply to a private residential boarding school as defined in ORS 418.205 (5)(a). [1973 c.545 §2; 1979 c.492 §5; 1979 c.744 §20; 2003 c.14 §221; 2011 c.278 §3]

418.327 Licensing of certain schools and organizations offering residential programs; fees; rules. (1) Inspections and reviews of private residential boarding schools that are primarily engaged in educational work or other organizations offering residential programs for children may be conducted by the Department of Human Services at times and frequencies of the department's choosing. The department shall consult with representatives of the private residential boarding schools and organizations in developing the standards that shall be the basis for inspections and reviews.

(2) Upon finding that the facilities and operation of a school or organization described in subsection (1) of this section meet the standards of the department for the physical health, care and safety of the children, the department shall issue a license to operate the residential program. The license shall be valid for a period of two years, unless sooner suspended or revoked by the department. However, the department may require that application be made for amendment to an existing license when changes in a facility or program are to occur. The department shall charge no fee for its own inspections or reviews, nor for issuing licenses, but may charge fees to cover costs of inspections done by other governmental agencies for the department.

(3) No person or organization shall operate a facility described in subsection (1) of this section without having a current, valid license issued by the department.

(4) Any person, including the Director of Human Services, may file a complaint with the department alleging that children attending a private residential boarding school described in subsection (1) of this section, or that children within the control of any other organization that provides boarding or residential programs, are not receiving shelter, food, guidance, training or education necessary to the health, safety, welfare or social growth of the children or necessary to serve the best interests of society.

(5) The department shall investigate complaints made under subsection (4) of this section and, if a reasonable basis for sustaining the complaint appears, shall set a hearing to examine publicly the complaint. The department shall conduct its investigation under the standards and authority provided under ORS 418.215 to 418.325. Except as provided in subsection (7) of this section, at least two weeks' written notice of the hearing and substance of the complaint and the evidence in support thereof shall be provided to the operator of the school or organization. The parents of the child or children involved shall be notified if such persons can be conveniently located. Notice shall be served personally on the operator of the school or organization, but may be served by mail at the last-known or de-

termined address of the parent or other adult responsible for the child.

(6) The hearing shall comply with the provisions of ORS chapter 183 as to procedures, findings and orders. Where the evidence at the hearing justifies such an order, the department is authorized to order the school or organization to correct the conditions not in conformity with standards. If corrections are not made within time limits set by the department, the department may suspend or revoke the license or may refuse to renew the license and is empowered to make any other lawful orders necessary to the protection of the child or children involved.

(7) Where a condition exists that immediately endangers the health or safety of a child, the Director of Human Services may issue an interim order without any notice, or with such notice as is practical under the circumstances, requiring the school or organization to alter the conditions under which the child lives or receives schooling. Such interim emergency order shall remain in force until a final order, after a hearing as provided in subsection (5) of this section, is entered.

(8) Any school or organization shall cooperate with the department in making any inspection or review or investigating any complaint made under this section.

(9) The Superintendent of Public Instruction shall cooperate with the department upon request by advising the department as to whether or not the educational program conducted at the school or organization meets minimum standards required of public educational institutions.

(10) Nothing in this section applies to public or private institutions of higher education, community colleges, common or union high school districts that provide board and room in lieu of transportation or any other child-caring program already subject to state licensing procedures by any agency of this state.

(11) Subject to ORS chapter 183, the department may adopt rules to implement this section.

(12) In addition to remedies otherwise provided under this section and under ORS 418.990, the department may commence an action to enjoin operation of a private residential boarding school described in subsection (1) of this section or other organization offering residential programs for children:

(a) If the school or organization is being operated without a valid license issued under subsection (2) of this section; or

(b) If the school or organization fails to correct the conditions not in conformity with standards, as set out in an order issued under subsection (6) of this section, within the time specified in the order. [1975 c.313 §1; 1977 c.232 §1; 1979 c.284 §140; 1983 c.510 §15; 2011 c.278 §4]

PAYMENTS TO ADOPTIVE PARENTS

418.330 Payments to adoptive parents; conditions; limitations. (1) As used in this section:

(a) "Child" means:

(A) A person under 18 years of age;

(B) A person under 21 years of age if the Department of Human Services determines that the person has a mental or physical disability that warrants the continuation of assistance; or

(C) A person who has attained 18 years of age and:

(i) On whose behalf payments under this section were received prior to the person attaining 18 years of age, provided the person was at least 16 years of age at the time the payments commenced;

(ii) Has not attained 21 years of age; and

(iii)(I) Is completing secondary education or a program leading to an equivalent credential;

(II) Is enrolled in an institution or program that provides post-secondary or vocational education;

(III) Is participating in a program or activity designed to promote, or remove barriers to, employment;

(IV) Is employed for at least 80 hours per month; or

(V) Is incapable of doing any of the activities described in sub-sub-subparagraphs (I) to (IV) of this sub-subparagraph due to a medical condition, which incapability is supported by regularly updated documentation.

(b) "Child-caring agency" means:

(A) A child-caring agency as defined in ORS 418.205; and

(B) For a child who has attained 18 years of age, an independent residence facility established or certified under ORS 418.475 in which the child resides as an enrollee in an independent living program.

(c) "Nonrecurring adoption expenses" means reasonable and necessary adoption fees, court costs, attorney fees and other expenses that are directly related to the adoption of a child with special needs and that are not incurred in violation of state or federal law.

(2) The department may make payments to adoptive parents on behalf of a child placed for adoption by the department or by

an approved child-caring agency when the department determines:

(a) The child has special needs because of an impediment to adoptive placement by reason of the child's physical or mental condition, race, age, or membership in a sibling group; or

(b) The adoptive family is capable of providing the permanent family relationships needed by the child in all respects other than financial, and the needs of the child are beyond the economic ability and resources of the family.

(3) Payments to subsidize adoptions made under subsection (2) of this section:

(a) Shall include payment of nonrecurring adoption expenses incurred by or on behalf of adoptive parents in connection with the adoption of a child with special needs;

(b) May include, but are not limited to, the maintenance costs, medical and surgical expenses, and other costs incidental to the care, training and education of the child;

(c) May not exceed the cost of providing comparable assistance in foster care; and

(d) May not be made:

(A) For a child who has not attained 18 years of age, when the adoptive parents are no longer legally responsible for the support of the child; or

(B) When the child is no longer receiving any support from the adoptive parents.

(4) Adoptive parents receiving payments under subsection (2) of this section shall inform the department of circumstances that would make the adoptive parents:

(a) Ineligible to receive the payments; or

(b) Eligible to receive the payments in a different amount. [1971 c.129 §§1,2; 2011 c.141 §1]

418.335 Determination of eligibility for payments; review; hearing. (1) Qualification for payments under ORS 418.330 must be determined by the Department of Human Services prior to the completion of the adoption proceeding.

(2) The department shall set the amount of payments under ORS 418.330 through negotiations with the prospective adoptive parents, taking into consideration the circumstances of the prospective adoptive parents and the needs of the child.

(3) The department may change the amount of payments under ORS 418.330:

(a) Through renegotiation with the adoptive parents, based upon a showing that there has been a change in the circumstances of the adoptive parents or the needs of the child; or

(b) When the department has reduced or increased the amount of comparable assistance in foster care under ORS 418.647.

(4) The department may suspend or terminate payments when one or more of the following conditions exist:

(a) The child attains 18 years of age.

(b) The adoptive parents are no longer legally responsible for the support of the child.

(c) The child is no longer receiving any support from the adoptive parents.

(5) If a payment under ORS 418.330 is suspended or terminated for a reason not related to the age of the child, the adoptive parents of the child may petition the department for a review of the case. The department shall afford the petitioner an opportunity for a hearing, which must be held in the county the petitioner elects. [1971 c.129 §§3,4; 2011 c.141 §2]

418.340 Rules. The Department of Human Services shall make all necessary rules for payments to subsidize adoptions. [1971 c.129 §5; 2011 c.141 §3]

418.342 [1989 c.306 §2; renumbered 657A.100 in 1993]

418.344 [1989 c.306 §1; renumbered 657A.110 in 1993]

418.346 [1989 c.306 §3; renumbered 657A.120 in 1993]

418.348 [1989 c.306 §4; renumbered 657A.130 in 1993]

418.350 [1989 c.306 §5; renumbered 657A.140 in 1993]

418.352 [1989 c.306 §6; renumbered 657A.150 in 1993]

418.354 [1989 c.306 §7; renumbered 657A.160 in 1993]

418.355 [Formerly 419.152; 1971 c.401 §28; repealed by 1989 c. 41 §2]

418.356 [1989 c.306 §8; renumbered 657A.170 in 1993]

418.358 [1989 c.306 §9; 1993 c.344 §28; renumbered 657A.180 in 1993]

418.360 [Formerly 419.154; 1971 c.401 §29; repealed by 1989 c.41 §2]

418.361 [1989 c.306 §10; 1993 c.344 §29; renumbered 657A.020 in 1993]

418.363 [1989 c.306 §11; renumbered 657A.190 in 1993]

418.365 [Formerly 419.156; 1971 c.401 §30; repealed by 1989 c.41 §2]

418.370 [Formerly 419.158; repealed by 1989 c.41 §2]

418.373 [1973 c.610 §2; 1985 c.753 §6; repealed by 1993 c.344 §49]

418.375 [1973 c.610 §1; repealed by 1993 c.344 §49]

418.379 [1973 c.610 §3; 1977 c.554 §1; 1979 c.524 §7; repealed by 1985 c.753 §7]

418.380 [1971 c.533 §1; renumbered 418.400]

418.381 [1973 c.610 §4; 1977 c. 554 §2; repealed by 1985 c.753 §7]

418.383 [1973 c.610 §§5,7; repealed by 1985 c.753 §7]

418.385 [1971 c.533 §2; renumbered 418.401]

418.386 [1973 c.610 §8; repealed by 1985 c.753 §7]

418.388 [1973 c.610 §§9,10; repealed by 1993 c.344 §49]

418.390 [1971 c.533 §3; renumbered 418.402]

418.391 [1973 c.610 §11; repealed by 1993 c.344 §49]

418.393 [1973 c.610 §12; 1979 c.524 §8; repealed by 1993 c.344 §49]

418.395 [1973 c.610 §14; repealed by 1993 c.344 §49]

418.397 [1973 c.610 §13; repealed by 1993 c.344 §49]

418.399 [1973 c.610 §6; repealed by 1993 c.344 §49]

418.400 [Formerly 418.380; repealed by 1993 c.344 §49]

418.401 [Formerly 418.385; repealed by 1993 c.344 §49]

418.402 [Formerly 418.390; repealed by 1993 c.344 §49]

418.405 [Formerly 419.202; 1963 c.451 §1; 1971 c.401 §31; repealed by 1989 c.41 §2]

418.410 [Formerly 419.204; 1967 c.89 §1; repealed by 1989 c.41 §2]

418.415 [Formerly 419.206; 1971 c.401 §32; repealed by 1989 c.41 §2]

418.420 [Formerly 419.208; 1969 c.440 §1; 1971 c.401 §33; repealed by 1989 c.41 §2]

418.425 [Formerly 419.210; 1971 c.401 §34; repealed by 1989 c.41 §2]

418.430 [Formerly 419.212; 1967 c.454 §50; 1971 c.401 §35; repealed by 1989 c.41 §2]

418.435 [Formerly 419.214; 1963 c.450 §1; repealed by 1989 c.41 §2]

418.440 [Formerly 419.216; repealed by 1989 c.41 §2]

418.445 [Formerly 419.218; 1967 c.534 §18; repealed by 1989 c.41 §2]

418.450 [Formerly 419.220; repealed by 1967 c.534 §34]

418.455 [Formerly 419.222; repealed by 1989 c.41 §2]

418.460 [Formerly 419.566 and then 419.224; repealed by 1989 c.41 §2]

418.465 [1963 c.150 §2; repealed by 1989 c.41 §2]

SHELTER-CARE HOMES

418.470 Authority to pay for shelter-care homes. (1) The Department of Human Services may engage and make reasonable payment for services of persons to make available, maintain and operate shelter-care homes for the safekeeping of children taken into temporary custody pending investigation and disposition.

(2) The services, pursuant to specific prior authorization of the department, shall be deemed actually rendered if the shelter-care home is made available, maintained and operated to receive such children.

(3) As used in this section and ORS 418.472, "shelter-care home" means a certified foster home or a licensed facility contracted with by the Department of Human Services for the purpose of safekeeping of children taken into temporary custody pending investigation and disposition where the circumstances are such that the child need not be kept in secure custody. [1969 c.184 §1; 1971 c.401 §36; 1985 c.791 §1; 2003 c.14 §222]

418.472 Siting of shelter-care home. The governing body of a county or its designee in a county with a population of less than 400,000 may allow the operation of a shelter-care home, as defined in ORS 418.470, upon a lot or parcel in any zone, including an exclusive farm use or forest use zone, if the shelter-care home is an existing use on that lot or parcel on September 20, 1985. [1985 c.791 §2]

INDEPENDENT RESIDENCE FACILITIES

418.475 Independent residence facilities; extent and nature of agreement between minor and department. (1) Within the limit of moneys appropriated therefor, the Department of Human Services may establish or certify independent residence facilities for minors who:

(a) Are 16 years of age or older;

(b) Have been placed in at least one substitute care resource;

(c) Have been determined by the department to be unsuitable for placement in a substitute care resource;

(d) Have received permission from the appropriate juvenile court, if they are wards of the court; and

(e) Have been determined by the department to be suitable for an independent resident program.

(2) Residence facilities shall provide independent housing arrangements with counseling services and minimal supervision available from at least one counselor. All residential facilities having six or more residents shall be licensed by the department under ORS 443.400 to 443.455.

(3) Each resident shall be required to maintain a program of education or employment, or a combination thereof, amounting to full-time activity and shall be required to pay a portion or all of the resident's housing expenses and other support costs.

(4) The department may make payment grants directly to minors enrolled in an independent living program for food, shelter, clothing and incidental expenses. The payment grants shall be subject to an agreement between the minor and the department that establishes a budget of expenses.

(5) The department may establish cooperative financial management agreements with a minor and for that purpose may enter into joint bank accounts requiring two signatures for withdrawals. The management agreements or joint accounts may not subject the department or any counselor involved to any liability for debts or other responsibilities of the minor.

(6) The department shall make periodic reports to the juvenile court as required by the court regarding any minor who is a ward of the court enrolled in an independent living program.

(7) The enrollment of a minor in an independent living program in accordance with the provisions of subsection (1) of this section does not remove or limit in any way the obligation of the parent of the minor to pay support as ordered by a court under the provisions of ORS 419B.400 or 419C.590. [1973 c.801 §1; 1977 c.717 §17; 1981 c.283 §1; 1993 c.33 §328; 2003 c.14 §223; 2007 c.71 §108]

PURCHASE OF CARE

418.480 "Purchase of care" defined. As used in ORS 418.480 to 418.500, "purchase of care" includes the purchase of institutional and foster family care and services, adoptive services, services provided by Strengthening, Preserving and Reunifying Families programs under ORS 418.575 to 418.598, services to the unwed mother and her child and such other care and services as the Department of Human Services shall determine to be necessary to carry out the policy stated in ORS 418.485. [1971 c.457 §1; 2001 c.900 §119; 2011 c.568 §9]

418.485 Policy; annual report. It is the policy of the State of Oregon to strengthen family life and to ensure the protection of all children either in their own homes or in other appropriate care outside their homes. In affording such protection, the Director of Human Services shall, in cooperation with public and private child-caring agencies and with Strengthening, Preserving and Reunifying Families programs under ORS 418.575 to 418.598, develop a set of short-range and long-range priorities for the development of needed child care and services, such priorities to be periodically reviewed and revised as necessary. Such priorities are to be set out in a form enumerating the number of children in each category of need, the type of child care and services needed, the areas of the state where such care and services are needed, and the projected costs. The State of Oregon hereby commits itself to the purchase of care and services for children who need care and to encourage private child-caring agencies and Strengthening, Preserving and Reunifying Families programs under ORS 418.575 to 418.598 to develop programs required to meet the needs of the children of this state and money may be appropriated therefor. In developing programs necessary to meet the needs of the children of this state, the Director of Human Services shall make every attempt feasible to develop local, community and county-based organizations. The Department of Human Services shall document and present an annual report to the committees of the Legislative Assembly that address efforts taken under this section. [1971 c.457 §2; 1975 c.795 §3; 2011 c.568 §10]

418.490 Coordination of state activities. In carrying out the policies of this state as stated in ORS 418.485, it shall be the responsibility of the Director of Human Services to coordinate the activities of all state agencies that have responsibilities for care of children to insure the best care possible and to avoid duplication of effort or conflict in policy. [1971 c.457 §3]

418.495 Authority to purchase care; agreement content; payment standards for foster care; rules. (1) Within the limits of funds available therefor, the Department of Human Services may enter into agreements and contracts with licensed child-caring agencies, Strengthening, Preserving and Reunifying Families programs under ORS 418.575 to 418.598 and other appropriate facilities, including youth care centers, for the purchase of care for children who require and are eligible for such care, regardless of whether the children are wards of the state or whether the department is their guardian or has their custody or whether the children are surrendered to a child-caring agency or to a Strengthening, Preserving and Reunifying Families program under ORS 418.575 to 418.598 or committed thereto by order of a court under ORS chapter 419B or 419C. The agreement shall prescribe the procedures for payment and the rate of payment and may contain such other conditions as the department and the agency, facility or program may agree.

(2) The department shall by rule adopt payment standards for foster care. In establishing standards, the department may take into account the income, resources and maintenance available to and the necessary expenditures of a foster parent who is a relative, as defined by rule, of the child placed in care. [1971 c.457 §4; 1993 c.33 §329; 2007 c.801 §1; 2011 c.568 §11]

418.500 Out-of-state care for children. If the Department of Human Services determines that need exists for care and treatment of a child who is eligible for such care and treatment that is not available through any public or private agency or facility in this state, it may enter into an agreement with a public or private agency outside this state for the purchase of care for the child. Such agreements shall contain the matter described in ORS 418.495 and shall apply to children described therein. [1971 c.457 §5]

418.505 [Formerly 419.252; 1963 c.451 §2; 1967 c.89 §2; 1967 c.454 §51; repealed by 1989 c.41 §2]

418.510 [Formerly 419.254; 1967 c.454 §52; 1971 c.401 §37; repealed by 1989 c.41 §2]

418.515 [Formerly 419.256; 1963 c.451 §3; 1969 c.440 §2; 1971 c.401 §38; repealed by 1989 c.41 §2]

USE OF PSYCHOTROPIC MEDICATIONS

418.517 Procedures for use of psychotropic medications for children in foster care; rules; hearing. (1) As used in this section:

(a) "Medically accepted indication" means any use for a covered outpatient drug that is approved under the Federal Food, Drug and Cosmetic Act, or recommended by the Pharmacy and Therapeutics Committee created by ORS 414.353, or the use of which is supported by one or more citations included or approved for inclusion in any of the following compendia:

(A) American Hospital Formulary Service drug information;

(B) United States Pharmacopoeia drug information or any successor publication;

(C) The DRUGDEX Information System; or

(D) Peer-reviewed medical literature.

(b) "Psychotropic medication" means medication the prescribed intent of which is to affect or alter thought processes, mood or behavior, including but not limited to antipsychotic, antidepressant and anxiolytic medication and behavior medications. The classification of a medication depends upon its stated intended effect when prescribed, because it may have many different effects.

(2) The Department of Human Services shall develop by rule procedures for the use of psychotropic medications for children placed in foster care by the department.

(3) The procedures shall include but not be limited to:

(a) Required assessment by a qualified mental health professional or licensed medical professional, with expertise in children's mental health, as defined by rule of the department prior to issuance of a new prescription for more than one psychotropic medication or any antipsychotic medication, except in case of urgent medical need as defined by rule.

(b) Required notice by the foster parent to the department within one working day after receiving a new prescription of the psychotropic medication.

(c) Required timely notice by the department to the child's parent and the parent's legal representative, if any, and the child's legal representative or the court appointed special advocate containing the following information:

(A) The prescribed psychotropic medication;

(B) The amount of the dosage;

(C) The dosage recommended pursuant to a medically accepted indication;

(D) The reason for the medication;

(E) The efficacy of the medication; and

(F) The side effects of the medication.

(d) Specified follow-up and monitoring by the department of a child taking psychotropic medication including, but not limited to, an annual review of medications by a licensed medical professional, or qualified mental health professional with authority to prescribe drugs, other than the prescriber, if the child has more than two prescriptions for psychotropic medications or if the child is under the age of six years.

(4) A psychotropic medication may not be prescribed for a child under this section unless it is used for a medically accepted indication that is age appropriate.

(5) Any parent, legal representative of the parent, legal representative of the child or court appointed special advocate may petition the juvenile court for a hearing if the parent, the representative of the parent, if any, the legal representative of the child or the advocate objects to the use of or the prescribed dosage of the psychotropic medication. The court may order an independent evaluation of the need for or the prescribed dosage of the medication. The court may order that administration of the medication be discontinued or the prescribed dosage be modified upon a showing that either the prescribed medication or the dosage, or both, are inappropriate. [1993 c.361 §1; 2009 c.853 §1; 2011 c.720 §157]

Note: 418.517 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 418 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

418.520 [Formerly 419.258; 1971 c.401 §39; repealed by 1989 c.41 §2]

418.525 [Formerly 419.260; 1967 c.454 §53; 1971 c.401 §40; repealed by 1989 c.41 §2]

418.530 [Formerly 419.262; repealed by 1989 c.41 §2]

418.555 [Formerly 419.302; repealed by 1989 c.41 §2]

418.560 [Formerly 419.304; 1971 c.401 §41; repealed by 1989 c.41 §2]

418.565 [Formerly 419.306; 1967 c.454 §54; 1969 c.597 §255; 1971 c.401 §42; repealed by 1989 c.41 §2]

418.570 [Formerly 419.530 and then 419.308; repealed by 1963 c.451 §4]

STRENGTHENING, PRESERVING AND REUNIFYING FAMILIES PROGRAMS

418.575 Definitions for ORS 418.575 to 418.598. As used in ORS 418.575 to 418.598:

(1) "Child" means a child who qualifies for child welfare services provided by the Department of Human Services.

(2) "Client-focused functional outcome measures" means objective, observable measures of outcomes for services provided to a child and a child's family under ORS 418.575 to 418.598, including but not limited to measures relating to permanency.

(3) "County partners" means employees or representatives of the Department of Human Services, the county, court appointed special advocates under ORS 419A.170, drug and alcohol treatment providers, mental health providers, providers of affordable housing and other persons or entities that provide services to children and families within a county of this state.

(4) "Family" means, at a minimum but not to the exclusion of siblings as defined in ORS 419A.004 or other persons living in the same household with a child, the child and:

(a) The child's parent as defined in ORS 419A.004;

(b) The child's guardian appointed pursuant to ORS chapter 125; or

(c) A person who has a caregiver relationship as defined in ORS 419B.116 with the child.

(5) "Intensive in-home services" means services that keep a child and family together in the child's and family's home with a goal of 24-hour on-call support while the child and the child's family engage in family strengthening activities and receive appropriate mental health and addiction treatment and other intensive support interventions.

(6) "Performance-based contract" means a contract entered into under ORS 418.580 that:

(a) Requires a program to demonstrate successful child-driven outcomes when compared to alternative placement options and long-term cost savings; and

(b) Bases termination or renewal of the contract on demonstration of the factors described in paragraph (a) of this subsection.

(7) "Program" means a Strengthening, Preserving and Reunifying Families program described in ORS 418.580. [2011 c.568 §2]

418.578 Legislative findings. The Legislative Assembly finds that:

(1) There is growing empirical evidence that severe trauma may result when children are removed from their families, and that this trauma may give rise to negative outcomes that last a lifetime, cause intergenerational patterns of addiction, abuse and neglect, and give rise to disrupted and broken families.

(2) Improving permanency outcomes for children is best accomplished by providing services that allow children to remain with their families and in their homes when appropriate and safe.

(3) Allowing families to remain intact while parents undergo mental health or addiction treatment, take steps to move out of poverty by obtaining employment and housing or receive family strengthening services preserves child-parent bonds with improved outcomes for children and families and positive long-term societal effects.

(4) When placement in foster or substitute care outside the home must occur, this can be less traumatic and of shorter duration with the provision of family-focused treatment and services, and the provision of routine family contact and visitation as frequently as is appropriate. After children are returned to the family, they should receive continuing services to ensure safety and stabilization.

(5) Children should receive continuing services sufficient to achieve stabilization after returning to the community.

(6) A new systemwide model for providing child welfare services should be adopted that provides services and supports that have proved effective in keeping children safely with their parents, that reduces children's risk of future entry into the criminal justice and child welfare systems, that lowers the risk of intergenerational abuse and that decreases the associated human and economic costs.

(7) The efficacy of programs that allow families to remain together or that assist families with reunification has been demonstrated by pilot programs, including one that has operated in Jackson County since 2007 and other national best practice models.

(8) Foster care savings that are reinvested can enhance and expand child welfare services.

(9) Housing is essential to the safe reduction of the number of children in foster care. Partnerships between affordable housing providers and nonprofit service agencies must be formed where possible. Tenancy requirements and exclusion criteria related to criminal, credit and tenant histories, particularly when associated with substance abuse, must be reevaluated and modified where possible. [2011 c.568 §3]

418.580 Strengthening, Preserving and Reunifying Families programs; implementation; contracts; services provided; rules; training; funding; annual report. (1) By October 1, 2012, and to the extent practicable using available resources, the Department of Human Services and county partners shall implement Strengthening, Preserving and Reunifying Families programs as described in this section. County partners are

encouraged to form collaborations with programs to design, oversee and participate in program development and implementation as appropriate. The department shall be the lead agency in efforts undertaken pursuant to this section, but all officers, boards, commissions and other agencies of the State of Oregon shall cooperate with the department to accomplish the duties imposed on the department by ORS 418.575 to 418.598 and to allocate services provided by programs as described in this section.

(2)(a) The Director of Human Services or the director's designee, the Director of the Oregon Health Authority or the director's designee or the Director of the Housing and Community Services Department or the director's designee shall enter into a contract with, and make reasonable payment for services provided by, a program in accordance with ORS 418.575 to 418.598, and shall, where necessary, enter into contracts with a lead agency or with county and community entities that have been designated by the county partners to coordinate services provided under this section.

(b) A contract entered into under this subsection shall require only those services that are reasonably available in the county or region where the program is or will be providing services. Services may or may not be located in a given county or region.

(c) At the election of any director or director's designee, a contract entered into under this subsection may be a performance-based contract.

(3) The programs implemented under this section shall provide an array of services. Depending on resources and availability, the services provided may include but are not limited to the following:

(a) Front end intervention services that include alcohol and drug treatment providers or mental health providers accompanying department caseworkers on initial calls and visits in response to allegations or reports of abuse or neglect. County partners shall participate in assessments to determine the appropriateness and level of program services required for a child and the child's family, the creation of safety plans to enable the provision of in-home services if appropriate and the development of family preservation and reunification plans for presentation to the juvenile court.

(b) Residential treatment whereby a member of a child's family with care, custody or control of the child enters a treatment facility accompanied by the child with 24-hour supervision while the child and the member of the child's family engage in family strengthening activities and receive appropriate mental health and addiction treatment support and services.

(c) Supervised housing whereby a child and the child's family remain together in program housing while they participate in family strengthening activities, receive mental health and addiction support and services and have the appropriate level of supervision to ensure the physical health, care and safety of the child.

(d) Family-centered day and outpatient treatment services, either after completion of residential treatment or in lieu of residential treatment, designed specifically for substance-abusing parents of children involved in the child welfare system.

(e) Intensive in-home services while the child and family engage in family strengthening activities.

(f) Facilitation of regular contact between a child and the child's family, if separation has occurred, to facilitate an easier, quicker and more successful transition of the child back into the family home.

(g) Case managers who provide child and family supervision, assistance identifying and accessing needed services, observation and monitoring of parenting behavior, assistance with life skills development and assistance in removing barriers to system independence.

(h) Immediate access to supervised drug-free emergency and short-term housing.

(i) Access to permanent, drug-free housing with on-site case managers and access to supportive services that increase stability for a child and the child's family.

(j) Family finding services to identify extended family members to provide additional support, resources and alternative placement options if necessary.

(k) Services of a court appointed special advocate appointed pursuant to ORS 419A.170 where available.

(L) Other services and interventions as programs evolve, research develops and funding becomes available.

(4) The services provided by programs must be culturally competent and include evidence-informed or evidence-based practices.

(5) The department shall establish by rule client-focused functional outcome measures for programs implemented under this section.

(6) Client-focused functional outcome measures may be used as a basis for funding programs and entering into or renewing contracts with programs.

(7) Programs shall develop and implement training and continuing education curricula for persons delivering program services and,

when adequate funding exists, sponsor the attendance of service providers at state or national training programs, conferences or other similar events.

(8) Programs may seek funds from public and private sources to:

(a) Meet match requirements for state or federal grants to support the provision of program services;

(b) Implement and operate the training and educational requirements of subsection (7) of this section; and

(c) Provide financial resources for the hiring of personnel and the provision of existing or enhanced program services.

(9) The department, in consultation with programs, shall report annually to the Governor and the appropriate interim committees of the Legislative Assembly that address child welfare issues on the progress toward and projected costs of full implementation of ORS 418.575 to 418.598. [2011 c.568 §4]

418.585 Strengthening, Preserving and Reunifying Families Program Fund. (1) There is established in the State Treasury, separate and distinct from the General Fund, the Strengthening, Preserving and Reunifying Families Program Fund. Interest earned by the Strengthening, Preserving and Reunifying Families Program Fund shall be credited to the fund. The fund consists of:

(a) Moneys received by the Department of Human Services under ORS 418.590;

(b) Amounts donated to the fund;

(c) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;

(d) Investment earnings received on moneys in the fund; and

(e) Other amounts deposited in the fund from any source.

(2) Moneys in the fund are continuously appropriated to the Department of Human Services for the purposes of ORS 418.575 to 418.598.

(3) Moneys in the fund supplement existing funds used for child welfare services and shall not be used in lieu of these existing funds. Other state agencies and entities shall continue to provide funds and services, including but not limited to housing, alcohol and drug treatment and mental health treatment as required under existing law.

(4) Moneys in the fund may be invested and reinvested as provided in ORS 293.701 to 293.820.

(5) The department may not expend more than 15 percent of moneys available in the fund for administrative costs and expenses of the department incurred in implementing ORS 418.575 to 418.598. [2011 c.568 §5]

418.590 Waiver of federal requirements; plan for reinvesting savings and combining resources. (1) The Department of Human Services shall seek federal approval, renewal of an existing waiver of federal requirements or a new waiver of federal requirements as necessary to access federal savings that have accrued to the state as a result of a reduction in the cost of foster and substitute care for children in the legal custody of the department.

(2) The department shall:

(a) Create a plan for reinvesting federal savings into the provision of services through Strengthening, Preserving and Reunifying Families programs under ORS 418.575 to 418.598; and

(b) Combine state, federal and private resources to support implementation of a statewide system of programs at the local level as provided under ORS 418.575 to 418.598. [2011 c.568 §6]

418.595 Placement and referral to program to be considered in reasonable or active efforts determination; written explanation. (1) In considering what constitutes reasonable or active efforts or whether reasonable or active efforts have been made under ORS 419B.185, 419B.337, 419B.340, 419B.470, 419B.476, 419B.498 and 419C.173, the Department of Human Services and the juvenile court shall consider whether placement of a child and referral of a child and the child's family to a Strengthening, Preserving and Reunifying Families program is or was in the child's best interests and the action most likely to prevent or eliminate the need for removal of the child from the child's home or the action most likely to make it possible for the child to safely return home.

(2) If the department or juvenile court determines that placement of the child and referral of the child and the child's family to a program would not prevent or eliminate the need for removal of the child from the child's home or be the action most likely to make it possible for the child to safely return home, the department shall, in any description or documentation of its reasonable or active efforts, include a written explanation of the reasons why the department did not believe the placement of the child and referral of the child and the child's family to the program was in the child's best interests and the course most likely to prevent placement or effect the return of the child to the child's family. [2011 c.568 §7]

418.598 Rules. (1) The Department of Human Services shall adopt rules to implement the provisions of ORS 418.575 to 418.598.

(2) Rules adopted by the department under subsection (1) of this section may not require reporting and compilation of data that exceed the minimum required for the department to comply with ORS 418.575 to 418.598 and federal laws or regulations. [2011 c.568 §8]

418.605 [Formerly 419.352; repealed by 1971 c.401 §120]

418.610 [Formerly 419.356; repealed by 1983 c.537 §7 and 1983 c.740 §142]

FOSTER HOMES NOT SUPERVISED BY CHILD-CARING AGENCIES

418.625 Definitions for ORS 418.625 to 418.645. As used in ORS 418.625 to 418.645:

(1) "Certificate" means a written approval to operate a foster home issued by the Department of Human Services on a form prescribed by the department that states the name of the foster parent, the address of the premises to which the certificate applies and the maximum number of children to be maintained or boarded in the foster home at any one time.

(2) "Department" means the Department of Human Services.

(3) "Foster home" means any home maintained by a person who has under the care of the person in the home any child under the age of 21 years unattended by the child's parent or guardian, for the purpose of providing the child with care, food and lodging, but does not include:

(a) Any boarding school that is essentially and primarily engaged in educational work;

(b) Any home in which a child is provided board and room by a school board;

(c) Any foster home under the direct supervision of a private child-caring agency or institution certified by the department;

(d) Any home under the direct supervision of a custodial parent for the purpose of providing respite care as defined by rule;

(e) Any developmental disability child foster home as defined in ORS 443.830; or

(f) Any home of a provider of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056. [Formerly 419.402; 1971 c.401 §44; 1975 c.267 §1; 1995 c.564 §1; 1997 c.130 §9; 2001 c.686 §4; 2001 c.900 §120; 2005 c.679 §2; 2007 c.801 §2; 2010 c.60 §3]

418.627 Placement consistent with the Indian Child Welfare Act. (1) The Legislative Assembly finds that in the Indian Child Welfare Act, Public Law 95-608, the United States Congress recognized the special legal status of Indian tribes and their members. This section implements the federal policy of protecting Indian cultures by insuring the placement of Indian children within Indian families or communities, and that as a consequence, the State of Oregon should take the actions provided in subsections (2) to (4) of this section.

(2) A person providing a foster home to an American Indian child shall be eligible for payments under ORS 418.625 to 418.645 regardless of the relationship by blood or marriage that the person has to the child where the child's placement in the foster home is pursuant to the Indian Child Welfare Act (25 U.S.C. 1901 et seq.).

(3) Certification of a foster home described in subsection (2) of this section shall be pursuant to standards set out in an agreement between the Department of Human Services and the tribe of which the child is a member or, if there is no such agreement, certification shall be pursuant to standards adopted by a federally recognized Indian tribe.

(4) If subsection (2) or (3) of this section is found to be unconstitutional for any reason, then the entire section shall be null and void. [1987 c.773 §§2,3]

418.630 Foster home must be certified as approved. No person shall operate a foster home without a certificate of approval issued by the Department of Human Services. [Formerly 419.404; 1971 c.401 §45]

418.635 Certificate of approval; revocation. Application for a certificate to operate a foster home shall be made to the Department of Human Services upon a form to be furnished by the department. Upon receipt of such application, the department shall cause an investigation of the qualifications of the foster home to be made to determine which type of certificate should be issued in accordance with the rules of the department pertinent to the certification of foster homes, and shall issue an appropriate certificate to any person maintaining a foster home which complies with ORS 418.625 to 418.645. Such certificate may be revoked by the department following notice and opportunity for hearing as provided in ORS chapter 183 because of violation of any of the provisions of ORS 418.625 to 418.645 or of the rules provided for in ORS 418.640. Such certificate shall apply only to the premises designated on the certificate at the time of issue and a change of residence shall automatically terminate the certificate. [Formerly 419.406; 1973 c.612 §17; 1975 c.267 §2; 2001 c.686 §5]

418.640 Supervision of foster homes; foster and adoptive parent training; rules; law enforcement officer training. (1) The Department of Human Services shall adopt such rules, not inconsistent with ORS 418.625 to 418.645, as it deems necessary or advisable to protect the best interests of children in foster homes and to carry out the intent and purpose of ORS 418.625 to 418.645.

(2)(a) The department shall:

(A) Provide training to assist the foster parent both in understanding the mental and emotional problems that occur in child victims of abuse and neglect, including sexual abuse and rape of a child, as defined in ORS 419B.005, and in managing the behavior that may result from such problems; and

(B) Provide training to foster parents and prospective adoptive parents of a child in foster care regarding appropriate ethnic hair and skin care for children of African-American, Hispanic, Native American, Asian-American or multiracial descent.

(b) The training under this subsection shall be provided in accordance with rules adopted by the department.

(3) The Board on Public Safety Standards and Training shall develop a training program for law enforcement officers investigating child abuse cases and interviewing child abuse victims. The curriculum shall address the area of training and education necessary to facilitate the skills necessary to investigate reports of child abuse. The curriculum shall include, but not be limited to:

(a) Assessment of risk to child;

(b) Dynamics of child abuse; and

(c) Legally sound and age appropriate interview and investigatory techniques.

(4) The department or duly authorized representative shall visit every certified foster home from time to time and as often as appears necessary to determine that such foster home consistently maintains the standards fixed by the department and that proper care is being given to the children therein. [Formerly 419.408; 1971 c.401 §46; 1989 c.998 §1; 1993 c.622 §§4,4a; 2005 c.22 §291; 2011 c.692 §2]

418.642 Confidentiality of information about person who maintains foster home; exceptions; rules. (1) Notwithstanding ORS 192.410 to 192.505, the name, address and other identifying information about a person who maintains a foster home are confidential and not accessible for public inspection.

(2) Notwithstanding subsection (1) of this section, the Department of Human Services may adopt rules that allow the department to disclose information about a person who maintains a foster home if the department deems:

(a) It necessary or advisable to protect the best interests of a child; or

(b) It necessary for the administration of the child welfare laws. [1999 c.465 §2]

418.643 Denial of visitation by foster home as disciplinary measure prohibited. A foster home shall not deny a parent or guardian of a child who is under the care of the foster home the right to visit the child solely as a disciplinary measure against the child. [1993 c.785 §4]

418.645 Appeal from decision of department. Any person affected by any decision or order of the Department of Human Services made pursuant to ORS 418.625 to 418.645 may appeal therefrom to the Court of Appeals as provided in ORS 183.480 for the review of orders in contested cases. [Formerly 419.410; 1969 c.597 §256; 1971 c.401 §47; 1973 c.612 §18]

418.647 Foster care payments. (1) With respect to any period for which federal funds are made available to this state in aid of a state-administered program of aid to any child defined in and meeting the requirements of this section, the Department of Human Services may provide foster care payments in behalf of a child in the foster home of any individual or in a licensed private child-caring agency who:

(a) Is a needy child meeting the requirements of ORS 412.001 (3)(b)(A) or (B) who has been deprived of parental support or care by reason of the continued absence from the home, the physical or mental incapacity or the unemployment or underemployment of a parent or parents;

(b) Would meet the requirements of ORS 412.006 except for the removal of the child from the home of a caretaker relative as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child;

(c) Has been accepted for placement and care by the department;

(d) Has been placed in a foster home or licensed private child-caring agency as a result of such determination; and

(e) Received aid in or for the month in which court proceedings leading to such determination were initiated, or would have received such aid in or for such month if application had been made therefor, or in the case of a child who had been living with a caretaker relative as defined in ORS 412.001 within six months prior to the month in which such proceedings were initiated, would have received such aid in or for such month if in such month the child had been living with and removed from the home of such a relative and application had been made therefor.

(2) "Foster home" means a foster home which is certified by this state or has been approved, by the agency of this state responsible for the certification of foster homes, as meeting the standards established for such certification. [Formerly 418.070]

Note: 418.647 is part of 412.001 to 412.069 and ORS chapter 418 but is not part of any smaller series in ORS chapter 418. See Preface to Oregon Revised Statutes for further explanation.

418.648 Rights of foster parents. A foster parent has the right to:

(1) Be treated with dignity, respect and trust as a member of a team, including respect for the family values and routines of the foster parent.

(2) Be included as a valued member of a team that provides care and planning for a foster child placed in the home of the foster parent.

(3) Receive support services, as resources permit, from the Department of Human Services that are designed to assist in the care of the foster child placed in the home of the foster parent.

(4) Be informed of any condition that relates solely to a foster child placed in the home of the foster parent that may jeopardize the health or safety of the foster parent or other members of the home or alter the manner in which foster care should be provided to the foster child. The information shall include complete access to written reports, psychological evaluations and diagnoses that relate solely to a foster child placed in the home of the foster parent provided that confidential information given to a foster parent must be kept confidential by the foster parent, except as necessary to promote or to protect the health and welfare of the foster child and the community.

(5) Have input into a permanency plan for a foster child placed in the home of the foster parent.

(6) Receive assistance from the department in dealing with family loss and separation when the foster child leaves the home of the foster parent.

(7) Be informed of all policies and procedures of the department that relate to the role of the foster parent.

(8) Be informed of how to receive services and to have access to department personnel or service providers 24 hours a day, seven days a week.

(9) Initiate an inactive referral status for a reasonable period of time, not to exceed 12 months, to allow a foster parent relief from caring for foster children.

(10) Not be discriminated against on the basis of race, color, religion, sex, sexual orientation, national origin, age or disability.

(11) Be notified of the foster parent's right to limited participation in proceedings in the juvenile court and provided with an explanation of that right. [2005 c.676 §1; 2007 c.100 §24]

Note: 418.648 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 418 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

OREGON YOUTH CONSERVATION CORPS

418.650 Policy; purpose. (1) The Legislative Assembly of the State of Oregon finds and declares that:

(a) It is the policy of the State of Oregon to maintain a strong economy in order to provide its citizens a stable and plentiful job market, and to conserve and protect its natural resources, scenic beauty, historical and cultural sites and other community facilities;

(b) The development and maintenance of a healthy economy for Oregon depends substantially upon a strong work ethic among Oregon's disadvantaged and at-risk young adults;

(c) Many public lands and environmental resources, including parks, rangelands, forests, wildlife habitats, fisheries, soils and waters are and will continue to be subject to resource production demand and public uses;

(d) In order to instill and preserve superior work attitudes among Oregon's disadvantaged and at-risk young adults and to maintain, protect and conserve the valuable resources of the State of Oregon, programs need to be implemented which will assure continued economic productivity and scenic beauty, as well as the public health, safety and social benefit;

(e) To these ends, conservation work programs may prove successful and cost-effective both in providing jobs for disadvantaged and at-risk young adults and in assisting land preservation and management agencies to conserve and protect natural and urban facilities; and

(f) As a result of such employment opportunities, benefits will redound to the state's environmental maintenance and productivity, the state's economy and to the disadvantaged and at-risk youth participants who benefit from the exposure to and respect for the work ethic in the context of safeguarding and improving the environmental resources of the state.

(2) The general purposes of ORS 418.650 to 418.663 are:

(a) To establish a disadvantaged and at-risk youth work program in order to perform conservation work of public value in the most cost-effective manner;

(b) To utilize such a program as a means of needed assistance to protect, conserve, rehabilitate and improve the natural, historical and cultural resources of the state; and

(c) To utilize such a program to increase educational, training and employment opportunities for disadvantaged and at-risk youth for the purpose of improving work skills, instilling the work ethic and increasing employability. [1987 c.326 §§1,2; 1991 c.581 §1]

Note: 418.650 to 418.663 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 418 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

418.653 Oregon Youth Conservation Corps; advisory committee; appointment; term; duties. (1) Subject to the availability of funds therefor, there is created an Oregon Youth Conservation Corps that shall provide emergency services, public conservation, rehabilitation and improvement programs. The corps shall be headed by a program director, and shall be administered through the Department of Community Colleges and Workforce Development.

(2) Upon implementation of subsection (1) of this section, there shall be created an Oregon Youth Conservation Corps Advisory Committee to consist of nine members, three to be appointed by the President of the Senate, three to be appointed by the Speaker of the House of Representatives and three public members to be appointed by the Governor. No more than one Senator and one Representative shall be appointed.

(3) Committee members may receive reimbursement of necessary and actual expenses under ORS 292.495 (2), but may not receive compensation under ORS 292.495 (1) or otherwise for participation as a committee member.

(4) Committee members may be removed by the appointing authority. Vacancies shall be filled by the appointing authority. Committee members shall serve for a term of three years and may be reappointed for an additional consecutive term.

(5) The advisory committee established under subsection (2) of this section shall advise the program director on the implementation of ORS 418.650 to 418.663. [1987 c.326 §3; 1989 c.786 §6; 1991 c.581 §2; 1993 c.676 §43; 1999 c.71 §1; 2001 c.259 §2]

Note: See note under 418.650.

418.657 Duties of program director; participant eligibility; rules; staff. (1) In consultation with the Oregon Youth Conservation Corps Advisory Committee and the Commissioner for Community College Services, the program director of the Oregon Youth Conservation Corps shall:

(a) Establish eligibility criteria for participants. Such criteria shall not render the program ineligible for federal funds. Participants shall be lawful permanent residents of the state.

(b) Establish criteria in order to make the required determination that enrollment in the corps was not the reason that an individual ceased attendance at a secondary school.

(c) Assume that application of the eligibility and participation criteria results in enrollment of at least 75 percent disadvantaged and at-risk youth among the total number of participants.

(2) The program director, in consultation with the Commissioner for Community College Services, may take the following actions, including but not limited to:

(a) Applying for and accepting grants or contributions of funds from any public or private source;

(b) Making agreements with any local, state or federal agency to utilize any service, material or property of any such agency, where such agreements are considered reasonable and necessary; and

(c) Purchasing or contracting for necessary private services, equipment, materials and property where such are needed to carry out the projects approved for and undertaken by the corps.

(3) The State Board of Education may adopt all necessary rules to carry out the purposes and objectives of the program and to regulate the standards of conduct and other operating guidelines for corps members and other personnel.

(4) Corps members are exempt from:

(a) State Personnel Relations Law; and

(b) ORS 279C.800 to 279C.870. [1987 c.326 §§5,6; 1989 c.786 §7; 1991 c.581 §3; 1993 c.676 §44; 1999 c.71 §2; 2003 c.43 §1; 2003 c.794 §278a]

Note: See note under 418.650.

418.658 Oregon Community Stewardship Corps; projects; tuition vouchers for program participants; sponsors; criteria; rules. (1) The program director of the Oregon Youth Conservation Corps shall establish a separate program known as the Oregon Community Stewardship Corps. In addition to the established purposes of the Oregon Youth Conservation Corps, the purpose of the Oregon Community Stewardship Corps is to promote community service activities throughout the state for a broad cross section of Oregon disadvantaged and at-risk youth through programs that also in-

clude appropriate educational and job training opportunities for participants.

(2) In addition to projects submitted under ORS 418.660 (1), projects of the Oregon Community Stewardship Corps may include, but shall not be limited to:

(a) Child care services.

(b) Elderly and disabled care services.

(c) Literacy education programs.

(d) Recycling and other waste reduction services.

(3) The Oregon Community Stewardship Corps shall offer employment and educational opportunities of at least three but not more than 12 months' duration for selected participants.

(4) Under rules adopted by the State Board of Education, participants who successfully complete any 12-month program under this section shall be eligible for $1,500 in tuition vouchers that can be used at any career school or post-secondary educational institution that is qualified to receive assistance through the Oregon Student Access Commission.

(5) All Oregonians who are at least 13 years of age and under 25 years of age are eligible to participate in the program. To ensure that Oregon Community Stewardship Corps participants represent a broad cross section of Oregonians, special emphasis shall be given to recruiting school dropouts and other disadvantaged and at-risk youth, according to criteria established by the Oregon Youth Conservation Corps Advisory Committee.

(6) To the extent practicable, the program director shall enlist state and federal agencies, local government, nonprofit organizations and private businesses, and any combination of such entities, to act as sponsors for programs administered under this section. Selection of sponsors shall be based on criteria that include the following:

(a) The availability of other resources on a matching basis, including contributions from private sources, other federal, state and local agencies, and moneys available through the federal Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

(b) The provision of related educational and job training programs to participants, including but not limited to school and college coursework, General Educational Development (GED) tests equivalency training, project-related education and professional training;

(c) Assurances that proposed projects will not displace existing employees or duplicate existing private or government programs; and

(d) Assurances that proposed projects are devoted to the enhancement of the community and are not based in maintenance activities and that these projects meet an identified need.

(7) In consultation with the advisory committee and the Commissioner for Community College Services, the program director shall make grants for programs administered under this section. [1989 c.786 §9; 1991 c.581 §4; 1993 c.676 §45; 1995 c.343 §46; 1997 c.249 §131; 1999 c.59 §114; 1999 c.71 §3; 2001 c.259 §1; 2001 c.684 §27; 2003 c.43 §2; 2011 c.637 §269]

Note: See note under 418.650.

418.660 Projects; consistency with public land law. (1) The programs established under ORS 418.650 to 418.663 may include, but shall not be limited to, projects such as:

(a) Rangeland conservation, rehabilitation and improvement;

(b) Endangered species and other wildlife habitat conservation, rehabilitation and improvement;

(c) Urban revitalization;

(d) Historical and cultural site preservation and maintenance;

(e) Recreational area development, maintenance, improvement and beautification;

(f) Road and trail maintenance and improvement;

(g) Soil conservation work, including erosion control;

(h) Flood, drought and storm damage assistance and relief;

(i) Stream, lake, waterfront harbor and port improvement and pollution control;

(j) Fish culture and habitat maintenance and improvement;

(k) Insect, disease, rodent and other pestilence control;

(L) Improvement of abandoned railroad land and right of way;

(m) Land reclamation and improvement, including strip-mined lands, public landscape work and tree planting programs;

(n) Energy conservation projects including assistance in the performance of energy efficiency audits, weatherization and renewable resource enhancement;

(o) Emergency assistance in times of natural or other disaster; and

(p) Recycling projects.

(2) In consultation with the Oregon Youth Conservation Corps Advisory Committee and the Commissioner for Community College Services, the program director of the Oregon Youth Conservation Corps shall ensure that projects selected under ORS

418.650 to 418.663 shall be consistent with all other provisions of applicable state and federal law relating to the management, oversight and administration of affected public lands. [1987 c.326 §§7,8; 1989 c.786 §8; 1991 c.581 §5; 1993 c.676 §46; 1999 c.71 §4; 2003 c.43 §3]

Note: See note under 418.650.

418.663 Employment goals. (1) Projects selected under ORS 418.650 to 418.663 shall:

(a) Result in an increase in employment opportunities for disadvantaged and at-risk youth over those opportunities which would otherwise be available;

(b) Not result in the displacement of currently employed workers, including partial displacement such as reduction in the hours of nonovertime work or wages or employment benefits;

(c) Not impair existing contracts for services or result in the substitution of state for other funds in connection with work that would otherwise be performed;

(d) Not substitute jobs assisted under ORS 418.650 to 418.663 for existing federally assisted jobs;

(e) Not employ any person when any other person is on layoff by an employer from the same or any substantially equivalent job in the same area; and

(f) Not be used to employ any person to fill a job opening created by the act of an employer in laying off or terminating employment of any regular employee, otherwise reducing the regular workforce not supported under ORS 418.650 to 418.663, in anticipation of filling the vacancy so created by hiring a person to be supported under ORS 418.650 to 418.663.

(2) Where a labor organization represents employees who are engaged in similar work or a workers' cooperative is engaged in work in the same area to that proposed to be performed under the program for which an application is being developed, the organization or cooperative shall be notified and shall be afforded a reasonable period of time prior to the submission of the application in which to make comments to the applicant and to the program director of the Oregon Youth Conservation Corps. [1987 c.326 §9; 1991 c.581 §6; 1999 c.71 §5]

Note: See note under 418.650.

A. R. BURBANK TRUST FUND

418.675 Powers and duties of trustees of A. R. Burbank Trust Fund. The Governor, Secretary of State and State Treasurer constitute the Board of Trustees of the A. R. Burbank Trust Fund and may receive or reject on behalf of the state all moneys and property, real and personal, given, devised or bequeathed to the State of Oregon in trust for the use and benefit of an orphans' home located at Salem or Portland; make, on behalf of the state, all deeds of conveyance conveying real property owned by the state as trustee; receive and satisfy mortgages in that behalf and execute all other contracts or instruments necessary to be executed on behalf of the state for the above-named purposes. Such board of trustees shall have full control and management of said trust funds and may loan and invest the same on good securities, in the same manner that funds of the Common School Fund are loaned. The same laws governing the school fund shall apply to loans made from this fund as far as practicable. All lawful expenses necessarily incurred in loaning said money or in the management of said fund may be paid out of the interest. No part of the principal shall ever be used toward the support of such home. [Formerly 419.452]

418.680 Annual report of trustees. On October 1 of each year the Board of Trustees of the A. R. Burbank Trust Fund shall make and file with the Secretary of State a full report of the condition of the trust fund, showing the amount thereof, moneys outstanding and any other data necessary to a full understanding of its condition. [Formerly 419.454; 1975 c.605 §20]

418.685 Certain agencies declared to be orphans' homes. For the purposes of ORS 418.675, the Boys' and Girls' Aid Society and the Baby Home at Portland hereby are declared to be orphans' homes. [Formerly 419.456]

GENERAL POLICY

418.687 [1973 c.629 §1; 1981 c.230 §1; repealed by 1989 c.786 §13; amended by 1989 c.904 §64; amendment treated as reenactment, see 418.688]

418.688 Policy. The Legislative Assembly recognizes that it is in the public interest to provide employment for young people within the existing administrative and financial capabilities of the Department of Transportation, the State Fish and Wildlife Commission, the State Forestry Department, the State Parks and Recreation Department and the Department of State Lands. [1989 c.904 §64 amending 418.687 treated as reenactment of 418.687 repealed by 1989 c.786 §13]

418.690 [1973 c.629 §2; repealed by 1989 c.786 §13]

YOUTH SPORTS ACTIVITIES

418.691 Definitions for ORS 418.691 to 418.701. As used in ORS 418.691 to 418.701:

(1) "Subject individual" means any person who is or will be directly involved with the coaching or supervision of children participating in an organized youth sports activity.

(2) "Youth sports activity" does not include any activity operated by a school district or public charter school.

(3) "Youth sports provider" means any person, organization or agency that operates in Oregon and is directly involved with children participating in an organized youth sports activity. [2001 c.550 §1]

Note: 418.691 to 418.701 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 418 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

418.693 [1973 c.629 §3; repealed by 1989 c.786 §13]

418.695 [1973 c.629 §4; repealed by 1989 c.786 §13]

418.696 Youth sports providers encouraged to perform certain activities related to qualifications of coaches or supervisors. Every youth sports provider is encouraged to:

(1) Create and adopt a list of crimes that disqualify a subject individual from coaching or supervising a youth sports activity for the youth sports provider if the subject individual has been convicted of the crime or has been convicted of a substantially equivalent crime in another jurisdiction;

(2) Complete a criminal records check on subject individuals who coach or supervise a youth sports activity for the youth sports provider; and

(3) Require all subject individuals who coach or supervise a youth sports activity to complete a sports education program. [2001 c.550 §2]

Note: See note under 418.691.

418.697 [1973 c.629 §5; repealed by 1989 c.786 §13]

418.699 Additional duties or liabilities not imposed on youth sports providers. Nothing in ORS 418.691 to 418.701 imposes any additional duty or liability on any youth sports provider by reason of the youth sports provider not performing a duty that is encouraged by ORS 418.696. [2001 c.550 §4]

Note: See note under 418.691.

418.701 Youth sports providers authorized to request criminal background checks from Department of State Police. (1) Upon the request of a youth sports provider, and in compliance with procedures adopted by the Department of State Police under ORS 181.555, the Department of State Police shall furnish to the authorized staff of the youth sports provider such information on a subject individual as the Department of State Police may have in its possession, including but not limited to manual or computerized criminal offender information. With the approval of the Department of State Police, a local law enforcement agency may furnish the information described in this subsection to a youth sports provider.

(2)(a) Subsequent to furnishing the information required under subsection (1) of this section, the Department of State Police shall conduct nationwide criminal records checks of the subject individual through the Federal Bureau of Investigation by use of the subject individual's fingerprints and shall report the results to the staff of the youth sports provider, who must be specifically authorized to receive the information. In accordance with the procedures of the Department of State Police, a local law enforcement agency may conduct the criminal records check described in this paragraph if the local law enforcement agency has received approval under subsection (1) of this section.

(b) The Department of State Police or a local law enforcement agency may not transfer the fingerprint card used to conduct a criminal records check unless the public agency or person receiving the fingerprint card agrees to destroy the fingerprint card or return the fingerprint card to the Department of State Police or local law enforcement agency.

(c) If a public agency or person returns a fingerprint card to the Department of State Police or local law enforcement agency, the Department of State Police or local law enforcement agency shall destroy the fingerprint card or return the fingerprint card to the subject individual. The Department of State Police or local law enforcement agency may not keep a record of the fingerprints. [2001 c.550 §3; 2011 c.547 §43]

Note: See note under 418.691.

MISCELLANEOUS PROVISIONS

418.702 Training and continuing education for mandatory reporters; notice to persons required to report child abuse. (1) The Department of Human Services shall implement a training and continuing education curriculum for persons other than law enforcement officers required by law to investigate allegations of child abuse. The curriculum shall address the areas of training and education necessary to facilitate the skills necessary to investigate reports of child abuse and shall include but not be limited to:

(a) Assessment of risk to the child;

(b) Dynamics of child abuse, child sexual abuse and rape of children; and

(c) Legally sound and age appropriate interview and investigatory techniques.

(2) The Oregon State Bar and each board that licenses, certifies or registers public and private officials required to report child abuse under ORS 419B.010 shall identify those persons regulated by the board who in their official capacity have regular and on-

going contact with children and shall notify those persons every two years of their duty to report child abuse. Such notice shall contain what the person is required to report and where such report shall be made and also advise of the symptoms to look for and provide a contact number for further information.

(3) The department shall develop content of the notice for such a mailing. The cost of distribution shall be paid by the board.

(4) The department shall develop and make available, at cost, training materials that may be used at training conferences and other similar events involving such public and private officials, as defined in ORS 419B.005. [Formerly 418.749]

Note: 418.702 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 418 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

418.704 Youth Suicide Prevention Coordinator; duties. There is established a Youth Suicide Prevention Coordinator within the Oregon Health Authority. The coordinator shall:

(1) Facilitate the development of a statewide strategic plan to address youth suicide;

(2) Improve outreach to special populations of youth that are at risk for suicide; and

(3) Provide technical assistance to state and local partners and coordinate interagency efforts to establish prevention and intervention strategies. [Formerly 418.756; 2009 c.595 §363a]

Note: 418.704 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 418 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

418.705 [1961 c.621 §1; repealed by 1989 c.786 §13]

418.706 State Technical Assistance Team for child fatalities; duties. The State Technical Assistance Team for child fatalities is established in the Oregon Health Authority. The purpose of the State Technical Assistance Team is to provide staff support for the statewide interdisciplinary team, as described in ORS 418.748, and, upon request, to provide technical assistance to the child fatality review teams established under ORS 418.785. The duties of the State Technical Assistance Team shall include but are not limited to:

(1) Designing, implementing and maintaining an information management system for child fatalities;

(2) Providing training assistance and support for identified individuals on county multidisciplinary child abuse teams in accurate data collection and input;

(3) Compiling and analyzing data on child fatalities;

(4) Using data concerning child deaths to identify strategies for the prevention of child fatalities and serving as a resource center to promote the use of the strategies at the county level; and

(5) Upon request of a county multidisciplinary child abuse team, providing technical assistance and consultation services on a variety of issues related to child fatalities including interagency agreements, team building, case review and prevention strategies. [Formerly 418.753; 2009 c.595 §363b]

Note: 418.706 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 418 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

418.710 [1961 c.621 §4; repealed by 1989 c.786 §13]

DOMESTIC VIOLENCE FATALITY REVIEW TEAMS

418.712 Definitions for ORS 418.714 and 418.718. As used in ORS 418.714 and 418.718, "domestic violence fatality" means a fatality in which:

(1) The deceased was the victim of a homicide committed by a current or former spouse, fiance, fiancee or dating partner;

(2) The deceased was the victim of a suicide and there is evidence that the suicide is related to previous domestic violence;

(3) The deceased was the perpetrator of the homicide of a current or former spouse, fiance, fiancee or dating partner and the perpetrator also died in the course of the domestic violence incident;

(4) The deceased was a child who died in the course of a domestic violence incident in which either a parent of the child or the perpetrator also died;

(5) The deceased was a current or former spouse, fiance, fiancee or dating partner of the current or former spouse, fiance, fiancee or dating partner of the perpetrator; or

(6) The deceased was a person 18 years of age or older not otherwise described in this section and was the victim of a homicide related to domestic violence. [2005 c.547 §1]

Note: 418.712 to 418.718 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 418 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

418.714 Domestic violence fatality review teams. (1) A local domestic violence coordinating council recognized by the local public safety coordinating council or by the governing body of the county may establish a multidisciplinary domestic violence fatality review team to assist local organizations and

agencies in identifying and reviewing domestic violence fatalities. When no local domestic violence coordinating council exists, a similar interdisciplinary group may establish the fatality review team.

(2) The purpose of a fatality review team is to review domestic violence fatalities and make recommendations to prevent domestic violence fatalities by:

(a) Improving communication between public and private organizations and agencies;

(b) Determining the number of domestic violence fatalities occurring in the team's county and the factors associated with those fatalities;

(c) Identifying ways in which community response might have intervened to prevent a fatality;

(d) Providing accurate information about domestic violence to the community; and

(e) Generating recommendations for improving community response to and prevention of domestic violence.

(3) A fatality review team shall include but is not limited to the following members, if available:

(a) Domestic violence program service staff or other advocates for battered women;

(b) Medical personnel with expertise in the field of domestic violence;

(c) Local health department staff;

(d) The local district attorney or the district attorney's designees;

(e) Law enforcement personnel;

(f) Civil legal services attorneys;

(g) Protective services workers;

(h) Community corrections professionals;

(i) Judges, court administrators or their representatives;

(j) Perpetrator treatment providers;

(k) A survivor of domestic violence; and

(L) Medical examiners or other experts in the field of forensic pathology.

(4) Other individuals may, with the unanimous consent of the team, be included in a fatality review team on an ad hoc basis. The team, by unanimous consent, may decide the extent to which the individual may participate as a full member of the team for a particular review.

(5) Upon formation and before reviewing its first case, a fatality review team shall adopt a written protocol for review of domestic violence fatalities. The protocol must be designed to facilitate communication among organizations and agencies involved in domestic violence cases so that incidents of domestic violence and domestic violence fatalities are identified and prevented. The protocol shall define procedures for case review and preservation of confidentiality, and shall identify team members.

(6) Consistent with recommendations provided by the statewide interdisciplinary team under ORS 418.718, a local fatality review team shall provide the statewide team with information regarding domestic violence fatalities.

(7) To ensure consistent and uniform results, fatality review teams may collect and summarize data to show the statistical occurrence of domestic violence fatalities in the team's county.

(8) Each organization or agency represented on a fatality review team may share with other members of the team information concerning the victim who is the subject of the review. Any information shared between team members is confidential.

(9) An individual who is a member of an organization or agency that is represented on a fatality review team is not required to disclose information. The intent of this section and ORS 418.718 is to allow the voluntary disclosure of information.

(10) An oral or written communication or a document related to a domestic violence fatality review that is shared within or produced by a fatality review team is confidential, not subject to disclosure and not discoverable by a third party. An oral or written communication or a document provided by a third party to a fatality review team is confidential, not subject to disclosure and not discoverable by a third party. All information and records acquired by a team in the exercise of its duties are confidential and may be disclosed only as necessary to carry out the purposes of the fatality review. However, recommendations of a team upon the completion of a review may be disclosed without personal identifiers at the discretion of two-thirds of the members of the team.

(11) Information, documents and records otherwise available from other sources are not immune from discovery or introduction into evidence solely because the information, documents or records were presented to or reviewed by a fatality review team.

(12) ORS 192.610 to 192.690 do not apply to meetings of a fatality review team.

(13) Each fatality review team shall develop written agreements signed by member organizations and agencies that specify the organizations' and agencies' understanding of and agreement with the principles outlined in this section. [2005 c.547 §2]

Note: See note under 418.712.

418.715 [1961 c.621 §§2,5; repealed by 1989 c.786 §13]

418.718 Statewide team. (1) The Department of Human Services may form a statewide interdisciplinary team to meet twice a year to review domestic violence fatality cases, identify domestic violence trends, make recommendations and take actions involving statewide issues.

(2) The statewide interdisciplinary team may recommend specific cases to a local multidisciplinary domestic violence fatality review team for review under ORS 418.714.

(3) The statewide interdisciplinary team shall provide recommendations to local fatality review teams in the development of protocols. The recommendations must be designed to facilitate communication among organizations and agencies involved in domestic violence fatality cases so that incidents of domestic violence and fatalities related to domestic violence are identified and prevented. The recommendations must include procedures relevant for both urban and rural counties. [2005 c.547 §3]

Note: See note under 418.712.

418.720 [1961 c.621 §3; repealed by 1989 c.786 §13]

418.725 [1961 c.621 §6; repealed by 1989 c.786 §13]

418.730 [1961 c.621 §7; repealed by 1989 c.786 §13]

418.740 [1971 c.451 §2; 1973 c.408 §32; 1975 c.644 §2; 1979 c.731 §4; 1985 c.723 §1a; 1989 c.65 §1; 1989 c.721 §§9,51; 1991 c.386 §11; 1991 c.544 §1; repealed by 1993 c.546 §141]

418.745 [1971 c.451 §1; 1975 c.644 §3; repealed by 1993 c.546 §141]

INVESTIGATION OF CHILD ABUSE, RAPE AND SUICIDE

418.746 Child Abuse Multidisciplinary Intervention Account; uses; eligibility determination; plans; rules. (1) The Child Abuse Multidisciplinary Intervention Account is established separate and distinct from the General Fund. Interest earned, if any, shall inure to the benefit of the account. All moneys deposited in the account are continuously appropriated to the Department of Justice for the purposes of ORS 418.751 and this section.

(2) The Child Abuse Multidisciplinary Intervention Program, with the advice of the Advisory Council on Child Abuse Assessment, created by ORS 418.784, shall allocate moneys from the Child Abuse Multidisciplinary Intervention Account to eligible county multidisciplinary child abuse teams formed under ORS 418.747, or entities designated by the teams, serving the counties from which the moneys were collected. The program may award only one grant per county. The moneys shall be allocated by the same formula as, or a formula similar to, the formula used by the Attorney General for equitable distribution of the fund for victim's assistance programs under ORS 147.227 (1). Moneys allocated under this subsection may not be used as replacement revenues for currently available funds previously allocated by the county for child abuse intervention.

(3) The Child Abuse Multidisciplinary Intervention Program shall determine eligibility of the applicants and:

(a) Allocate funds if the applicant is deemed eligible;

(b) Conditionally allocate funds, with appropriate conditions, when necessary to establish eligibility; or

(c) Deny funding.

(4) In making the eligibility determination, the Child Abuse Multidisciplinary Intervention Program shall consider the following nonexclusive list of factors:

(a) Whether the services offered by an applicant substantially further the goals and purposes of ORS 418.747, 418.790 and 418.792;

(b) Whether the county multidisciplinary child abuse team or the entity designated by the team has properly allocated other available funds;

(c) Any evaluations of previously funded services as required by subsection (7) of this section;

(d) The extent to which the county's coordinated child abuse multidisciplinary intervention plan provides for comprehensive services to the victims of child abuse;

(e) Whether the funds are being used as replacement revenues as prohibited by subsection (2) of this section;

(f) Whether there is a community assessment center or advocacy center in existence or planned in the county; and

(g) The extent to which funding a community assessment center is given priority in the intervention plan as required under subsection (5) of this section.

(5)(a) At least once a biennium, the county multidisciplinary child abuse team shall submit to the Child Abuse Multidisciplinary Intervention Program a coordinated child abuse multidisciplinary intervention plan. The intervention plan must:

(A) Describe all sources of funding, other than moneys that may be allocated from the Child Abuse Multidisciplinary Intervention Account, including in-kind contributions that are available for the intervention plan;

(B) Describe the critical needs of victims of child abuse in the county, including but not limited to assessment, advocacy and treatment, and how the intervention plan addresses those needs in a comprehensive manner;

(C) Include the county's written protocol and agreements required by ORS 418.747 (2) and 418.785; and

(D) Describe how the intervention plan gives priority to funding a community assessment center and how the funding supports the center.

(b) When submitting the intervention plan, the county multidisciplinary child abuse team shall also submit:

(A) Those applications for funding received from entities under subsection (6) of this section that the team determines best meet the needs of the county's intervention plan and a recommendation that the applications for funding be granted; and

(B) If the team is seeking funding from the Child Abuse Multidisciplinary Intervention Program, an application setting forth the information required by rule of the program.

(6) An entity wishing to apply for funding from the Child Abuse Multidisciplinary Intervention Program shall submit an application to the county multidisciplinary child abuse team for the county in which the entity proposes to provide services. The application shall:

(a) Describe the services to be funded with moneys from the Child Abuse Multidisciplinary Intervention Program according to the coordinated child abuse multidisciplinary intervention plan and the anticipated outcomes in terms of benefits to children and families; and

(b) Describe how the services further the goals and purposes of ORS 418.747, 418.790 and 418.792.

(7)(a) A designated entity providing services according to a coordinated child abuse multidisciplinary intervention plan funded with moneys from the Child Abuse Multidisciplinary Intervention Program shall submit an annual report to the county multidisciplinary child abuse team. A multidisciplinary child abuse team shall submit an annual report to the Child Abuse Multidisciplinary Intervention Program.

(b) The annual report filed by the county multidisciplinary child abuse team must:

(A) Document how the moneys were utilized and describe to what extent the services were able to meet anticipated outcomes in terms of benefits to children and families.

(B) Include local and state issues and recommendations relating to the prevention of child fatalities identified in the fatality review process under ORS 418.785.

(c) A county multidisciplinary child abuse team receiving a report from a designated entity shall review the report and take into account success of the entity at meeting service outcomes before making future recommendations regarding allocation of moneys.

(d) The Child Abuse Multidisciplinary Intervention Program shall review reports received under this section before making future eligibility and allocation decisions and when evaluating services funded under this section.

(8) Two or more county multidisciplinary child abuse teams may join together to develop joint child abuse multidisciplinary intervention plans. The joint intervention plans shall be submitted as provided in subsection (5) of this section.

(9) The Child Abuse Multidisciplinary Intervention Program may adopt rules to carry out the provisions of ORS 418.751 and this section including, but not limited to, the following:

(a) Notices and time limits for applications;

(b) Method of review and the role of advisory bodies; and

(c) Reallocation of moneys not applied for or disbursed. [1993 c.637 §§3,7; 1997 c.872 §31; 2001 c.624 §4; 2001 c.829 §8; 2003 c.354 §1; 2005 c.562 §5]

Note: 418.746 to 418.796 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 418 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

418.747 County teams for investigation; duties; training; method of investigation; designated medical professional. (1) The district attorney in each county shall be responsible for developing county multidisciplinary child abuse teams to consist of but not be limited to law enforcement personnel, Department of Human Services child protective service workers, school officials, county health department personnel, county mental health department personnel who have experience with children and family mental health issues, child abuse intervention center workers, if available, and juvenile department representatives, as well as others specially trained in child abuse, child sexual abuse and rape of children investigation.

(2) The teams shall develop a written protocol for immediate investigation of and notification procedures for child abuse cases and for interviewing child abuse victims. Each team also shall develop written agreements signed by member agencies that are represented on the team that specify:

(a) The role of each agency;

(b) Procedures to be followed to assess risks to the child;

(c) Guidelines for timely communication between member agencies;

(d) Guidelines for completion of responsibilities by member agencies;

(e) That upon clear disclosure that the alleged child abuse occurred in a child care facility as defined in ORS 657A.250, immediate notification of parents or guardians of children attending the child care facility is required regarding any abuse allegation and pending investigation; and

(f) Criteria and procedures to be followed when removal of the child is necessary for the child's safety.

(3) Each team member and the personnel conducting child abuse investigations and interviews of child abuse victims shall be trained in risk assessment, dynamics of child abuse, child sexual abuse and rape of children and legally sound and age appropriate interview and investigatory techniques.

(4) All investigations of child abuse and interviews of child abuse victims shall be carried out by appropriate personnel using the protocols and procedures called for in this section. If trained personnel are not available in a timely fashion and, in the judgment of a law enforcement officer or child protective services worker, there is reasonable cause to believe a delay in investigation or interview of the child abuse victim could place the child in jeopardy of physical harm, the investigation may proceed without full participation of all personnel. This authority applies only for as long as reasonable danger to the child exists. A law enforcement officer or child protective services worker shall make a reasonable effort to find and provide a trained investigator or interviewer.

(5) To ensure the protection and safe placement of a child, the Department of Human Services may request that team members obtain criminal history information on any person who is part of the household where the department may place or has placed a child who is in the department's custody. All information obtained by the team members and the department in the exercise of their duties is confidential and may be disclosed only when necessary to ensure the safe placement of a child.

(6) Each team shall classify, assess and review cases under investigation.

(7)(a) Each team shall develop and implement procedures for evaluating and reporting compliance of member agencies with the protocols and procedures required under this section. Each team shall submit to the administrator of the Child Abuse Multidisciplinary Intervention Program copies of the protocols and procedures required under this section and the results of the evaluation as requested.

(b) The administrator may:

(A) Consider the evaluation results when making eligibility determinations under ORS 418.746 (3);

(B) If requested by the Advisory Council on Child Abuse Assessment, ask a team to revise the protocols and procedures being used by the team based on the evaluation results; or

(C) Ask a team to evaluate the team's compliance with the protocols and procedures in a particular case.

(c) The information and records compiled under this subsection are exempt from ORS 192.410 to 192.505.

(8) Each team shall develop policies that provide for an independent review of investigation procedures of sensitive cases after completion of court actions on particular cases. The policies shall include independent citizen input. Parents of child abuse victims shall be notified of the review procedure.

(9) Each team shall designate at least one physician, physician assistant or nurse practitioner who has been trained to conduct child abuse medical assessments, as defined in ORS 418.782, and who is, or who may designate another physician, physician assistant or nurse practitioner who is, regularly available to conduct the medical assessment described in ORS 419B.023.

(10) If photographs are taken pursuant to ORS 419B.028, and if the team meets to discuss the case, the photographs shall be made available to each member of the team at the first meeting regarding the child's case following the taking of the photographs.

(11) No later than September 1, 2008, each team shall submit to the Department of Justice a written summary identifying the designated medical professional described in subsection (9) of this section. After that date, this information shall be included in each regular report to the Department of Justice.

(12) If, after reasonable effort, the team is not able to identify a designated medical professional described in subsection (9) of this section, the team shall develop a written plan outlining the necessary steps, recruitment and training needed to make such a medical professional available to the children of the county. The team shall also develop a written strategy to ensure that each child in the county who is a suspected victim of child abuse will receive a medical assessment in compliance with ORS 419B.023. This strategy, and the estimated fiscal impact of any necessary recruitment and training, shall be submitted to the Department of Justice no later than September 1, 2008. This information shall be included in each regular report to the Department of Justice for each re-

porting period in which a team is not able to identify a designated medical professional described in subsection (9) of this section. [1989 c.998 §4; 1991 c.451 §1; 1993 c.622 §5; 1995 c.134 §1; 1997 c.703 §2; 2001 c.900 §121; 2003 c.354 §2; 2005 c.562 §6; 2007 c.674 §6]

Note: See note under 418.746.

418.748 Statewide team on child abuse and suicide. (1) The Department of Human Services shall form a statewide interdisciplinary team to meet twice a year to review child fatality cases where child abuse or suicide is suspected, identify trends, make recommendations and take actions involving statewide issues.

(2) The statewide interdisciplinary team may recommend specific cases to a child fatality review team for its review under ORS 418.785.

(3) The statewide interdisciplinary team shall provide recommendations to child fatality review teams in the development of protocols. The recommendations shall address investigation, training, case selection and fatality review of child deaths, including but not limited to child abuse and youth suicide cases. [1989 c.998 §5; 1991 c.451 §4; 1997 c.714 §2; 2005 c.562 §7]

Note: See note under 418.746.

418.749 [1989 c.998 §6; 1993 c.546 §104; 1993 c.622 §6; renumbered 418.702 in 2005]

418.750 [1971 c.451 §3; 1973 c.110 §2; 1975 c.644 §4; 1981 c.892 §94; repealed by 1993 c.546 §141]

418.751 Training and education for persons investigating child abuse. (1) The Department of Human Services, as provided in ORS 418.702, and the Department of Justice shall ensure that training and education are provided for persons, other than law enforcement officers, who are required to investigate allegations of child abuse. The Department of Human Services and the Department of Justice shall consult with the State Commission on Children and Families in assessing the grant funding that might be distributed to enhance and support training and continuing education for the county multidisciplinary child abuse teams.

(2) The Department of Human Services and the Department of Justice shall work with the Board on Public Safety Standards and Training to ensure that the training that is offered to persons under subsection (1) of this section and ORS 418.702 is coordinated with the training given to law enforcement officers. [1993 c.637 §§6,12; 2001 c.624 §5; 2005 c.562 §8]

Note: See note under 418.746.

418.753 [1995 c.757 §1; 1997 c.714 §3; 2005 c.562 §9; renumbered 418.706 in 2005]

418.755 [1971 c.451 §4; 1975 c.644 §7; 1977 c.741 §1; repealed by 1993 c.546 §141]

418.756 [1997 c.714 §1; renumbered 418.704 in 2005]

418.760 [1971 c.451 §5; 1975 c.644 §8; 1977 c.741 §2; 1983 c.815 §13; 1985 c.723 §2; 1989 c.998 §2; repealed by 1993 c.546 §141]

418.762 [1975 c.644 §6; repealed by 1993 c.546 §141]

418.764 [1977 c.97 §2; repealed by 1993 c.546 §141]

418.765 [1971 c.451 §6; 1973 c.306 §1; 1975 c.644 §9; 1977 c.741 §3; 1989 c.371 §1; repealed by 1993 c.546 §141]

418.770 [1971 c.451 §7; 1973 c.306 §2; 1975 c.644 §10; 1977 c.741 §4; 1983 c.153 §1; 1985 c.601 §1; 1987 c.906 §8; 1993 c.33 §330; repealed by 1993 c.546 §141]

418.775 [Formerly 146.770; 1973 c.110 §1; 1975 c.644 §11; 1981 c.892 §95; repealed by 1993 c.546 §141]

REGIONAL ASSESSMENT CENTERS AND COMMUNITY ASSESSMENT SERVICES

418.780 Purpose. (1) The Legislative Assembly recognizes that:

(a) Protection of the child is of primary importance.

(b) A serious need exists for a coordinated multidisciplinary approach to the prevention and investigation of child abuse, for intervention and for the treatment of children who are victims of child abuse in a manner that is sensitive to the needs of children. No child in this state should be denied access to a child abuse medical assessment because of an inability to pay. The cost of not assessing and treating abused children with the aid of specially trained personnel is too high.

(2) The purpose of ORS 418.746 to 418.796 is to establish and maintain:

(a) Sufficient county multidisciplinary child abuse teams to conduct timely investigations of allegations of child abuse and provide comprehensive services to victims of child abuse through coordinated child abuse multidisciplinary intervention plans.

(b) Sufficient regional assessment centers and community assessment centers in Oregon to ensure that every child reasonably suspected to have been subjected to child abuse receives a skilled, complete and therapeutic child abuse medical assessment. [1991 c.898 §1; 1993 c.33 §331; 1997 c.872 §32; 2001 c.624 §6; 2005 c.562 §4]

Note: See note under 418.746.

418.782 Definitions for ORS 418.746 to 418.796. As used in ORS 418.746 to 418.796:

(1) "Child abuse" means "abuse" as defined by ORS 419B.005.

(2) "Child abuse medical assessment" means an assessment by or under the direction of a licensed physician or other licensed health care professional trained in the evaluation, diagnosis and treatment of child abuse. "Child abuse medical assessment" includes the taking of a thorough medical history, a complete physical examination and an interview for the purpose of making a med-

ical diagnosis, determining whether or not the child has been abused and identifying the appropriate treatment or referral for follow-up for the child.

(3) "Community assessment center" means a neutral, child-sensitive community-based facility or service provider to which a child from the community may be referred to receive a thorough child abuse medical assessment for the purpose of determining whether the child has been abused or neglected.

(4) "Regional assessment center" means a facility operated by a community assessment center that provides child abuse medical assessments, assistance with difficult or complex child abuse medical assessments, education, training, consultation, technical assistance and referral services for community assessment centers or county multidisciplinary child abuse teams in a region or regions designated by the administrator of the Child Abuse Multidisciplinary Intervention Program. [1991 c.898 §2; 1993 c.546 §105; 1993 c.622 §8; 1997 c.872 §33; 1997 c.873 §32; 2005 c.562 §10]

Note: See note under 418.746.

418.783 Child Abuse Multidisciplinary Intervention Program. (1) The Child Abuse Multidisciplinary Intervention Program is established in the Department of Justice. The purpose of the program is to:

(a) Establish and maintain a coordinated multidisciplinary community-based system for responding to allegations of child abuse that is sensitive to the needs of children;

(b) Ensure the safety and health of children who are victims of child abuse to the greatest extent possible; and

(c) Administer the grant programs established under ORS 418.746 and 418.786.

(2) The Attorney General or the Attorney General's designee is the administrator of the Child Abuse Multidisciplinary Intervention Program and of the Child Abuse Multidisciplinary Intervention Account established in ORS 418.746. [2005 c.562 §2]

Note: See note under 418.746.

418.784 Advisory Council on Child Abuse Assessment; membership; officers; meetings; quorum. (1) There is created the Advisory Council on Child Abuse Assessment, consisting of at least nine members appointed by the Attorney General. The Attorney General shall serve as an ex officio member of the council. The council shall direct the administrator of the Child Abuse Multidisciplinary Intervention Program on the administration of funds to establish and maintain regional assessment centers or community assessment centers under ORS 418.746 to 418.796.

(2) Of the members appointed to the council:

(a) One member shall be an employee of the Department of Human Services with duties related to child protective services;

(b) One member shall be a physician licensed to practice medicine in Oregon who specializes in children and families;

(c) One member shall be a person having experience dealing with child abuse;

(d) One member shall be a district attorney or the designee of a district attorney;

(e) One member shall be an employee of a law enforcement agency, in addition to the member who is a district attorney or the designee of a district attorney;

(f) One member shall be from an operating regional assessment center; and

(g) At least three members shall be citizens with appropriate interest in advocating for the medical interest of abused children.

(3) Members of the council who are not state employees:

(a) Are not entitled to compensation; and

(b) Are entitled to reimbursement for actual and necessary travel expenses incurred by them in the performance of their official duties as members of the council if there are sufficient funds available in the Child Abuse Multidisciplinary Intervention Account established in ORS 418.746.

(4) Members of the council who are state employees carrying out their state employment functions are entitled to compensation and reimbursement by their employing agencies for actual and necessary travel and other expenses incurred by them in the performance of their official duties as members of the council.

(5) The council shall elect one of its members to serve as chairperson, for such terms and with such duties and powers as the council determines.

(6) The council shall meet at least four times per year at a place, day and hour determined by the council.

(7) A majority of the members of the council constitutes a quorum for the transaction of business. [1991 c.898 §3; 1993 c.33 §332; 1997 c.872 §34; 1999 c.59 §115; 2001 c.624 §7; 2003 c.354 §3; 2005 c.562 §25]

Note: See note under 418.746.

418.785 Child Fatality Review Teams. (1) Each county multidisciplinary child abuse team shall establish a child fatality review team to conduct child fatality reviews. The purpose of the review process is to help prevent severe and fatal child abuse and neglect by:

(a) Identifying local and state issues related to preventable child fatalities; and

(b) Promoting implementation of recommendations at the county level.

(2) In establishing the review process and carrying out reviews, the child fatality review team shall be assisted by the county medical examiner or county health officer as well as other professionals who are specially trained in areas relevant to the purpose of the team.

(3) The categories of fatalities reviewed by the child fatality review team include:

(a) Child fatalities in which child abuse or neglect may have occurred at any time prior to death or may have been a factor in the fatality;

(b) Any category established by the county multidisciplinary child abuse team;

(c) All child fatalities where the child is less than 18 years of age and there is an autopsy performed by the medical examiner; and

(d) Any specific cases recommended for local review by the statewide interdisciplinary team established under ORS 418.748.

(4) A child fatality review team shall develop a written protocol for review of child fatalities. The protocol shall be designed to facilitate communication and the exchange of information between persons who perform autopsies and those professionals and agencies concerned with the prevention, investigation and treatment of child abuse and neglect.

(5) Within the guidelines, and in a format, established by the statewide interdisciplinary team established under ORS 418.748, the child fatality review team shall provide the statewide interdisciplinary team with information regarding the categories of child fatalities described under subsection (3) of this section.

(6) Upon the conclusion of a criminal case involving a child fatality, or upon the conclusion of a direct appeal if one is taken, the district attorney may submit a letter to the Governor and the Director of Human Services outlining recommendations for the systemic improvement of child abuse investigations. [2005 c.562 §20; 2007 c.674 §8]

Note: See note under 418.746.

418.786 Grant program. To accomplish the purpose described in ORS 418.780, with the assistance of the Advisory Council on Child Abuse Assessment, the administrator of the Child Abuse Multidisciplinary Intervention Program shall develop and administer a grant program to establish and maintain regional assessment centers and community assessment centers under ORS 418.746 to 418.796. [1991 c.898 §4; 1993 c.33 §333; 1997 c.872 §35; 2001 c.624 §8; 2005 c.562 §11]

Note: See note under 418.746.

418.788 Grant application; criteria for awarding grants; rules. (1) Subject to the availability of funds under the provisions of ORS 418.796, the administrator of the Child Abuse Multidisciplinary Intervention Program shall make grants for the establishment and maintenance of regional assessment centers or community assessment centers.

(2) A public or private agency may apply to the administrator for a grant to establish and maintain a regional assessment center or community assessment center under ORS 418.746 to 418.796. The administrator may consolidate applications from more than one public or private agency or may return the application with the recommendation that the application be consolidated.

(3) The administrator shall by rule establish criteria for awarding grants to establish and maintain regional assessment centers or community assessment centers under ORS 418.746 to 418.796, including but not limited to:

(a) Expenses eligible for reimbursement from funds under ORS 418.796;

(b) The extent to which the applicant's proposed assessment center will best accomplish the purposes of ORS 418.746 to 418.796;

(c) The extent to which an applicant meets criteria for receiving a grant to establish and maintain a regional assessment center or community assessment center; and

(d) For a regional assessment center, the extent to which the applicant's proposed assessment center meets the documented needs of the communities, community assessment centers and county multidisciplinary child abuse teams in the region or regions to be served by the center.

(4) The administrator is not required to fund any grant in the total amount requested in the application. [1991 c.898 §5; 1993 c.33 §334; 1997 c.872 §36; 2001 c.624 §9; 2003 c.354 §4; 2005 c.562 §12]

Note: See note under 418.746.

418.790 Application contents for regional centers; rules. Each application for funds to establish or maintain a regional assessment center shall include information required by the rules of the Department of Justice and any other information requested by the department. [1991 c.898 §§6,8; 1993 c.33 §335; 1997 c.872 §37; 2001 c.104 §147; 2001 c.624 §14; 2003 c.354 §5; 2005 c.562 §13; 2009 c.296 §2]

Note: See note under 418.746.

418.792 Application contents for community assessment center. Each application for funds to provide a community assessment center shall include:

(1) Evidence indicating that the applicant has at least one medical practitioner trained in the evaluation, diagnosis and treatment of child abuse and neglect.

(2) A commitment by the medical practitioner:

(a) To attend annual continuing education courses regarding evaluation and diagnosis of child abuse and neglect; and

(b) To refer complex cases, as defined by the Advisory Council on Child Abuse Assessment by rule, to a regional assessment center.

(3) Evidence indicating the proposed community assessment center has access to special equipment used in the evaluation of child abuse.

(4) A description of where the community assessment center is to be located, including but not limited to a hospital, medical clinic or other appropriate public or private agency. However, the proposed center shall not be located in an office of the Department of Human Services or in the office of any law enforcement agency.

(5) The level of support available to the proposed community assessment center through in-kind contributions from the community.

(6) A description of procedures to be followed by the proposed community assessment center, including the availability of personnel from the community assessment center to testify in cases involving alleged abuse of children evaluated by the center. [1991 c.898 §7; 1997 c.130 §10; 1997 c.872 §38; 2005 c.562 §14]

Note: See note under 418.746.

418.793 Report to Child Abuse Multidisciplinary Intervention Program; rules. Once each year, a regional assessment center or community assessment center established under ORS 418.746 to 418.796 shall submit a report to the Child Abuse Multidisciplinary Intervention Program describing how the assessment center has met the purposes of ORS 418.746 to 418.796. The program may prescribe by rule a form for the report. [2001 c.624 §12; 2005 c.562 §15]

Note: See note under 418.746.

418.794 Confidentiality of video recordings. Video recordings produced pursuant to ORS 418.746 to 418.796 shall remain in the custody of the regional assessment center or the community assessment center and shall remain confidential and not subject to public disclosure except under a lawfully issued subpoena and protective order. [1991 c.898 §9; 1993 c.33 §336; 2005 c.562 §16]

Note: See note under 418.746.

418.795 Confidentiality of information and records. (1) All information and records acquired by a county multidisciplinary child abuse team established under ORS 418.747 or a child fatality review team established under ORS 418.785 in the exercise of its duties are confidential and may be disclosed only when necessary to carry out the purposes of the child abuse investigation or the child fatality review process.

(2) A member agency of a county multidisciplinary child abuse team or a member of the team may use or disclose protected health information without obtaining an authorization from an individual or a personal representative of the individual if use or disclosure is necessary for public health purposes, including the prevention, investigation and treatment of child abuse.

(3) A child fatality review team shall have access to and subpoena power to obtain all medical records, hospital records and records maintained by any state, county or local agency, including, but not limited to, police investigative data, coroner or medical examiner investigative data and social services records, as necessary to complete a child abuse investigation or a review of a specific fatality under ORS 418.785.

(4) As used in this section, "personal representative" and "protected health information" have the meanings given those terms in ORS 192.556. [2005 c.562 §19]

Note: See note under 418.746.

418.796 Authority of council to solicit and accept contributions. The Advisory Council on Child Abuse Assessment may solicit and accept contributions of funds and assistance from the United States, its agencies or from other sources, public or private, and agree to conditions not inconsistent with the purposes of ORS 418.746 to 418.796. All funds received are to aid in financing the functions of the advisory council and the purposes of ORS 418.746 to 418.796 and shall be deposited in the General Fund of the State Treasury to the credit of a separate account and are continuously appropriated to the Child Abuse Multidisciplinary Intervention Program established by ORS 418.783 for the purposes of ORS 418.746 to 418.796. [1991 c.898 §10; 1993 c.33 §337; 1997 c.872 §39; 2001 c.624 §10; 2005 c.562 §17]

Note: See note under 418.746.

418.800 Review of certain cases by county multidisciplinary child abuse team. (1) If, in a case of alleged child sexual abuse as described in ORS 419B.005 (1)(a)(C), (D) or (E) by a parent, guardian or caregiver living in the child's home, the Department of Human Services asks the parent, guardian or caregiver to move from the family home during the investigation and the parent,

guardian or caregiver consents to leave the family home, the department shall notify the district attorney responsible for the county multidisciplinary child abuse team for the county in which the child resides about the case. The notification shall be in writing and be given no later than three business days after the departure of the parent, guardian or caregiver from the family home.

(2) A parent, guardian or caregiver who consents to leave the family home as described in subsection (1) of this section or the spouse of the parent, guardian or caregiver may ask the district attorney responsible for the team for a review of the case by the team.

(3) No later than 90 days after receiving a request under subsection (2) of this section, the team shall:

(a) Review the case and consider at least the following:

(A) Whether the investigation should continue;

(B) The welfare of the child and the adults living in the family home; and

(C) The proposed timeline for completing the investigation; and

(b) Provide to the person who requested the review a summary of the proposed timeline for completing the investigation.

(4)(a) This section may not be construed to create a new private right of action against a district attorney or any member of a county multidisciplinary child abuse team.

(b) A district attorney and members of a county multidisciplinary child abuse team reviewing a case under subsection (2) of this section are immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to reviewing a case, failing to review a case referred to the team under subsection (2) of this section or providing to the person who requested the review a summary of the proposed timeline for completing the investigation.

(c) The act of reviewing a case or failing to review a case referred to the team under subsection (2) of this section or providing or failing to provide a summary to the person who requested the review may not be used by a defendant in any subsequent criminal prosecution or juvenile proceeding. [2005 c.499 §2]

Note: 418.800 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 418 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

418.805 [1969 c.641 §1; 1977 c.717 §20; 1979 c.745 §1; 1987 c.794 §1; renumbered 657A.250 in 1993]

418.810 [1969 c.641 §2; 1971 c.401 §48; 1975 c.311 §1; 1987 c.794 §4; 1993 c.344 §31; 1993 c.469 §6; renumbered 657A.280 in 1993]

418.815 [1969 c.641 §3; 1971 c.401 §49; 1985 c.792 §2; 1991 c.390 §3; 1993 c.344 §32; renumbered 657A.290 in 1993]

418.817 [1987 c.621 §12; 1987 c.794 §3; renumbered 657A.440 in 1993]

418.820 [1969 c.641 §4; 1975 c.268 §1; 1985 c.792 §3; 1989 c.439 §2; 1991 c.390 §2; 1993 c.344 §33; renumbered 657A.260 in 1993]

418.825 [1969 c.641 §5; 1971 c.401 §50; 1993 c.344 §34; renumbered 657A.300 in 1993]

418.830 [1969 c.641 §6; 1971 c.401 §51; 1975 c.311 §2; 1993 c.344 §35; renumbered 657A.310 in 1993]

418.835 [1969 c.641 §7; 1971 c.401 §52; 1993 c.344 §36; 1993 c.733 §4; renumbered 657A.270 in 1993]

418.840 [1969 c.641 §8; 1975 c.268 §2; 1993 c.344 §37; 1993 c.733 §5; renumbered 657A.350 in 1993]

418.845 [1969 c.641 §9; 1971 c.401 §53; 1973 c.612 §19; 1993 c.344 §38; 1993 c.733 §6; renumbered 657A.360 in 1993]

418.850 [1969 c.641 §11; 1971 c.401 §54; 1975 c.311 §3; 1993 c.344 §39; renumbered 657A.390 in 1993]

418.855 [1969 c.641 §12; 1971 c.401 §55; 1987 c.794 §6; 1993 c.344 §40; renumbered 657A.400 in 1993]

418.860 [1969 c.641 §13; 1971 c.401 §56; 1993 c.344 §41; renumbered 657A.410 in 1993]

418.865 [1969 c.641 §15; 1971 c.401 §57; 1993 c.344 §42; renumbered 657A.420 in 1993]

418.870 [1969 c.641 §14; 1971 c.401 §58; 1993 c.344 §43; renumbered 657A.370 in 1993]

418.875 [1969 c.641 §4a; 1971 c.401 §59; repealed by 1975 c.352 §2]

418.880 [1969 c.641 §§4b,4c; 1971 c.401 §60; repealed by 1975 c.352 §2]

418.885 [1969 c.641 §10; 1971 c.401 §61; 1993 c.344 §44; renumbered 657A.450 in 1993]

418.890 [1979 c.745 §2; renumbered 657A.460 in 1993]

418.900 [1979 c.524 §1; 1989 c.302 §1; renumbered 657A.500 in 1993]

418.905 [1979 c.524 §2; 1985 c.650 §1; 1987 c.585 §2; 1989 c.302 §2; 1993 c.344 §45; renumbered 657A.510 in 1993]

418.910 [1979 c.524 §3; 1989 c.302 §3; 1993 c.344 §46; renumbered 657A.520 in 1993]

418.915 [1979 c.524 §4; 1991 c.67 §109; 1993 c.344 §47; renumbered 657A.530 in 1993]

418.920 [1979 c.524 §5; 1991 c.67 §110; repealed by 1993 c.344 §49]

REFUGEE CHILDREN

418.925 "Refugee child" defined. As used in ORS 418.925 to 418.945, "refugee child" is a person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of perse-

cution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group or political opinion. [1985 c.358 §1; 2007 c.100 §25]

418.927 When refugee child may be removed from home; placement. (1) The Department of Human Services shall not remove a refugee child from the child's home pursuant to ORS 419B.150 or 419C.080 unless, in addition to the requirements of ORS 419B.150 or 419C.080, removal is necessary to prevent imminent serious emotional or physical harm to the child and the provision of preventative or remedial services do not alleviate the harm.

(2) Whenever the department removes a refugee child from the child's home pursuant to the temporary custody provisions of ORS 419B.150 or 419C.080, the department shall place the child according to ORS 418.937. [1985 c.358 §2; 1993 c.33 §338]

418.930 Petition to juvenile court required upon removal of refugee child. Within one working day of the removal of a refugee child, the Department of Human Services shall file a petition with the juvenile court containing, in addition to the facts required by ORS 419B.809 or 419C.255, a specific and detailed account of the circumstances which led the department to conclude that the child was in imminent danger of serious emotional or physical harm. [1985 c.358 §5; 1993 c.33 §339; 2001 c.622 §43]

418.933 Judicial determination on removal required. (1) No refugee child shall remain out of the child's home pursuant to ORS 418.927 for longer than five days unless there has been a judicial determination supported by clear and convincing evidence that:

(a) Preventative or remedial services provided by the Department of Human Services have failed to alleviate the need for removal; and

(b) Return to the home will likely result in psychological or physical damage to the child.

(2) The department must include in its petition in addition to the material required under ORS 418.930 and 419B.809 or ORS 419C.255, the following:

(a) Specific actions the department is taking or has taken to alleviate the need for removal.

(b) Assurance that the department has complied with the placement preferences of ORS 418.937.

(c) Assurance that the department is making or has made diligent efforts to locate and to give notice to all affected refugee family members and to the Refugee Child Welfare Advisory Committee of the pendency of the petition. [1985 c.358 §6; 1993 c.33 §340; 2001 c.622 §44]

418.935 Petition by relative of refugee child. Any person within the fifth degree of consanguinity of a refugee child may petition the juvenile court for standing in actions arising under ORS 419B.150, 419C.080 or 419C.088 equal to that of the primary parenting family where the primary parenting family has been determined incompetent, missing, dead or has had parental rights terminated as a result of judicial proceedings. [1985 c.358 §9; 1993 c.33 §341]

418.937 Placement decision; order of preference for placement. When making any placement decision involving a refugee child under ORS 419B.150, 419C.080 or 419C.088, the Department of Human Services and the juvenile court shall consider that child's culture and tradition. Unless shown to be inappropriate and inconsistent with the best interests of the child, the department and juvenile court shall place the child with the following in order of preference:

(1) Natural parents.

(2) Extended family members.

(3) Members of the same cultural heritage.

(4) Persons with knowledge and appreciation of the cultural heritage of the child. [1985 c.358 §3; 1993 c.33 §342]

418.939 Record for refugee child; content. The Department of Human Services shall maintain a record for each refugee child in its care containing:

(1) The name, age, former residence, legal status, health records, sex, race and accumulated length of time in foster care;

(2) The name, former residence, health history and character of each genetic parent;

(3) The date of reception, placing out and adoption of each child and the name, race, occupation and residence of the person with whom a child is placed;

(4) The date of the removal of any child to another home and the reason for removal;

(5) The date of termination of guardianship;

(6) The history of each child until the child reaches 18 years of age, is legally adopted or is discharged according to law; and

(7) Such other further demographic information as is required. [1985 c.358 §7]

418.941 Refugee Child Welfare Advisory Committee; duties; access to juvenile records. (1) In cooperation with refugee community resources, the Department of Human Services shall establish a Refugee Child Welfare Advisory Committee. The de-

partment shall assist the committee in its required tasks.

(2) The committee shall:

(a) Assist in the review of the department's implementation of ORS 418.925 to 418.945.

(b) Assist in the identification, development and certification of foster family homes that meet the requirements of ORS 418.925 to 418.945 for the placement of refugee children. Special emphasis shall be placed on locating refugee homes.

(c) Assist the department in developing training programs to insure the availability of culturally sensitive social work.

(3) Notwithstanding the provisions of ORS 40.225 to 40.275, 412.074, 419A.255, 419B.035 and 419B.045, the committee shall have access to any records of the juvenile court which are pertinent to the care of an individual refugee child. [1985 c.358 §4; 1993 c.33 §362; 1993 c.546 §106]

418.943 Annual report. The Department of Human Services shall publish annually a report on refugee children in its care. The report shall include, by county and statewide, information on legal status, living arrangement, age, sex, race, accumulated length of time in foster care and other demographic information deemed appropriate. The report shall also state the extent to which the department has complied with ORS 418.925 to 418.945 and shall include descriptions of the methods of compliance. [1985 c.358 §8]

418.945 Rules. The Department of Human Services shall adopt rules necessary to implement ORS 418.925 to 418.945. [1985 c.358 §10]

LOCAL RESIDENTIAL CHILD CARE FACILITIES

418.950 Definitions for ORS 418.950 to 418.970. As used in ORS 418.950 to 418.970, unless the context requires otherwise:

(1) "Agency" means any person or organization providing substitute residential care for an average daily population of eight or fewer children. "Agency" includes but is not limited to:

(a) Child-caring agencies licensed by the Department of Human Services under ORS 418.205 to 418.325;

(b) Foster homes as defined in ORS 418.625 providing care for more than four children; and

(c) Youth care centers as defined in ORS 420.855.

(2) "Average daily population" means the sum of days in residence of all children residing in a child-caring facility during a certain period divided by the number of days in the period.

(3) "Child-caring facility" means a residence or building used by an agency to provide substitute residential care for children. [1979 c.597 §2; 1987 c.94 §133]

418.955 Policy. The Legislative Assembly finds and declares that:

(1) It is the policy of this state to encourage and promote the provision of local residential care for the disadvantaged children of this state;

(2) There is a growing need for community-based child-caring facilities to provide quality care and protect the welfare of these children;

(3) Restrictions on the siting of such facilities have become a problem in the state;

(4) It is the policy of this state to provide for the equitable distribution of child-caring facilities throughout the cities and counties of the state; and

(5) It is a matter of statewide concern that procedures be adopted by cities and counties for determining the siting of child-caring facilities. [1979 c.597 §1]

418.960 City and county siting of child-caring facilities; applications; denial procedure; proof of facility qualifications. (1) Each city and county may adopt a procedure which will provide opportunities for the siting of child-caring facilities within its jurisdiction including the siting of such facilities in single-family residential zones. The procedure shall specify all conditions the requirements of which must be satisfied for the approval of an application for the siting of a child-caring facility, including any applicable zoning or land use restrictions.

(2) If a city or county denies an application for the siting of a child-caring facility, it shall make formal findings under the provisions of the procedure adopted under subsection (1) of this section.

(3) Denial of an application for the siting of a child-caring facility by an agency, board or commission of a city or county may be appealed to the governing body of the city or county.

(4) A city or county shall not require, under the procedure established under this section, independent satisfaction of conditions that have been required by the state for certification of the child-caring facility, unless, in the case of the particular facility, the city or county finds:

(a) That circumstances have changed;

(b) That additional information about those conditions is necessary; or

(c) That review of such conditions is necessary to respond to the residents of the jurisdiction.

(5) Upon request, an agency applying for certification of a child-caring facility shall supply the city or county with a copy of the agency's application for state certification of the facility. [1979 c.597 §3]

418.965 Approval or denial of applications. (1) A city or county shall approve or deny an application for the siting of a child-caring facility within 90 days after the date of application, unless both the applicant and the city or county agree to an extension of time.

(2) A city or county may not deny an application for the siting of a child-caring facility unless it has adopted the procedure authorized by ORS 418.960. [1979 c.597 §§4,5; 2005 c.22 §292]

418.970 ORS 418.950 to 418.970 inapplicable to existing facilities. The provisions of ORS 418.950 to 418.970 do not apply to child-caring facilities in existence and operating on October 3, 1979. [1979 c.597 §6]

YOUTH SERVICES WRAPAROUND INITIATIVES

418.975 Definitions for ORS 418.975 to 418.985. As used in ORS 418.975 to 418.985:

(1) "Cultural competence" means accepting and respecting diversity and differences in a continuous process of self-assessment and reflection on one's personal and organizational perceptions of the dynamics of culture.

(2) "Family" includes, with respect to a youth:

(a) A biological or legal parent;

(b) A sibling;

(c) An individual related by blood, marriage or adoption;

(d) A foster parent;

(e) A legal guardian;

(f) A caregiver;

(g) An individual with a significant social relationship with the youth; and

(h) Any person who provides natural, formal or informal support to the youth that the youth identifies as important.

(3) "Family-run organization" means a private nonprofit entity organized for the purpose of serving families with a youth who has a serious emotional disorder. The entity must:

(a) Have a governing board in which a majority of the members are family members of a youth with a serious emotional disorder; and

(b) Give a preference to family members in hiring decisions for the entity.

(4) "Identified population" means youth who have or are at risk of developing emotional, behavioral or substance use related needs, and who are involved with two or more systems of care.

(5) "Partner agency" includes the Department of Education, Oregon Youth Authority, Department of Human Services, State Commission on Children and Families, Oregon Health Authority and other appropriate agencies involved in the system of care.

(6) "Services and supports" means public, private and community resources that assist youth in the achievement of positive outcomes.

(7) "System of care" means a coordinated network of services including education, child welfare, public health, primary care, pediatric care, juvenile justice, mental health treatment, substance use treatment, developmental disability services and any other services and supports to the identified population that integrates care planning and management across multiple levels, that is culturally and linguistically competent, that is designed to build meaningful partnerships with families and youth in the delivery and management of services and the development of policy and that has a supportive policy and management infrastructure.

(8) "Wraparound" means a definable, team-based planning process involving a youth and the youth's family that results in a unique set of community services and services and supports individualized for that youth and family to achieve a set of positive outcomes.

(9) "Youth" means an individual 18 years of age or younger. [2009 c.540 §1; 2011 c.720 §158]

Note: 418.975 to 418.985 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 418 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

418.977 Core values; principles. Partner agencies shall participate in a wraparound initiative based upon all of the following core values and principles:

(1) Family and youth perspectives must be intentionally elicited and prioritized during all system of care and wraparound initiative activities.

(2) The system of care must:

(a) Include prevention and early intervention services as well as address the complex needs of the identified population;

(b) Value youth as experts, respect their voice and treat youth as equal partners in

creating system change at the individual, community and state levels;

(c) Give families the primary decision-making role in the mental health care of their youth as well as in developing policies and procedures governing the care of all youth in their community and in this state including:

(A) Choosing services and supports and service providers;

(B) Setting goals for youth;

(C) Designing and implementing programs for youth;

(D) Monitoring outcomes for youth; and

(E) Evaluating the effectiveness of all efforts to promote the mental health and well-being of youth;

(d) Offer peer-delivered services within the array of services and supports available to meet the needs of youth and families;

(e) Be community based and include community partners, one of which must be a family-run organization with the ability to provide peer-delivered services and supports and participate in the system of care coordination and decision-making;

(f) Create a community of support for each youth and family that honors the youth and family's sense of its own culture;

(g) Ensure that individuals are treated respectfully, compassionately and effectively in a manner that recognizes, affirms and values the worth of youth, families and communities;

(h) Protect and preserve the dignity of youth, families and communities; and

(i) Provide a means for eliciting feedback from individuals affected by the system of care regarding whether the individuals perceive that they are being treated respectfully, compassionately, effectively and with dignity. [2009 c.540 §2]

Note: See note under 418.975.

418.980 Partner agencies; duties. To the extent practicable within available resources, by the year 2015 partner agencies, individually and collectively, shall:

(1) Implement and sustain the wraparound initiative by:

(a) Connecting services and supports, including peer-delivered services and supports, across the lifespan and all social, emotional, cognitive and physical developmental stages.

(b) Building local governance structures to implement systems of care at the local level that conform to the core values and principles described in ORS 418.977.

(c) Managing care through system coordination at the local level.

(d) Storing coordinated service-related information in an electronic record.

(e) Establishing an array of services and supports that is readily accessible by the identified population and their families.

(f) Authorizing services and supports that are based on the strengths and needs of the individual youth.

(g) Supporting communities in the expansion of creative services and supports to suit local needs.

(h) Establishing a workforce development process to translate policy into practice efficiently and effectively for improved accessibility and delivery of services and supports.

(i) Establishing key roles and responsibilities among multiple partner agencies, community partners and family-run organizations involved in the system of care.

(j) Establishing at least three local system of care sites.

(2) Ensure cultural competence in the provision of services by:

(a) Implementing uniform standards to allow state and local agencies to describe the culturally appropriate services and supports available in a system of care.

(b) Providing youth and families with understandable and effective system of care services in a manner compatible with their cultural beliefs, practices, literacy skills and language.

(c) Developing and implementing a process to review practices accepted by diverse communities.

(d) Identifying ways to continually improve culturally competent system of care services and implementing a statewide system of care that reflects culturally competent practices.

(3) Collect and evaluate data by:

(a) Creating one or more committees to review and select outcome or performance measures and benchmarks for the wraparound initiative.

(b) Creating standard agreements for sharing data without compromising confidentiality.

(c) Supporting the acquisition of information technology that allows local entities to share real-time data and that allows the state to evaluate the quality, accountability and success of local implementation and the wraparound initiative as a whole.

(d) Implementing workforce development strategies designed to maximize efficiencies and the sharing of knowledge across systems, and achieve identified outcomes and performance measures. [2009 c.540 §3]

Note: See note under 418.975.

418.982 Authority of partner agencies; rules. Agencies participating in the wraparound initiative described in ORS 418.977 shall have the authority to:

(1) Combine state, federal and private resources into a single funding pool to support implementation of a system of care and integrated service delivery at the local level.

(2) Seek federal approval or waiver of federal requirements as necessary to facilitate the pooling of resources under this section.

(3) In collaboration, adopt rules to implement the wraparound initiative. [2009 c.540 §4]

Note: See note under 418.975.

418.985 Children's Wraparound Initiative Advisory Committee; membership; reports. (1) There is established the Children's Wraparound Initiative Advisory Committee consisting of members representing:

(a) Partner agencies;

(b) Local service providers;

(c) Youth and the family of youth who have current or past involvement with at least two partner agencies; and

(d) Organizations that advocate for youth.

(2) The majority of members of the committee shall be representatives of youth or the family of youth and advocacy organizations.

(3) The committee shall advise and assist in the implementation of the wraparound initiative described in ORS 418.977.

(4) The Department of Human Services and the Oregon Health Authority, in consultation with the committee, shall report biennially to the Governor and the Legislative Assembly on the progress toward and projected costs of full implementation of the wraparound initiative. [2009 c.540 §5; 2011 c.720 §159]

Note: See note under 418.975.

PENALTIES

418.990 Criminal penalties. (1) A person who violates ORS 418.250 (2), 418.255, 418.290 or 418.300 commits a Class D violation.

(2) A person who violates ORS 418.630 commits a Class B misdemeanor.

(3) Violation of ORS 418.215, 418.250 (1) or 418.327 (3) is a Class A misdemeanor. Each day of violation is a separate offense. [Formerly part of 419.990; subsection (2) enacted as 1961 c.341 §3; subsection (5) enacted as 1969 c.641 §20; subsection (6) enacted as 1971 c.451 §8; subsection (7) enacted as 1973 c.306 §3; 1975 c.644 §12; 1977 c.232 §2; 1983 c.510 §16; 1985 c.723 §3; 1987 c.94 §134; 1987 c.794 §5; 1993 c.546 §107; part renumbered 657A.990 in 1993; 1999 c.1051 §178; subsection (1) renumbered 412.991 in 2007]

418.992 Civil penalty. (1) In addition to any other liability or penalty provided by law, the Director of Human Services may impose a civil penalty on a private child-caring agency for any of the following:

(a) Violation of any of the terms or conditions of a license issued under ORS 418.205 to 418.310.

(b) Violation of any rule or general order of the Department of Human Services that pertains to a private child-caring agency.

(c) Violation of any final order of the director that pertains specifically to the private child-caring agency.

(2) A civil penalty may not be imposed under this section:

(a) For violations other than those involving direct care or feeding of children, staff to child ratio or sanitation involving direct care; or

(b) Unless a violation is found on two consecutive surveys of the private child-caring agency.

(3) The director in every case shall prescribe a reasonable time for elimination of a violation:

(a) Not to exceed 30 days after first notice of a violation; or

(b) In cases where the violation requires more than 30 days to correct, such time as is specified in a plan of correction found acceptable by the director.

(4) A civil penalty imposed under this section may be remitted or reduced upon such terms and conditions as the director considers proper and consistent with the public health and safety. [1983 c.510 §23; 2007 c.71 §109]

418.993 Procedure. (1) Any civil penalty under ORS 418.992 shall be imposed in the manner provided in ORS 183.745.

(2) Notwithstanding ORS 183.745, the private child-caring agency to whom the notice is addressed shall have 10 days from the date of service of the notice in which to make written application for a hearing before the Director of Human Services. [1983 c.510 §24; 1991 c.734 §19]

418.994 Schedule of penalties; rules. After public hearing, the Director of Human Services by rule shall adopt a schedule establishing the civil penalty that may be imposed under ORS 418.992. However, the civil penalty shall not exceed $500 for each violation. [1983 c.510 §25]

418.995 Factors considered in imposing penalty. In imposing a penalty pursuant to the schedule adopted pursuant to ORS 418.992, the Director of Human Services shall consider the following factors:

(1) The past history of the private child-caring agency incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.

(2) Any prior violations of statutes or rules pertaining to private child-caring agencies.

(3) The economic and financial conditions of the private child-caring agency incurring the penalty.

(4) The immediacy and extent to which the violation threatens the health, safety and well-being of the children. [1983 c.510 §26]

418.996 [1983 c.510 §27; 1989 c.706 §12; repealed by 1991 c.734 §122]

418.997 Judicial review. Judicial review of civil penalties imposed under ORS 418.992, shall be as provided under ORS 183.480, except that the court may, in its discretion, reduce the amount of the penalty. [1983 c.510 §28]

418.998 Disposition of penalties. (1) Except as provided in subsection (2) of this section, all penalties recovered under ORS 418.992 to 418.998 shall be paid into the State Treasury and credited to the General Fund.

(2) All penalties recovered under ORS 418.992 to 418.998 for violations of any provision of ORS 418.205 to 418.310 shall be paid to the Department of Human Services to be paid into the State Treasury and credited to the Private Child-Caring Agencies Fund. [1983 c.510 §29; 2009 c.846 §3]