# Chapter 420

## 2011 EDITION

# Youth Correction Facilities; Youth Care Centers


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## GENERAL PROVISIONS

**420.005 Definitions.** As used in ORS 420.005 to 420.048, 420.060 to 420.235, 420.810 to 420.840 and 420.905 to 420.915, unless the context requires otherwise:

(1) "Design capacity" means the number of youth offenders or other persons a youth correction facility is able to hold based on applicable safety codes and standards.

(2) "Director" means the Director of the Oregon Youth Authority.

(3) "Youth authority" means the Oregon Youth Authority.

(4) "Youth correction facility" means a facility used for the confinement of youth offenders and other persons placed in the legal or physical custody of the youth authority and includes secure regional youth facilities, regional accountability camps, residential academies and satellites, camps and branches of those facilities.

(5) "Youth offender" has the meaning given that term in ORS 419A.004. [1965 c.616 §29; 1969 c.597 §128; 1971 c.401 §96; 1985 c.229 §1; 1995 c.422 §88; 1999 c.109 §4; 2001 c.295 §13; 2003 c.396 §139]

**420.010** [Repealed by 1965 c.616 §101]

**420.011 Admissions to youth correction facilities; assignment of persons within custody of Department of Corrections; temporary assignment; return to Department of Corrections custody.** (1) Except as provided in subsections (2) and (3) of this section, admissions to the youth correction facilities are limited to youth offenders who are at least 12 but less than 19 years of age, found by the juvenile court to have committed an act that if committed by an adult would constitute aggravated murder, murder, a felony or a Class A misdemeanor and placed in the legal custody of the Oregon Youth Authority. A youth offender admitted to a youth correction facility may not be transferred by administrative process to any penal or correctional institution.

(2)(a) In addition to the persons placed in the legal custody of the youth authority under ORS 419C.478 (1) or 419C.481, and with the concurrence of the Director of the Oregon Youth Authority or the director's designee, persons who are committed to the Department of Corrections under ORS 137.124 and meet the requirements of ORS 137.124 (5) or (7) may be temporarily assigned to a youth correction facility as provided by ORS 137.124 (5) or (7). A person assigned on such a temporary basis remains within the legal custody of the Department of Corrections and such reassignment is subject to termination by the Director of the Oregon Youth Authority by referring the person back to the Department of Corrections as provided in paragraph (b) of this subsection.

(b) After a person is transferred to the physical custody of the youth authority under ORS 137.124 (5) or (7), the Director of the Oregon Youth Authority may refer the person back to the Department of Corrections for physical custody and placement if the director, after consulting with the Department of Corrections, determines that the person:

(A) Poses a substantial danger to youth authority staff or persons in the custody of the youth authority; or

(B) Is not likely, in the foreseeable future, to benefit from the rehabilitation and treatment programs administered by the youth authority and is appropriate for placement in a Department of Corrections institution.

(3) Any person under 18 years of age at the time of committing the crime and under 20 years of age at the time of sentencing and commitment who, after waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712, is sentenced to a term of imprisonment in the custody of the Department of Corrections, and any person under 16 years of age who after waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370 or sentencing under ORS 137.707 (5)(b)(A) or (7)(b) or 137.712 is sentenced to a term of imprisonment in the county jail, shall be temporarily assigned to a youth correction facility by the Department of Corrections, or by the sheriff to whose custody the person has been committed, pursuant to ORS 137.124 (6). The director shall designate the appropriate youth correction facility or schools for such assignment. A person assigned to a youth correction facility under ORS 137.124 (6) and this subsection remains within the legal custody of the Department of Corrections or sheriff to whose custody the person was committed. The assignment of such a person to the youth correction facility is subject, when the person is 16 years of age or older, to termination by the director by referring the person back to the Department of Corrections or the sheriff to serve the balance of the person's sentence. Assignment to a youth correction facility pursuant to ORS 137.124 (6) and this subsection, if not terminated earlier by the director, shall terminate upon the person's attaining the age specified in ORS 420A.010 (5) setting the age limits for which the Oregon Youth Authority may retain legal and physical custody of the person, and the person shall be referred to the Department of Corrections or the sheriff having legal custody of the person to serve the balance of the person's sentence.

(4) Whenever a person committed to the custody of the Department of Corrections is temporarily assigned to a youth correction facility pursuant to this section, the youth authority may provide programs and treatment for the person, and may adopt rules relating to conditions of confinement at the youth correction facility, as the youth authority determines are appropriate. However, the person remains subject to laws and rules of the State Board of Parole and Post-Prison Supervision relating to parole. [1965 c.616 §31; 1969 c.679 §5; 1971 c.401 §98; 1971 c.458 §1; 1975 c.182 §1; 1983 c.815 §2; 1985 c.631 §7; 1987 c.320 §159; 1993 c.33 §343; 1993 c.546 §122; 1995 c.422 §§89,89a; 1995 c.423 §28; 1997 c.433 §13; 1999 c.109 §1; 2003 c.396 §140]

**420.014 Population limits; controlling admissions; rules.** (1) The total population of youth offenders confined in the youth correction facilities may not exceed the design capacity of the facilities designated for close custody purposes by the Director of the Oregon Youth Authority. The total population limit shall include offenders in the youth correction facility who were waived by the juvenile court to be prosecuted as adults or who were prosecuted as adults under ORS 137.707.

(2) The director by rule shall determine reasonable standards for care and treatment of youth offenders housed in youth correction facilities. Within the total limit established under subsection (1) of this section, the Director of the Oregon Youth Authority shall establish and impose a maximum allowable population level for each youth correction facility. The maximum allowable population shall not exceed the design capacity for the facility and shall be further limited by the ability of the facility to meet the standard of care and treatment established by rule under this subsection, protect communities, hold youth offenders accountable for their behavior and improve the competency of youth offenders to become responsible and productive members of their communities.

(3) The director by rule shall establish criteria upon which the decision to place a youth in a youth correction facility must be based, and which, in turn, shall be based upon behaviors and characteristics of youths otherwise eligible for commitment to a youth correction facility.

(4) After conferring with the juvenile court judges, the director shall develop and implement by rule, a method of controlling admissions to the youth correction facilities so as not to exceed maximum levels determined under subsections (1) and (2) of this section. [1985 c.500 §4; 1987 c.507 §1; 1993 c.762 §1; 1995 c.422 §90; 2001 c.904 §6; 2001 c.905 §7]

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

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

**420.016** [Formerly 420.150 and then 420.050; repealed by 1971 c.698 §7]

**420.017 Diversion plan.** (1) The Oregon Youth Authority shall develop annually a plan for diversion of delinquent youth from commitment to the youth correction facilities to alternative community services.

(2) In consultation with the local commissions on children and families established under ORS 417.760, the juvenile departments shall develop a plan for services needed to divert the commitment of youth from the youth correction facilities, and how these services are to be administered if funds are provided. Following review and comment by local commissions, the plan must be approved in the form of a resolution by the governing body of the appropriate county and of a letter of concurrence from the presiding judge for the judicial district in which the juvenile court is located.

(3) The youth authority shall develop and implement a statewide diversion plan after taking the local juvenile departments' plans into consideration and after consulting with affected service providers. [1985 c.500 §7; 1993 c.676 §47; 1993 c.742 §88; 1995 c.422 §91; 1995 c.781 §44]

**420.019 Implementation of diversion plan.** (1)(a) The Oregon Youth Authority may contract with the governing body of a county or two or more counties, if the counties have joined together as a consortium or region, for implementing the statewide diversion plan, which may include juvenile parole and probation services or out-of-home placement.

(b) A county or counties that contract with the Oregon Youth Authority under this section shall have access to a continuum of out-of-home placement options including, but not limited to, youth correction facilities, youth care centers, foster care and private placements. Participating counties shall be ensured access to an equitable share of out-of-home placements.

(c) A county or counties that contract with the Oregon Youth Authority under this section have the responsibility for parole decisions regarding youths from the county or counties committed to youth correction facilities. In the event that a county or counties are operating over the allocated youth correction facility cap, the youth authority may assume parole authority until the county population is at the cap.

(d) The state and county may agree that the governing body of the county or counties may subcontract for services or that the

state will provide services or that the county or counties may subcontract for some services and the state provide other services as stipulated in the contract with the youth authority.

(e) When services previously provided by the Oregon Youth Authority transfer to a county or counties, terms of the contract must include, but need not be limited to, the actual cost of employee salaries, benefits and other payroll expenses, plus support costs necessary for the transferred positions.

(f) The youth authority is responsible for performance auditing of contracts and subcontracts.

(g) The youth authority shall contract directly with service providers in those counties where the governing body of the county or counties chooses not to contract with the youth authority.

(h) The funds provided to implement the diversion plan or provide for out-of-home placement or parole and probation services shall not be used by a county to supplant moneys otherwise provided to the county juvenile department for services to delinquent youth.

(2)(a) Unless otherwise provided in the contract, a county that is contracting with the youth authority under subsection (1) of this section shall supervise state employees providing parole and probation services within the county.

(b) Subject to a collective bargaining agreement, supervision under this subsection includes discipline, performance evaluation, training and all other functions previously carried out by state employed supervisors. [1985 c.500 §8; 1995 c.422 §92; 1997 c.249 §134]

**420.020** [Amended by 1955 c.89 §1; 1965 c.616 §40; renumbered 420.075]

**420.021 Expenses borne by county.** All traveling and other expenses incurred in placing a person in a youth correction facility in the legal custody of the Oregon Youth Authority and delivering the person into the custody of the youth authority under ORS 419B.337 (1), 419C.478 (1) or 419C.481 shall be borne by the county from which the person was placed in the legal custody of the youth authority. [Formerly 420.160; 1969 c.679 §6; 1971 c.401 §97; 1993 c.33 §344; 1995 c.422 §93]

**420.025** [Formerly 420.170; 1969 c.679 §7; repealed by 1971 c.401 §120]

**420.030** [Amended by 1959 c.432 §74; 1963 c.256 §2; 1965 c.616 §41; renumbered 420.080]

**420.031 Wardship over youth offender at youth correction facility; legal custody of youth offender.** (1) The granting of legal custody and guardianship over the youth offender to the Oregon Youth Authority does not terminate the juvenile court's jurisdiction over the youth offender.

(2) Upon parole of the youth offender from a youth correction facility, the legal custody of the youth offender is vested in the parents of the youth offender or other person to whom the youth offender is returned, subject to ORS 420.045 (3). [Formerly 420.015; 1969 c.679 §8; 1971 c.401 §99; 1995 c.422 §94; 2003 c.396 §141]

**420.035** [1985 c.500 §5; repealed by 1993 c.742 §82]

**420.037** [1985 c.500 §6; repealed by 1993 c.742 §82]

**420.040 Liability for misconduct of youth offender placed in youth correction facility.** The youth correction facility, the superintendents of the youth correction facility, the Director of the Oregon Youth Authority and personnel of the Oregon Youth Authority are not liable for any damages whatsoever that are sustained by any person on account of the actions or misconduct of a youth offender placed in a youth correction facility. [1963 c.256 §10; 1965 c.616 §39; 1969 c.597 §129; 1971 c.401 §100; 1995 c.422 §95; 2007 c.71 §113]

**420.045 Parole; discharge; revocation of parole.** (1) Upon finding that a youth offender placed in a youth correction facility is ready for release therefrom and that the youth offender had best be returned to the parent or guardian of the youth offender or to a suitable and desirable home or facility, the Director of the Oregon Youth Authority may, after advising the committing court, release the youth offender on parole conditioned upon good behavior.

(2) At such time as the Director of the Oregon Youth Authority finds that final release is compatible with the safety of the community and the best interests of the youth offender, with the consent of the committing court, the Director of the Oregon Youth Authority may make and issue a final order discharging the youth offender.

(3) The Director of the Oregon Youth Authority may revoke a parole if the conditions of the parole have been violated or if the continuation of the youth offender on parole would not be in the best interests of the youth offender or the community. After the revocation of parole, the Director of the Oregon Youth Authority shall immediately advise the committing court thereof. [1965 c.616 §37; 1969 c.679 §9; 1971 c.401 §101; 1995 c.422 §96]

**420.048 Notice required when youth offender transfers to new school or school district.** (1)(a) When a youth offender who is in the legal custody of the Oregon Youth Authority transfers from one school or school district to a different school or school district, the person responsible for supervising the youth offender shall notify the school administrator of the school or of the school district to which the youth offender has transferred of the youth offender's

status as a youth offender. The person shall make the notification no later than 72 hours after the person knows of the transfer.

(b) When a school administrator receives notification under this section, the school administrator may request the Oregon Youth Authority to provide additional information about the youth offender. The youth authority shall provide additional information, including the offense that brought the youth offender within the jurisdiction of the juvenile court and such other information that is subject to disclosure under ORS 419A.255 (5).

(2) The youth authority shall include in the notice the following:

(a) The name and date of birth of the youth offender;

(b) The names and addresses of the youth offender's parents or guardians;

(c) The name and contact information of the attorney for the youth offender, if known;

(d) The name and contact information of the person giving notice under subsection (1) of this section or the person's designated representative to contact for further information about the notice;

(e) The specific offense that brought the youth offender within the jurisdiction of the juvenile court and whether it involved a firearm or the delivery of a controlled substance, a violation of ORS 163.355 to 163.445 or 163.465 or any other offense if the youth authority or juvenile court believes the youth offender represents a risk to other students or school staff; and

(f) Any terms of probation.

(3) Except as otherwise provided in ORS 192.490, the youth authority, a school district or a school administrator, or anyone employed or acting on behalf of the youth authority, school district or school administrator, who sends or receives records under this section is not liable civilly or criminally for failing to disclose the information under this section.

(4) As used in this section:

(a) "School administrator" has the meaning given that term in ORS 419A.305.

(b) "School district" has the meaning given that term in ORS 332.002. [1999 c.963 §3; 2009 c.447 §8]

**420.050** [Formerly 420.150; 1965 c.616 §32; renumbered 420.016]

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

**420.054 Authorization for medical and other remedial care and treatment of person in physical custody of youth authority.** The Oregon Youth Authority may authorize ordinary medical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for a person under 18 years of age who is placed in the physical custody of the youth authority under ORS 137.124 and, in an emergency in which the safety of the person appears urgently to require it, may authorize surgery or other extraordinary care. [2001 c.195 §3]

**420.055** [1969 c.679 §10; 1971 c.401 §102; repealed by 1995 c.422 §139]

## EMPLOYMENT PROGRAM

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

(2) For the purposes of ORS 420.060 to 420.074, "youth correction facility" includes youth care centers as defined in ORS 420.855 and approved by the Oregon Youth Authority pursuant to ORS 420.865, and "superintendent" includes the person in charge of any such youth care center. [1969 c.410 §1; 1971 c.401 §103; 1995 c.422 §97]

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

(2) All sums earned by a youth offender placed in a youth correction facility, other than amounts involuntarily withheld by the employer of the youth offender, shall be paid directly to the superintendent or to the youth offender if so directed by the superintendent. Except as otherwise provided in ORS 419C.203, all moneys received by the superintendent under this section shall be placed in a trust account to be used solely for the benefit of the youth offender. [1969 c.410 §2; 1995 c.422 §98; 1997 c.724 §2]

**420.070 Youth offender in legal custody of superintendent.** While temporarily employed under ORS 420.060 to 420.074, a youth offender placed in a youth correction facility shall remain in the legal custody of the superintendent. The superintendent shall continue to exercise appropriate supervision over the youth offender during the period of the temporary employment of the youth offender. [1969 c.410 §3; 1995 c.422 §99]

**420.074 Employment status of youth offender.** While temporarily employed under the provisions of ORS 420.060 to 420.074, youth offenders placed in a youth correction facility are entitled to the protection and benefits of ORS chapters 652, 654 and 656 to the same extent as other employees of their employer under 21, except that:

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

(2) Compensation paid under ORS chapter 656 that is not expended on medical services shall be treated in the same manner as the youth offender's earnings under ORS 420.065, so long as the youth offender remains in the legal custody of the youth correction facility. [1969 c.410 §4; 1995 c.79 §217; 1995 c.422 §100]

**420.075** [Formerly 420.020; repealed by 1969 c.597 §281]

## PETTY CASH FUND

**420.077 Petty cash fund.** (1) The institution petty cash fund shall be used by the Oregon Youth Authority to meet immediate spending needs such as clothing, transportation, supplies, and other incidentals for clients at the youth correction facilities.

(2) The Director of the Oregon Youth Authority shall designate custodians for subaccounts of the institution petty cash fund at each of the youth correction facilities. To establish the subaccounts, the youth authority may prepare vouchers in favor of the persons designated as custodians. Warrants shall be drawn for the amounts of the vouchers.

(3) Subject to rule established by the Oregon Department of Administrative Services:

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

(b) With the approval of the State Treasurer and notwithstanding ORS 293.265, the designated custodians may hold institution petty cash funds in cash or may deposit them to the account of the Oregon Youth Authority, in any bank or banks in the state authorized as a depository of state funds, or in the State Treasury, or may hold part in cash and deposit the remainder.

(4) The designated custodians shall at least monthly submit to the director verified reimbursement vouchers properly supported by evidences of disbursements from the subaccounts of the petty cash fund. Upon allowance of the reimbursement vouchers, the Oregon Department of Administrative Services shall issue a warrant on the State Treasurer in favor of the designated custodians, payable out of Oregon Youth Authority trust fund subaccounts equal to the amounts expended. [1985 c.490 §4; 1987 c.158 §73; 1989 c.51 §2; 1995 c.422 §101]

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

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

**420.110** [Repealed by 1965 c.616 §101]

## WORK AND TRAINING CAMPS

**420.120** [Amended by 1965 c.616 §42; 1971 c.401 §104; 1971 c.722 §1; 1995 c.422 §102; 1997 c.433 §14; repealed by 2001 c.295 §17]

**420.130** [Repealed by 1959 c.432 §59]

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

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

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

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

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

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

**420.190** [Repealed by 1965 c.616 §101]

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

**420.210 Establishing work and training camps for youth offenders.** The Director of the Oregon Youth Authority, in cooperation with any public agency, may establish at any place in this state one or more work and training camps for any youth offenders committed to the custody of the Oregon Youth Authority who are determined by the director to be qualified and amenable as security risks for work and training in such camps. [1953 c.154 §1; 1963 c.256 §5; 1969 c.597 §130; 1971 c.401 §105; 1995 c.422 §103; 2001 c.295 §1]

**420.215 Operation of camps by Director of Oregon Youth Authority.** Any camp established pursuant to ORS 420.210 shall be maintained and operated under the supervision of the Director of the Oregon Youth Authority and shall be governed, as far as applicable, by the rules and regulations concerning discipline, care and education of the youth authority. [1953 c.154 §2; 1995 c.422 §104; 2001 c.295 §2]

**420.220 Responsibility for custody of youth offenders assigned to camp.** The Director of the Oregon Youth Authority is responsible for the care and custody of all youth offenders assigned to a camp established under ORS 420.210. [1953 c.154 §3; 1995 c.422 §105; 2001 c.295 §3]

**420.225 Cooperation with public agencies in work assignments.** The Director of the Oregon Youth Authority and the persons employed by the director or designated to have direct control of the youth offenders at camp shall cooperate to the fullest extent with any public agency assisting in the camp program in making assignments and in supervising any work or training of youth offenders who are physically able to perform manual labor. [1953 c.154 §4; 1963 c.256 §6; 1995 c.422 §106; 2001 c.295 §4]

**420.230 Contracts with public agencies.** The Director of the Oregon Youth Authority may enter into contracts with any public agency cooperating or willing to cooperate in the camp program to carry into effect the purposes of ORS 420.210 to 420.235, providing among other things for the type of work to be performed by youth offenders at any camp, for rate of payment and other matters relating to the maintenance and training of the youth offenders while at a camp. [1953 c.154 §5; 1963 c.256 §7; 1969 c.597 §131; 1971 c.401 §106; 1995 c.422 §107; 2001 c.295 §5]

**420.235 Return of rule violator or bad security risk to more secure youth correction facility.** Any youth offender who violates the rules and regulations relating to discipline of a camp or who appears to the Director of the Oregon Youth Authority to be a bad security risk may be returned to a more secure youth correction facility on order of the director. [1953 c.154 §6; 1995 c.422 §108; 2001 c.295 §6]

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

**420.320** [Amended by 1965 c.616 §43; 1971 c.722 §2; 1995 c.422 §109; 1997 c.433 §15; repealed by 2001 c.295 §17]

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

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

**420.340** [Amended by 1957 c.210 §3; repealed by 1959 c.432 §59]

**420.350** [Repealed by 1965 c.616 §101]

**420.360** [Repealed by 1959 c.191 §1]

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

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

**420.380** [Repealed by 1965 c.616 §101]

**420.390** [Repealed by 1965 c.616 §101]

**420.400** [Repealed by 1987 c.158 §74]

**420.405** [1993 c.766 §1; 1995 c.422 §110a; 1995 c.649 §8; 1995 c.798 §5; renumbered 326.700 in 1995]

## COMMITMENT OF YOUTH OFFENDERS TO HOSPITALS OR OTHER FACILITIES

**420.500 Restriction on transfer of youth offenders to institutions.** A youth offender in a youth correction facility may not be transferred to an institution for persons with mental illness or mental retardation for a period of more than 14 days unless the youth offender has been committed to an institution for persons with mental illness or mental retardation in the manner specified in ORS 420.505 and 420.525. [1975 c.662 §3; 1995 c.422 §111; 2007 c.70 §200]

**420.505 Application by youth offender in youth correction facility for admission to hospital or facility; examination of applicant; limitation on involuntary retention at institution.** (1) A youth offender at a youth correction facility may apply for admission to a hospital or facility designated by the Department of Human Services or the Oregon Health Authority. The application may be made on behalf of the youth offender by the parents or legal guardian of the youth offender. However, the superintendent shall not be required to cause the examination of a youth offender who applies under this section more often than once in six months.

(2) Within five working days after receipt of the application, the superintendent of the youth correction facility shall cause the youth offender to be examined by one or more qualified persons at the facility and shall request the examination of the youth offender by one or more qualified persons employed or designated by the department or the Oregon Health Authority. The examination conducted or authorized by the department or the Oregon Health Authority shall take place within five working days after receipt of the request from the superintendent. The examiners shall prepare separate reports and shall submit such reports to the superintendent. A copy of the reports shall be given to the applicant.

(3) If the superintendent finds that there is a probable cause to believe that the youth offender has a mental illness and that it would be in the best interests of the youth offender to be admitted to a hospital or facility designated by the department or the Oregon Health Authority, the superintendent shall notify the department or the Oregon Health Authority and shall order the youth offender transferred pursuant to ORS 179.473.

(4) No youth offender at a youth correction facility voluntarily admitted to a hospital or facility designated by the department or the Oregon Health Authority shall be detained therein more than 72 hours after

the youth offender is of the age specified in ORS 420A.010 (5) setting the age limits for which the Oregon Youth Authority may retain legal and physical custody of the youth offender and has given notice in writing of the desire of the youth offender to be released. If the youth offender is under the age specified in ORS 420A.010 (5) setting the age limits for which the Oregon Youth Authority may retain legal and physical custody of the youth offender, the youth offender may be returned to the youth correction facility after notice in writing has been given by the parent or legal guardian of the youth offender, that such parent or guardian desires that the youth offender be discharged from the hospital or facility designated by the department or the Oregon Health Authority. [1975 c.662 §4; 1977 c.601 §7; 1995 c.422 §112; 1997 c.433 §16; 2005 c.439 §3; 2007 c.70 §201; 2009 c.595 §375]

**420.510** [Repealed by 1965 c.616 §101]

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

**420.520** [Repealed by 1965 c.616 §101]

## PAYMENT OF COMMITMENT PROCEEDING EXPENSES

**420.525 County of youth's residence to pay certain expenses of commitment proceedings.** The costs of the hearings held under ORS 179.473, 419B.328, 419B.331, 419B.334, 419B.337, 419B.343, 419B.346, 419B.349, 419C.446, 419C.450, 419C.478, 419C.481, 419C.486, 419C.489, 419C.492, 419C.498 and 420.500 to 420.525 and the fees for physicians and other qualified persons appointed under ORS 179.473, 419B.328, 419B.331, 419B.334, 419B.337, 419B.343, 419B.346, 419B.349, 419C.446, 419C.450, 419C.478, 419C.481, 419C.486, 419C.489, 419C.492, 419C.498 and 420.500 to 420.525 shall be charged to the county of the youth's residence prior to the initial commitment of the youth to a youth correction facility or to the county of the inmate's residence prior to the initial commitment of the inmate to a penal or correctional institution. Attorney fees may also be charged to that county if the youth or inmate has no separate estate or if the parents of the youth refuse or are unable to provide an attorney. [1975 c.662 §6; 1993 c.33 §345; 1995 c.422 §113]

**420.530** [Repealed by 1965 c.616 §101]

**420.540** [Repealed by 1965 c.616 §101]

**420.550** [Repealed by 1965 c.616 §101]

**420.560** [Repealed by 1965 c.616 §101]

**420.570** [Repealed by 1965 c.616 §101]

**420.580** [Repealed by 1965 c.616 §101]

**420.590** [Repealed by 1965 c.616 §101]

**420.600** [Repealed by 1965 c.616 §101]

**420.610** [Repealed by 1965 c.616 §101]

**420.620** [Repealed by 1965 c.616 §101]

**420.630** [Repealed by 1965 c.616 §101]

**420.640** [Repealed by 1965 c.616 §101]

**420.710** [Repealed by 1957 c.160 §6]

**420.720** [Repealed by 1957 c.160 §6]

**420.730** [Repealed by 1957 c.160 §6]

## PLACEMENT OF YOUTHS IN FOSTER HOMES

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

**420.815 Placement agreements with persons or families.** (1) The Director of Human Services or the authorized representative of the director may enter into agreements with persons or families found suitable for the placement of children in the legal custody of the Department of Human Services.

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

(3) The agreement shall be signed by the person assuming the foster care and by the director or the authorized representative of the director.

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

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

**420.821 Visiting of foster homes by staff members.** The Director of Human Services or the authorized representative of the director shall designate members of the staff of the director as visiting agents. As required by the director or the authorized representative of the director, these visiting agents shall:

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

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

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

**420.825 Replacement of youth.** Any child placed pursuant to ORS 420.810 to 420.840 may on order of the Director of Human Services or the authorized represen-

tative of the director be replaced, if in the opinion of the director or the authorized representative of the director the child would benefit by removal from the foster home. [1953 c.153 §4; 1971 c.84 §5; 2005 c.374 §3]

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

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

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

## YOUTH CARE CENTERS

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

(1) "Juvenile court" means the court exercising jurisdiction under ORS chapters 419B and 419C in the county.

(2) "Youth" means a youth as defined in ORS 419A.004 who is at least 12 years of age and has been found to be within the jurisdiction of the juvenile court under ORS 419C.005.

(3) "Youth authority" means the Oregon Youth Authority.

(4) "Youth care center" or "center" means a facility established and operated by a public or private agency or a combination thereof, primarily to provide care and rehabilitation services for youths committed to the custody of the youth care center by the juvenile court or placed by the youth authority. "Youth care center" or "center" does not include detention facilities established under ORS 419A.050 to 419A.057 except that when a county operates a combined facility to provide both care and rehabilitation services under ORS 420.855 to 420.885, and detention facilities, the combined facility may be considered a "youth care center" to the extent that it is used to provide the care and rehabilitation services for youths not in detention. [1967 c.444 §1; 1969 c.597 §139; 1971 c.401 §62; 1971 c.698 §4; 1985 c.500 §10; 1993 c.33 §346; 1995 c.422 §114]

**420.860 Policy and intent.** It is declared to be the policy and intent of the Legislative Assembly that the State of Oregon shall encourage, aid and financially assist its county governments and public and private agencies in the establishment and development of youth care centers for youths found to be in need of care and rehabilitation pursuant to ORS 419C.446, 419C.450, 419C.478, 419C.481, 419C.486, 419C.489, 419C.492 and 419C.498. [1967 c.444 §10; 1993 c.33 §347; 1995 c.422 §115]

**420.865 Commitment to youth care center.** (1) The Oregon Youth Authority may place a youth who has been placed in its legal custody pursuant to ORS 419C.478 or 419C.481 in a youth care center if the center complies with the provisions of ORS 420.855 to 420.885 and has been approved by the youth authority.

(2) Placement of a youth by the youth authority in a youth care center does not terminate the juvenile court's wardship over the youth or the custody of the youth authority. The center may retain such youths in full- or part-time residential care or, with the consent of the youth authority, may place them on a full- or part-time basis in foster homes. [1967 c.444 §§2,4; 1971 c.401 §63; 1971 c.698 §5; 1993 c.33 §348; 1995 c.422 §116]

**420.870 Standards for approval of youth care centers.** Approval of the youth care center by the Oregon Youth Authority, required by ORS 420.865, shall be based on reasonable and satisfactory assurance that:

(1) Adequate physical facilities exist which comply with applicable rules of the Department of Human Services, the Oregon Health Authority and the State Fire Marshal.

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

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

(4) A county must demonstrate that an adequate probation system for youths exists in the county in order to be eligible for state support for a youth care center. [1967 c.444 §3; 1971 c.401 §64; 1989 c.41 §1; 1995 c.422 §117; 2009 c.595 §376]

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

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

(3) At such times as the youth authority may require, all youth care centers receiving state support under the provisions of ORS 420.855 to 420.885, shall file with the youth authority a financial and statistical report, and a report on the content and conduct of the youth care center, in such form as may be prescribed by the youth authority. If any youth care center fails to file the prescribed reports within 30 calendar days after requested by the youth authority, no further state support shall be paid until it has complied with the provisions of this subsection. [1967 c.444 §5; 1969 c.196 §1; 1971 c.401 §65; 1995 c.422 §118]

**420.880 Level of state support.** Subject to the availability of funds, each youth care center that has received approval from the Oregon Youth Authority and continues to meet the requirements of ORS 420.855 to 420.885 and the rules of the youth authority is eligible to receive state support in an amount to be negotiated between the youth care center and the youth authority. [1967 c.444 §6; 1969 c.196 §2; 1971 c.401 §66; 1971 c.698 §6; 1974 c.57 §1; 1977 c.279 §1; 1985 c.500 §11; 1995 c.422 §119; 2001 c.295 §7]

**420.885 Audit and payment of claims.** (1) The youth care center shall present to the Oregon Youth Authority an itemized statement showing the names of the youths being cared for during the period for which the statement is submitted and the amount which the center claims for the period. The youth authority shall investigate the claim and approve only that portion which is in accordance with the provisions of ORS 420.855 to 420.885 and the rules of the youth authority.

(2) When certified by the youth authority, claim for state reimbursements shall be presented to the Oregon Department of Administrative Services and paid in the same manner as the claims against the state are paid.

(3) If the center is operated jointly by more than one public or private agency, each agency participating in the operation shall be entitled to a pro rata share of the amount due, to be determined by the contribution of each to the operating cost of the center. [1967 c.444 §7; 1969 c.196 §3; 1971 c.401 §67; 1995 c.422 §120]

## YOUTH OFFENDER FOSTER HOMES

**420.888 Definitions for ORS 420.888 to 420.892.** As used in ORS 420.888 to 420.892:

(1) "Youth authority" means the Oregon Youth Authority.

(2) "Youth offender" has the meaning given that term in ORS 419A.004.

(3) "Youth offender foster home" means any home maintained by a person who has under the care of the person in the home, for the purpose of providing the youth offender with supervision, food and lodging, a youth offender committed to the legal custody of the youth authority under ORS 419C.478. The youth offender must be unrelated to the person by blood or marriage and unattended by the youth offender's parent or guardian. [1995 c.422 §131m; 1997 c.727 §12; 2005 c.374 §1]

**Note:** 420.888 to 420.892 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 420 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**420.890 Certification of youth offender foster homes.** (1) A person may not operate a youth offender foster home without a certificate of approval issued by the Oregon Youth Authority.

(2) A person may apply for a certificate of approval to operate a youth offender foster home by submitting an application to the youth authority on a form furnished by the youth authority.

(3)(a) Upon receipt of an application under subsection (2) of this section, the youth authority shall cause an investigation to be made of the applicant and the applicant's home. The youth authority, in accordance with rules adopted under ORS 420.892, shall determine whether to issue a certificate of approval to the applicant. The certificate must be in the form prescribed by the youth authority and must state the name of the foster parent, the address of the premises to which the certificate applies and the maximum number of youth offenders to be maintained in the youth offender foster home at any one time. The certificate applies only to the premises designated in the certificate and a change of residence automatically terminates the certificate. The certificate is effective for one year.

(b) After notice and opportunity for hearing as provided in ORS 183.310 to 183.482, the youth authority may deny an application for a certificate of approval under paragraph (a) of this subsection. A person whose application for a certificate of approval has been denied may appeal the decision to the Court of Appeals in the manner provided in ORS 183.480 for the review of orders in contested cases.

(4)(a) After notice and opportunity for hearing as provided in ORS 183.310 to 183.482, the youth authority may revoke, deny an application to renew or attach conditions to a certificate of approval issued under subsection (3)(a) of this section for a violation of any provision of this section or ORS 420.892 or of the rules adopted under ORS 420.892.

(b) A person whose certificate of approval is revoked, not renewed or is made subject

to conditions by a decision of the youth authority under paragraph (a) of this subsection may appeal the decision to the Court of Appeals in the manner provided in ORS 183.480 for the review of orders in contested cases. [1995 c.422 §131n; 2005 c.374 §2]

**Note:** See note under 420.888.

**420.892 Certification standards; rules.** (1) The Oregon Youth Authority shall adopt the rules it deems necessary or advisable to carry out the intent and purposes of this section and ORS 420.890.

(2) The youth authority shall adopt rules establishing standards for certification of youth offender foster homes. The youth authority shall include in the rules requirements that a foster parent receive training designed to assist the foster parent in understanding juvenile delinquency and managing the behavior that results from juvenile delinquency.

(3) The youth authority or its representative shall visit every certified youth offender foster home from time to time as often as appears necessary to determine whether:

(a) The youth offender foster home consistently maintains the standards established by the youth authority; and

(b) Proper care is being provided to youth offenders at the youth offender foster home.

(4) A person operating a youth offender foster home may not, as a disciplinary measure against a youth offender in the youth offender foster home, deny a parent or guardian of the youth offender the right to visit the youth offender. [1995 c.422 §131o]

**Note:** See note under 420.888.

## APPREHENSION OF ESCAPED, ABSENT OR PAROLED YOUTH OFFENDERS

**420.905 Definitions for ORS 420.905 to 420.915.** As used in ORS 420.905 to 420.915, "peace officer" means:

(1) A sheriff, constable or marshal, or the deputy of any such officer;

(2) A member of the state police;

(3) A member of the police force of a city or a university that has established a police department under ORS 352.383; or

(4) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011. [1957 c.129 §5; 2011 c.506 §40; 2011 c.644 §31]

**Note:** The amendments to 420.905 by section 54, chapter 644, Oregon Laws 2011, become operative July 1, 2015. See section 58, chapter 644, Oregon Laws 2011. The text that is operative on and after July 1, 2015, is set forth for the user's convenience.

**420.905.** As used in ORS 420.905 to 420.915, "peace officer" means:

(1) A sheriff, constable or marshal, or the deputy of any such officer;

(2) A member of the state police; or

(3) A member of the police force of a city or a university that has established a police department under ORS 352.383.

**Note:** Section 58 (3), chapter 644, Oregon Laws 2011, provides:

**Sec. 58.** (3) The repeal of sections 1 to 4 of this 2011 Act by subsection (1) of this section and the amendments to ORS 40.275, 90.440, 133.005, 133.525, 133.721, 133.726, 136.595, 147.425, 153.005, 161.015, 163.730, 165.535, 181.010, 181.610, 181.781, 181.783, 181.796, 348.270, 414.805, 419B.902, 420.905, 801.395, 811.720 and 830.005 by sections 37 to 57 and 69 to 75 of this 2011 Act:

(a) Return the law applicable to tribal police officers to the state in which the law existed on the date immediately before the effective date of this 2011 Act [July 22, 2011]; and

(b) Do not deprive tribal police officers of any power, authority or protection provided to tribal police officers by law on the date immediately before the effective date of this 2011 Act. [2011 c.644 §58(3); 2011 c.644 §77(3)]

**420.910 Arrest and detention of escaped, absent or paroled youth offenders.** (1)(a) When a youth offender placed in a youth correction facility has escaped or is absent without authorization from the youth correction facility or from the custody of any person in whose charge the youth offender lawfully has been placed, the superintendent of the youth correction facility concerned, or the superintendent's authorized representative, may order the arrest and detention of the youth offender.

(b) When a youth offender on parole from a youth correction facility is absent from the custody of a person in whose charge the youth offender lawfully has been placed, or has failed to abide by rules of parole supervision or to respond successfully to prior sanctions imposed by the Oregon Youth Authority pursuant to administrative rule, the superintendent of the youth correction facility from which the youth offender is on parole, or the superintendent's authorized representative, may order the arrest and detention of the youth offender.

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

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

(3) In lieu of the procedure in subsection (1) of this section, the juvenile court of the county from which the youth offender or parolee was committed may direct issuance of a warrant of arrest against the youth offender or parolee when notified by the superintendent or authorized representative of the superintendent of the youth correction facility concerned that any youth offender placed in a youth correction facility has escaped or is absent without authorization from the institution to which committed, from parole supervision or from the custody of any person in whose charge the youth offender lawfully has been placed. [1957 c.129 §1; 1957 c.481 §1; 1963 c.256 §9; 1965 c.616 §46; 1985 c.229 §2; 1987 c.892 §3; 1995 c.422 §121]

**420.915 Procedure upon apprehension of escapee, absentee or parole violator; rules.** (1) Upon issuance of an order or warrant of arrest, any peace officer may apprehend and deliver to a juvenile detention facility as described in ORS 419A.050 and 419A.052 the escapee, absentee or parole violator described in ORS 420.910 who is under 18 years of age. If the escapee, absentee or parole violator is 18 years of age or older, any peace officer may deliver such person to an adult detention facility.

(2) A youth correction facility escapee or absentee described in ORS 420.910 may be held in a juvenile detention facility as described in ORS 419A.050 and 419A.052 or an adult detention facility as provided in subsection (1) of this section for up to 36 hours.

(3) The parole violator described in ORS 420.910 may be held in a juvenile detention facility as described in ORS 419A.050 and 419A.052 or an adult detention facility as provided in subsection (1) of this section no more than 72 hours, excluding Saturdays, Sundays and judicial holidays, except pursuant to such provisions as the Oregon Youth Authority may adopt by rule to govern the use of detention for parolees and review of revocation of parole.

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

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

(6) Except as provided in subsection (3) of this section, the provisions of ORS 419B.175, 419B.183, 419B.185, 419C.109, 419C.136, 419C.139, 419C.145, 419C.150, 419C.153, 419C.170 and 419C.173 do not apply to the detention of an escapee, absentee or parole violator under this section. [1957 c.129 §§2,4; 1985 c.229 §3; 1985 c.618 §4c; 1987 c.892 §4; 1989 c.1033 §5; 1993 c.33 §349; 1995 c.422 §122]

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

## PENALTIES

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