

Chapter 420

1999 EDITION

Youth Correction Facilities; Youth Care Centers

DESCHUTES COUNTY DELINQUENT YOUTH DEMONSTRATION PROJECT

(Temporary provisions relating to Deschutes County Delinquent Youth Demonstration Project are compiled as notes preceding ORS 420.005)

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DESCHUTES COUNTY DELINQUENT YOUTH DEMONSTRATION PROJECT

Note: Sections 142 to 145, chapter 801, Oregon Laws 1997, provide:

Sec. 142. (1) The governing body of Deschutes County may establish a demonstration project that assumes local management responsibility for certain adjudicated delinquent youth to reduce reliance on the state's close custody system. Deschutes County shall include the demonstration project as part of the regional intergovernmental agreement between the Oregon Youth Authority, Deschutes County and the Central and Eastern Oregon Juvenile Justice Consortium as part of the annual diversion plan for the region as authorized in ORS 420.017. The guiding principles of the project are to:

(a) Ensure youth and parental accountability, safety of the public and consideration of needs and interests of victims;

(b) Emphasize investments with long-term benefits for public safety, community justice and the development of healthy, responsible and educated youths;

(c) Establish incentives for the county to manage resources in an effort to reduce the likelihood that local youths will become wards of the state;

(d) Maximize community resources and involvement through greater local responsibility for a continuum of preventative and remedial services and supports; and

(e) Demonstrate an effective state and local partnership on an issue of statewide importance, that of improving outcomes for youths while reducing the long-term burden on the state's youth and adult corrections systems of the cost of crime.

(2) From within the available funding and resources authorized for this project, an independent entity, agreed upon by the parties to the agreement, shall conduct an evaluation of specific results and outcomes as described in the intergovernmental agreement. The independent entity shall conduct the evaluation process in consultation with the Oregon Youth Authority, the Central and Eastern Oregon Juvenile Justice Consortium, the Oregon Juvenile Department Directors' Association and the Association of Oregon Counties.

(3) Deschutes County shall provide interim progress reports to the Emergency Board, to the legislative committees dealing with judicial matters and, upon request, to any other interested legislative committees as part of any request for authorization for additional phases of the project.

(4) No later than October 1, 2003, the Oregon Youth Authority, Deschutes County and the Central and Eastern Oregon Juvenile Justice Consortium shall submit a final evaluation of the project to the Legislative Assembly and to any other interested parties.

(5) The county, the Central and Eastern Oregon Juvenile Justice Consortium, or the state may discontinue

participation in the demonstration project, if any of these parties determines that the risk exceeds the level of resources available. If any of the parties wants to discontinue participation, they must make written notification to the Oregon Youth Authority and to the other parties at least 90 days before terminating their participation. The parties to the agreement shall include in the agreement provisions addressing how to best continue the demonstration project in the event the consortium ceases to be a viable contracting entity.

(6) In order to exercise its option under subsection (1) of this section, Deschutes County shall develop an implementation plan for the first phase of the project for review and authorization by the Emergency Board. Deschutes County shall include in the plan a description of the services needed to divert the commitment of youth from youth correction facilities, and how these services are to be administered, if funds are authorized by the Emergency Board for the first phase of the project.

(7) The local commission on children and families shall develop the implementation plan referred to in subsection (6) of this section as part of its comprehensive plan for juvenile crime prevention and intervention in collaboration with the local public safety coordinating council. Following review and comment by the Central and Eastern Oregon Juvenile Justice Consortium and the Oregon Juvenile Department Directors' Association, the plan must be approved by the governing body of the county with a letter of concurrence from the presiding judge of the circuit court. [1997 c.801 s.142]

Sec. 143. (1) Deschutes County shall include in the project youth who are placed in state close custody and youth who, without the demonstration project, would be placed in state close custody. The county may not include youth convicted under ORS 137.707 or youth placed in the public safety reserve beds as part of the formula described in subsection (2) of this section.

(2) The state shall annually determine Deschutes County's share of state close custody, excluding youth ineligible for the project as described in subsection (1) of this section, through application of a formula established by the Oregon Youth Authority in consultation with the Oregon Juvenile Department Directors' Association.

(3) Deschutes County shall place youth placed in state close custody in the community according to the procedures set forth in ORS 420.019 (1)(c). The trial judge originally placing the youth in state close custody, or the presiding judge, may conduct a review hearing at the request of Deschutes County or the state.

(4) Deschutes County shall provide youth targeted for the demonstration project with services similar to but not necessarily the same as those that the youth would have received in state close custody. For each youth eligible for the demonstration project, Deschutes County ensures that the community's need for safety will be met.

(5) Prior to removing youth from state close custody into community placements, Deschutes County shall develop individual plans for eligible youth.

(6) Deschutes County shall implement this demonstration project by accessing existing or developing new community services. Deschutes County may not access state operated community placements at a higher level than an equitable portion of state resources as determined by the Oregon Youth Authority, and the percentage of Deschutes County youth waived to adult court may not exceed the rate per population base prior to the demonstration project. [1997 c.801 s.143]

Sec. 144. (1) For each eligible youth moved from state close custody into a community placement, the state shall provide Deschutes County with funds equal to the average daily cost of the Oregon Youth Authority's close custody services. The state shall adjust the amount annually to reflect cost adjustments within the state system of close custody.

(2) Beginning July 1, 1999, and annually thereafter, Deschutes County shall inform the Oregon Youth Authority of the number of eligible youth the county intends to serve in community placements for the entire year. The state shall provide the county with demonstration funds for those youth.

(3) Deschutes County shall ensure availability of secure placements and services for eligible youth placed in the community prior to reinvesting any funds in other juvenile crime prevention activities. The county shall invest any excess funds in community based programs and services designed to reduce juvenile crime. The county shall document its use of demonstration funds.

(4) Beginning July 1, 1999, and annually thereafter, Deschutes County shall inform the Oregon Youth Authority of the number of state close custody beds necessary for eligible project youth. If the actual number of eligible youth placed in state close custody exceeds the projected need, Deschutes County shall pay for state close custody placements at the same daily rate as described in subsection (1) of this section. The Oregon Youth Authority shall receive funds only for the actual number of days these youth are in state close custody.

(5) Reconciliation between the amount owed the county or the state shall occur at the close of each fiscal year.

(6) The parties to the intergovernmental agreement shall report to the Emergency Board, to the legislative committees dealing with judicial matters and, upon request, to any other interested legislative committees on the status of the project on a quarterly basis until such time as the demonstration project is fully implemented. Following full implementation, the parties shall report annually to the Emergency Board, to the legislative committees dealing with judicial matters and, upon request, to any other interested legislative committees. The county shall provide the following information for inclusion in these reports:

- (a) Demographic information on all project youth, including their offenses.
- (b) A description of placements and services provided for all demonstration project youth.
- (c) Recidivism rates for demonstration project youth.
- (d) A financial report detailing how demonstration project funds were expended.
- (e) Outcome data for prevention programs that were funded with demonstration project funds. [1997 c.801 s.144]

Sec. 145. (1) There is appropriated to the Emergency Board, for the biennium beginning July 1, 1997, out of the General Fund, the sum of \$835,000. The Emergency Board may allocate any or all of the funds appropriated by this section to the Oregon Youth Authority for this project in the following sequence and manner:

(a) The parties to the intergovernmental agreement described in section 142 of this Act shall appear before the Emergency Board at the first meeting of the board after the effective date of this Act [October 4, 1997]. The parties shall submit a copy of the agreement between the parties to the board, and shall request start-up funds for the purpose of preparing for implementation of the demonstration project and establishing community placements and services for the youth to be paroled from state close custody.

(b) The parties to the intergovernmental agreement shall appear before the Emergency Board in January 1998 to describe the initial phase of the demonstration project, including those youth to be paroled from close custody into community placements and to request funds associated with those youth.

(c) Until such time as the demonstration project is fully implemented, the parties to the intergovernmental agreement shall appear quarterly to report as described in section 144 (6) of this Act and to request funds for continued implementation of the demonstration project.

(d) Contingent upon continued implementation of the regional intergovernmental agreement and approval of the Legislative Assembly, the Oregon Youth Authority shall, during subsequent biennia, continue to include project funds in the Central and Eastern Oregon Juvenile Justice Consortium's diversion contract through June 30, 2003. If the evaluation in 2003 indicates that the demonstration project has been successful, the Oregon Youth Authority and Deschutes County may agree to continue the local system for management of close custody resources beyond the demonstration period.

(2) If any of the moneys appropriated to the Emergency Board under the provisions of this section are not allocated by the Emergency Board before November 1, 1998, the unallocated moneys on that date become available for any other purpose for which the Emergency Board may lawfully allocate funds. [1997 c.801 s.145]

GENERAL PROVISIONS

420.005 Definitions. As used in ORS 420.005 to 420.048, 420.060 to 420.320, 420.810 to 420.840 and 420.905 to 420.915, unless the context requires otherwise:

(1) "Design capacity" means the number of youths 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 facilities used for the confinement of youth offenders sentenced to the custody of the youth authority and includes the MacLaren School, the Hillcrest School of Oregon, secure regional youth facilities, regional accountability camps, residential academies and satellites, camps or branches of those facilities.

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

420.010 [Repealed by 1965 c.616 s.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 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 shall have authority to provide such programs and treatment for such person, and to adopt rules relating to conditions of confinement at the youth correction facility, as the youth authority determines are appropriate. However, the person shall remain subject to laws and rules of the State Board of Parole and Post-Prison Supervision relating to parole. [1965 c.616 s.31; 1969 c.679 s.5; 1971 c.401 s.98; 1971 c.458 s.1; 1975 c.182 s.1; 1983 c.815 s.2; 1985 c.631 s.7; 1987 c.320 s.159; 1993 c.33 s.343; 1993 c.546 s.122; 1995 c.422 ss.89,89a; 1995 c.423 s.28; 1997 c.433 s.13; 1999 c.109 s.1]

420.014 Population limits; controlling admissions. (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 and the State Commission on Children and Families, 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 s.4; 1987 c.507 s.1; 1993 c.762 s.1; 1995 c.422 s.90]

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 s.73; 1963 c.256 s.1; 1965 c.616 s.35; renumbered 420.031]

420.016 [Formerly 420.150 and then 420.050; repealed by 1971 c.698 s.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 s.7; 1993 c.676 s.47; 1993 c.742 s.88; 1995 c.422 s.91; 1995 c.781 s.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 s.8; 1995 c.422 s.92; 1997 c.249 s.134]

420.020 [Amended by 1955 c.89 s.1; 1965 c.616 s.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; amended by 1969 c.679 s.6; 1971 c.401 s.97; 1993 c.33 s.344; 1995 c.422 s.93]

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

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

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

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

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

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

420.040 Liability for misconduct of student of youth placed in youth correction facility. The youth correction facility, the superintendents thereof, the director 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 s.10; 1965 c.616 s.39; 1969 c.597 s.129; 1971 c.401 s.100; 1995 c.422 s.95]

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 s.37; 1969 c.679 s.9; 1971 c.401 s.101; 1995 c.422 s.96]

420.048 Notice required when youth offender transfers to new school district. (1)(a) When a youth offender who is in the legal custody of the Oregon Youth Authority transfers from one school district to a different school district, the person responsible for supervising the youth offender shall notify the superintendent 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 district receives notification under this section, the school district 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) In addition to the general notification required by subsection (1)(a) of this section, the youth authority:

(a) Shall notify the school district of the specific offense if the act bringing the youth offender within the jurisdiction of the juvenile court involved a firearm or delivery of a controlled substance.

(b) May notify the school district of the specific offense if the act bringing the youth offender within the jurisdiction of the juvenile court involved a violation of ORS 163.355 to 163.445 or 163.465 or any other offense if the youth authority believes the youth offender represents a risk to other students or school staff.

(3) Except as otherwise provided in ORS 192.490, the youth authority, a school district or anyone employed or acting on behalf of the youth authority or school district who sends or receives records under this section is not liable civilly or criminally for failing to disclose the information under this section. [1999 c.963 s.3]

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

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

420.055 [1969 c.679 s.10; 1971 c.401 s.102; repealed by 1995 c.422 s.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 s.1; 1971 c.401 s.103; 1995 c.422 s.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 s.2; 1995 c.422 s.98; 1997 c.724 s.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 s.3; 1995 c.422 s.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 s.4; 1995 c.79 s.217; 1995 c.422 s.100]

420.075 [Formerly 420.020; repealed by 1969 c.597 s.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 s.4; 1987 c.158 s.73; 1989 c.51 s.2; 1995 c.422 s.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; amended by 1969 c.314 s.35; repealed by 1969 c.597 s.281]

420.110 [Repealed by 1965 c.616 s.101]

MacLAREN SCHOOL

420.120 Supervision and objectives of school. (1) The MacLaren School, located in Marion County, is a training school for youth offenders within the age range specified in ORS 420A.010 (5). The Director of the Oregon Youth Authority shall equip, conduct, maintain and supervise the school in the same manner as the director does other institutions within the Oregon Youth Authority.

(2) The superintendent, subordinate officers and employees of the school shall use their best and consistent endeavors to meet the principles and guidelines set forth in ORS 419C.001.

(3) The chief objectives of the school are to meet the principles and guidelines set forth in ORS 419C.001, but these objectives do not prevent the confinement and discipline of youth offenders in the school.

(4) The superintendent, subject to the approval of the director, may appoint one or more assistant superintendents, who shall be in the unclassified service for purposes of the State Personnel Relations Law. [Amended by 1965 c.616 s.42; 1971 c.401 s.104; 1971 c.722 s.1; 1995 c.422 s.102; 1997 c.433 s.14]

420.130 [Repealed by 1959 c.432 s.59]

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

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

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

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

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

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

420.190 [Repealed by 1965 c.616 s.101]

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

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

420.215 Operation of camps by Director of the Oregon Youth Authority. Any camp established pursuant to ORS 420.210 on a temporary basis 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 MacLaren School. [1953 c.154 s.2; 1995 c.422 s.104]

420.220 Responsibility for custody of youth offenders assigned to camp; scope of training program. The superintendent is responsible for the care and custody of all youth offenders assigned to a camp established under ORS 420.210. The superintendent shall provide the same educational, training, religious, cultural and medical facilities that are available to the youth offenders at youth correction facilities, insofar as this is feasible and appropriate; provided, that the compulsory school attendance laws are complied with. [1953 c.154 s.3; 1995 c.422 s.105]

420.225 Cooperation with public agencies in work assignments. The superintendent and the persons employed by the superintendent 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 s.4; 1963 c.256 s.6; 1995 c.422 s.106]

420.230 Contracts with public agencies. The superintendent, with the approval of 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 s.5; 1963 c.256 s.7; 1969 c.597 s.131; 1971 c.401 s.106; 1995 c.422 s.107]

420.235 Return of rule violator or bad security risk to more secure youth correction facility. (1) Any youth offender who violates the rules and regulations relating to discipline of a camp or who appears to the superintendent to be a bad security risk may be returned to a more secure youth correction facility on order of the superintendent.

(2) The transfer of a youth offender to a different youth correction facility under subsection (1) of this section must be reviewed by the Director of the Oregon Youth Authority no later than 72 hours after the transfer. [1953 c.154 s.6; 1995 c.422 s.108]

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

HILLCREST SCHOOL OF OREGON

420.320 Supervision and objectives of Hillcrest School. (1) The Hillcrest School of Oregon, located in Marion County, is a training school for youth offenders within the age range specified in ORS 420A.010 (5).

(2) The superintendent, subordinate officers and employees of the school shall use their best and consistent endeavors to meet the principles and guidelines set forth in ORS 419C.001.

(3) The chief objectives of the school are to meet the principles and guidelines set forth in ORS 419C.001, but these objectives do not prevent the confinement and discipline of youth offenders in the school.

(4) The superintendent, subject to the approval of the Director of the Oregon Youth Authority, may appoint one or

more assistant superintendents, who shall be in the unclassified service for purposes of the State Personnel Relations Law. [Amended by 1965 c.616 s.43; 1971 c.722 s.2; 1995 c.422 s.109; 1997 c.433 s.15]

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

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

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

420.350 [Repealed by 1965 c.616 s.101]

420.360 [Repealed by 1959 c.191 s.1]

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

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

420.380 [Repealed by 1965 c.616 s.101]

420.390 [Repealed by 1965 c.616 s.101]

420.400 [Repealed by 1987 c.158 s.74]

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

COMMITMENT OF YOUTH OFFENDERS TO MENTAL INSTITUTIONS

420.500 Restriction on transfer of youth offenders to mental institutions. No youth offender in a youth correction facility may be transferred to an institution for the mentally ill or mentally deficient for a period of more than 14 days unless the youth offender has been committed to an institution for the mentally ill or mentally deficient in the manner specified in ORS 420.505 and 420.525. [1975 c.662 s.3; 1995 c.422 s.111]

420.505 Application by youth offender in youth correction facility for admission to mental institution; examination of applicant; limitation on involuntary retention at institution. (1) A youth offender at a youth correction facility may apply for admission to an institution for the mentally ill. 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 school and shall request the examination of the youth offender by one or more qualified persons employed or designated by the Mental Health and Developmental Disability Services Division. The examination conducted or authorized by the Mental Health and Developmental Disability Services Division shall take place within five working days after receipt of the request from the superintendent. The examiners shall prepare separate reports and shall submit such reports to the superintendent. A copy of the reports shall be given to the applicant.

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

(4) No youth offender at a youth correction facility voluntarily admitted to any state institution for the mentally ill under ORS 179.475 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 state institution for the mentally ill. [1975 c.662 s.4; 1977 c.601 s.7; 1995 c.422 s.112; 1997 c.433 s.16]

420.510 [Repealed by 1965 c.616 s.101]

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

420.520 [Repealed by 1965 c.616 s.101]

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 s.6; 1993 c.33 s.345; 1995 c.422 s.113]

420.530 [Repealed by 1965 c.616 s.101]

420.540 [Repealed by 1965 c.616 s.101]

420.550 [Repealed by 1965 c.616 s.101]

420.560 [Repealed by 1965 c.616 s.101]

420.570 [Repealed by 1965 c.616 s.101]

420.580 [Repealed by 1965 c.616 s.101]

420.590 [Repealed by 1965 c.616 s.101]

420.600 [Repealed by 1965 c.616 s.101]

420.610 [Repealed by 1965 c.616 s.101]

420.620 [Repealed by 1965 c.616 s.101]

420.630 [Repealed by 1965 c.616 s.101]

420.640 [Repealed by 1965 c.616 s.101]

420.710 [Repealed by 1957 c.160 s.6]

420.720 [Repealed by 1957 c.160 s.6]

420.730 [Repealed by 1957 c.160 s.6]

PLACEMENT OF YOUTHS IN FOSTER HOMES

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

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

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

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

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

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

420.821 Visiting of foster homes by staff members. The Assistant Director for Services to Children and Families or the authorized representative of the assistant director shall designate members of the staff of the assistant director as visiting agents. As required by the assistant director or the authorized representative of the assistant director, these visiting agents shall:

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

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

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

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

420.830 [1953 c.153 s.5; repealed by 1959 c.652 s.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 s.6]

420.840 Cooperation of superintendents with other child welfare agencies. The Assistant Director for Services to Children and Families or the authorized representative of the assistant director in carrying out the provisions of ORS 420.810 to 420.840 may cooperate with and consult any private or public agency concerned with child welfare. [1953 c.153 s.8; 1971 c.84 s.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 s.1; 1969 c.597 s.139; 1971 c.401 s.62; 1971 c.698 s.4; 1985 c.500 s.10; 1993 c.33 s.346; 1995 c.422 s.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 s.10; 1993 c.33 s.347; 1995 c.422 s.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 ss.2, 4; 1971 c.401 s.63; 1971 c.698 s.5; 1993 c.33 s.348; 1995 c.422 s.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 Health Division and the State Fire Marshal.

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

(3) The youth care programs include educational, vocational, recreational and counseling opportunities that will be in the best interests of the 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 s.3; 1971 c.401 s.64; 1989 c.41 s.1; 1995 c.422 s.117]

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 s.5; 1969 c.196 s.1; 1971 c.401 s.65; 1995 c.422 s.118]

420.880 Level of state support; support of youth placed outside center. (1) 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.

(2) Subject to the availability of funds, if in the opinion of the youth care center, the welfare of the youth requires special care or the interests of the youth would be better served outside the center, the center, with the consent of the youth authority, may place the youth in foster care or hospital and state support for such youth shall be allowed to the center in an amount equal to 50 percent of the actual monthly cost for each such youth. [1967 c.444 s.6; 1969 c.196

s.2; 1971 c.401 s.66; 1971 c.698 s.6; 1974 s.s. c.57 s.1; 1977 c.279 s.1; 1985 c.500 s.11; 1995 c.422 s.119]

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 s.7; 1969 c.196 s.3; 1971 c.401 s.67; 1995 c.422 s.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" means a person at least 12 years of age and under 18 years of age who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005.

(3) "Youth offender foster home" means any home maintained by a person who has under the care of the person in the home a youth offender for the purpose of providing the youth offender with supervision, food and lodging. The youth offender must be under 18 years of age, unrelated to the person by blood or marriage and unattended by the youth offender's parent or guardian. "Youth offender foster home" may include, but need not be limited to, a foster home under the direct supervision of a private child-caring agency or institution providing services by contract with the Oregon Youth Authority. "Youth offender foster home" does not mean:

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

(b) A home in which a child is provided with room and board by a school board.

(4) "Certificate of approval" means:

(a) A provisional certificate issued for 90 days; or

(b) A regular certificate that is effective for one year. [1995 c.422 s.131m; 1997 c.727 s.12]

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; application; hearing. (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 and, if a certificate of approval is to be issued, whether to issue a provisional certificate or a regular certificate. The certificate must be in the form prescribed by the youth authority and must state the period of time for which it is issued, 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.

(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 s.131n]

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 s.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 any sheriff, constable, marshal, or the deputy of any such officer, any member of the state police or any member of the police force of any city. [1957 c.129 s.5]

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 s.1; 1957 c.481 s.1; 1963 c.256 s.9; 1965 c.616 s.46; 1985 c.229 s.2; 1987 c.892 s.3; 1995 c.422 s.121]

420.915 Procedure upon apprehension of escapee, absentee or parole violator. (1) Upon issuance of an order or warrant of arrest, any peace officer may apprehend and deliver to a juvenile detention facility as described in ORS

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 ss.2, 4; 1985 c.229 s.3; 1985 c.618 s.4c; 1987 c.892 s.4; 1989 c.1033 s.5; 1993 c.33 s.349; 1995 c.422 s.122]

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

PENALTIES

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