

Chapter 417

2015 EDITION

Interstate Compacts on Juveniles and Children; Children and Family Services

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**THE INTERSTATE COMPACT FOR
JUVENILES**

417.010 “Juvenile” defined for ORS 417.010 to 417.080. As used in ORS 417.010 to 417.080, “juvenile” includes any person who is within the jurisdiction of the juvenile court. [1959 c.434 §8]

417.020 Declaration of public policy. (1) It hereby is found and declared that:

(a) Juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others; and

(b) The cooperation of this state with other states is necessary to provide for the welfare and protection of juveniles and of the people of this state.

(2) It is therefore the policy of this state, in adopting the Interstate Compact on Juveniles, to cooperate fully with other states in returning juveniles to such other states whenever their return is sought, to accept the return of juveniles whenever a juvenile residing in this state is found or apprehended in another state and to take all measures to initiate proceedings for the return of such juveniles. [1959 c.434 §1]

417.030 The Interstate Compact for Juveniles. The Governor hereby is authorized and directed to execute for, on behalf of and in the name of the State of Oregon, a compact with any state or states legally joining therein in the form substantially as follows:

The contracting states solemnly agree:

**THE INTERSTATE COMPACT
FOR JUVENILES**

ARTICLE I

PURPOSE

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

ative efforts and mutual assistance in the prevention of crime.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II DEFINITIONS

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

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

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

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

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

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

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

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

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

rules of the Interstate Commission, including:

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

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

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

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

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

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

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

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

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

ARTICLE III INTERSTATE COMMISSION FOR JUVENILES

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

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

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

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

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

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

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

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

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

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

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

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

participation in a civil action or other legal proceeding.

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

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

ARTICLE IV POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The commission shall have the following powers and duties:

1. To provide for dispute resolution among compacting states.

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

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

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

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

6. To purchase and maintain insurance and bonds.

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

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

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

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

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

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

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

14. To sue and be sued.

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

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

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

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

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

ARTICLE V
ORGANIZATION AND OPERATION OF
THE INTERSTATE COMMISSION

Section A. Bylaws

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

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

Section B. Officers and Staff

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

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

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

Section C. Qualified Immunity, Defense and Indemnification

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

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

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

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

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

ARTICLE VI

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

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

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

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

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

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

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

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

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

ARTICLE VII

OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

Section A. Oversight

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

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

Section B. Dispute Resolution

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

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

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

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

**ARTICLE VIII
FINANCE**

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

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

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

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

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

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

**ARTICLE IX
THE STATE COUNCIL**

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

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

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

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

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

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

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

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

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

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

ARTICLE X

COMPACTING STATES, EFFECTIVE
DATE AND AMENDMENT

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

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

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

ARTICLE XI

WITHDRAWAL, DEFAULT,
TERMINATION AND
JUDICIAL ENFORCEMENT

Section A. Withdrawal

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

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

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

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

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

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

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

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

b. Alternative Dispute Resolution;

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

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

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

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

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

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

Section C. Judicial Enforcement

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

Section D. Dissolution of Compact

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

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

ARTICLE XII

SEVERABILITY AND CONSTRUCTION

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

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

ARTICLE XIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other Laws

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

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

Section B. Binding Effect of the Compact

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

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

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

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

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

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

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

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

417.040 Juvenile Compact Administrator and staff; rules. (1) The office of Juvenile Compact Administrator hereby is created. The Director of the Oregon Youth Authority shall be ex officio Juvenile Compact Administrator, with no additional compensation. The administrator shall act jointly with like officers of other party states in promulgating rules and regulations to carry out more effectively the terms of the compact. The administrator shall cooperate with all departments, agencies and officers of the

government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder.

(2) The Juvenile Compact Administrator shall appoint a Deputy Juvenile Compact Administrator to serve at the pleasure of the administrator. The deputy shall be appointed on the basis of personal qualifications in accordance with standards fixed by the Oregon Youth Authority. The youth authority shall fix the salary of the deputy. Subject to the approval of the youth authority, and at salaries fixed by it, the administrator may employ such other personnel as may be necessary to accomplish the purposes of ORS 417.010 to 417.080. The administrator shall prescribe the duties of the deputy and such other personnel, and they shall be subject to the control and under the immediate supervision of the administrator. Personnel other than the administrator and the deputy shall be subject to any applicable provision of the State Personnel Relations Law. Subject to the approval of the youth authority, the administrator may also provide necessary offices, supplies and equipment. [1959 c.434 §3; 1971 c.401 §11; 2005 c.655 §1]

417.042 Adjudicated delinquent's obligation to report as sex offender. Before granting permission to a sending state to authorize an adjudicated delinquent on probation or parole to reside in this state, the Juvenile Compact Administrator described in ORS 417.040 shall determine whether the adjudicated delinquent is required to report as a sex offender under ORS 163A.025. If the adjudicated delinquent is required to report as a sex offender, the Juvenile Compact Administrator shall, before granting permission for the adjudicated delinquent to reside in this state, make a diligent effort to ensure that the sending state notifies the adjudicated delinquent of the obligation to report described in ORS 163A.025 and the procedures for obtaining relief from that obligation described in ORS 163A.130 and 163A.135. [2009 c.713 §19; 2009 c.891 §3; 2011 c.271 §23]

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

417.050 Supplementary agreements. The Juvenile Compact Administrator may enter into supplementary agreements with appropriate officials of other states under the compact. In the event that a supplementary agreement requires or contemplates the use of any institution or facility of this state or requires or contemplates the providing of any service by this state, the supplementary agreement shall have no force or effect until

approved by the head of the department or agency under whose jurisdiction the institution or facility is operated or whose department or agency will be charged with the providing of the service. [1959 c.434 §4]

417.060 Proceedings for recovery of expenses in enforcing compact and agreements. The Juvenile Compact Administrator may recover from parents or guardians any moneys expended by this state or any of its subdivisions in returning a delinquent or nondelinquent juvenile to this state, for care pending the return of the juvenile to this state or for care provided pursuant to any supplementary agreement. Proceedings to recover such moneys shall be brought before the juvenile court, which shall, upon the parent, parents or guardian being duly summoned or voluntarily appearing, enter such order or judgment as is equitable in the premises. The order or judgment may be enforced by execution or in any manner in which a court of equity may enforce its orders or judgments. No property belonging to persons subject to the order or judgment shall be exempt from levy and sale under execution. [1959 c.434 §5; 2003 c.576 §444]

417.070 Juvenile court jurisdiction. The juvenile courts of this state have jurisdiction of juveniles within the operation of ORS 417.010 to 417.080. [1959 c.434 §7]

417.080 Enforcement of compact. The courts, departments, agencies and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions. [1959 c.434 §6]

INTERSTATE COMPACTS FOR ADOPTION ASSISTANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) A requirement that:

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

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

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

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

(a) Provisions necessary to administer the compact.

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

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

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

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

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

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

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

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

annually, that the adoption assistance agreement is in force.

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

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

INTERSTATE COMPACT ON PLACEMENT OF CHILDREN

417.200 Interstate Compact on Placement of Children. The Interstate Compact on the Placement of Children is enacted into law and entered into on behalf of this state with all other jurisdictions legally joining therein in form substantially as follows:

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

ARTICLE I PURPOSE AND POLICY

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

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

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

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

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

ARTICLE II DEFINITIONS

As used in this compact:

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

(b) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

ARTICLE III CONDITIONS FOR PLACEMENT

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(1) The name, date and place of birth of the child.

(2) The identity and address or addresses of the parents or legal guardian.

(3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.

(4) A full statement of the reasons for such proposed action and evidence of the

authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

ARTICLE IV

PENALTY FOR ILLEGAL PLACEMENT

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

ARTICLE V

RETENTION OF JURISDICTION

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

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

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

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

ARTICLE VI

INSTITUTIONAL CARE OF DELINQUENT CHILDREN

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

(1) Equivalent facilities for the child are not available in the sending agency's jurisdiction; and

(2) Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

ARTICLE VII

COMPACT ADMINISTRATOR

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

ARTICLE VIII

LIMITATIONS

This compact shall not apply to:

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

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

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

ARTICLE IX

ENACTMENT AND WITHDRAWAL

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

ARTICLE X

CONSTRUCTION AND SEVERABILITY

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

[1975 c.482 §1]

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

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

pact on the Placement of Children shall, with reference to this state, mean the Department of Human Services and the department shall receive and act with reference to notices required by Article III thereof.

(3) As used in paragraph (a) of Article V of the Interstate Compact on the Placement of Children, the phrase “appropriate authority in the receiving state” with reference to this state shall mean the Department of Human Services. [1975 c.482 §2; 1995 c.608 §39; 1999 c.59 §109; 2001 c.900 §250]

417.220 Agreements with other states; effect of financial provisions. The officers and agencies of this state and its subdivisions having authority to place children are authorized to enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph (b) of Article V of the Interstate Compact on the Placement of Children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the State Treasurer in the case of the state and of the chief local fiscal officer in the case of a subdivision of the state. [1975 c.482 §3]

417.230 Compliance with visitation, inspection or supervision requirements. Any requirements for visitation, inspection or supervision of children, homes, institutions or other agencies in another party state which may apply under ORS 418.250, 418.255 and 418.260 shall be considered to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this state or a subdivision thereof as contemplated by paragraph (b) of Article V of the Interstate Compact on the Placement of Children. [1975 c.482 §4]

417.240 Placement of children in institutions in other states. Any court having jurisdiction pursuant to ORS 419B.100 or 419C.005 to place children may place a child in an institution in another state pursuant to Article VI of the Interstate Compact on the Placement of Children and shall retain jurisdiction as provided in Article V thereof. [1975 c.482 §5; 1993 c.33 §324]

417.250 “Executive head” defined. As used in Article VII of the Interstate Compact on the Placement of Children, the term “executive head” means the Governor. The Governor is authorized to appoint a compact administrator in accordance with the terms of said Article VII. [1975 c.482 §6]

417.260 ORS 418.290 inapplicable to children placed pursuant to compact. The provisions of ORS 418.290 do not apply to a child placed or proposed to be placed in Oregon pursuant to the Interstate Compact on

the Placement of Children. Application of the requirement contained in paragraph (d) of Article III of the Interstate Compact on the Placement of Children shall be in lieu of the requirements of ORS 418.290. [1975 c.482 §7]

INTERCOUNTRY ADOPTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Establish minimum requirements regarding visits:

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

(B) With the child;

(C) With the prospective adoptive parents;

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The equity of services offered to at-risk children and youth with respect to gender within the areas of physical and sexual abuse, alcohol and drug abuse and services offered to runaway and homeless children and youth. [1993 c.461 §1; 2011 c.545 §50]

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

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

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

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

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

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

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

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

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

417.305 Legislative findings relating to serving children and families. (1) The Legislative Assembly finds and declares that:

- (a) Children are our future;
 - (b) Healthy children and families are of fundamental importance to the vitality of Oregon;
 - (c) Children are entitled to safety and health;
 - (d) All children deserve love, respect and guidelines for responsible behavior;
 - (e) Families should be supported and strengthened;
 - (f) Communities provide the context for healthy children and families, and strong families and healthy communities are interdependent; and
 - (g) Economic opportunity and social cohesion are essential for healthy communities.
- (2) The Legislative Assembly recognizes that demands on families, created in part by changes in family structures and relationships, intensify the need for Oregon to support children and families toward the goals of family stability and broader access for children, youth and families to:
- (a) The best possible physical and mental health;
 - (b) Adequate food and safe physical shelter;
 - (c) A safe and healthy environment;
 - (d) The highest quality child care;
 - (e) The highest quality of educational opportunity;
 - (f) Quality education;
 - (g) Effective training, apprenticeship and productive employment;
 - (h) A range of civic, cultural, educational, family support and positive youth development programs and activities that

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

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

(3) In the interest of ensuring coordination of all children and family services and education programs provided by or funded by the state and the effective use of state resources, the state shall:

- (a) Develop a plan for appropriating adequate funds;
- (b) Develop a cooperative partnership among state agencies that serve children, youth and families;
- (c) Establish state priorities; develop and implement service standards that reflect a balanced and comprehensive range of services for all children, youth and families; monitor and evaluate services and ensure accessibility of services for all children, youth and families; and
- (d) Actively seek the advice of local governmental jurisdictions, providers of services, educators, the private business sector, citizens and youth in effecting this subsection.

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

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

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

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

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

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

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

417.330 [1989 c.834 §8; repealed by 1993 c.676 §53]

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

FAMILY SUPPORT SERVICES

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

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

group home placement or other institutional placement.

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

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

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

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

(a) Is likely to continue indefinitely;

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

(A) Self-care;

(B) Receptive and expressive language;

(C) Learning;

(D) Mobility;

(E) Self-direction;

(F) Capacity for independent living; or

(G) Economic self-sufficiency; and

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

(4) "Medically involved" means having a physical or developmental disability that requires assistance with most activities of daily living and requires health and personal care throughout the day and night. [1991 c.122 §1; 2001 c.900 §251; 2007 c.751 §1]

417.342 Family support services; principles. (1) Family support services are based on the belief that all people, regardless of disability, chronic illness or special need, have the right to a permanent and stable familial relationship in the community. Children have a developmental need to grow up in a family home environment. However, nothing in ORS 417.340 to 417.348 or 417.349 is intended to require any person with a disability or chronic illness to live in the family home.

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

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

(b) Family support services must be sensitive to the unique needs, strengths and

multicultural values of an individual and the family rather than fitting the individual and family into existing services.

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

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

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

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

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

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

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

(j) Family support services shall not be confined to a single program or set of services but shall be a philosophy that permeates all programs and services. [1991 c.122 §2; 2001 c.900 §252; 2007 c.751 §2]

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

(1) Family support consultation;

(2) Information and referral;

(3) Financial assistance;

(4) Emergency and outreach services; and

(5) Individual and family centered assistance, including but not limited to:

(a) Purchase of special equipment;

(b) Respite care;

(c) Recreation;

(d) Transportation;

(e) Special dietary needs;

(f) Dependent care;

(g) Medical services;

(h) Housing modification;

(i) Counseling; and

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

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

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

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

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

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

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

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

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

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

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

(1) Identify current programs and potential resources available to families providing care for a family member with a disability or chronic illness.

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

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

(4) Adopt rules for family support services that are guided by the goals and principles set forth in ORS 417.340 to 417.348. These rules shall contain a grievance procedure.

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

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

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

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

(c) The remaining membership shall be composed of representatives of agencies providing family support services and representatives of advocacy groups. One member shall be a representative of the Department of Education. [1991 c.122 §4; 2001 c.900 §109; 2009 c.595 §358]

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

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

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

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

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

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

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

417.352 Department to compile lists of providers; assistance to parents in obtaining services. (1) The Department of Human Services, directly or through its contracting agencies, shall compile and maintain lists of providers who are qualified to provide home and community-based services to children in each community. The department, or its contracting agencies, shall make the list of local providers available to residents in each community.

(2) The department or its contracting agencies shall assist a parent in obtaining home and community-based services for the parent's child if:

(a) The parent resides in Oregon;

(b) The parent has a child who does not reside in Oregon but who visits the parent in Oregon for at least six weeks each year; and

(c) The child qualifies for home and community-based services under 42 U.S.C. 1396n(c) or (k) in the child's state of residence.

(3) The assistance provided under subsection (2) of this section includes:

(a) Providing the parent with the list of local providers;

(b) Contacting the state Medicaid agency in the child's state of residence to facilitate payment for the home and community-based services; and

(c) Assisting the parent in providing any documentation required by the child's state of residence. [2015 c.393 §1]

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

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

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

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

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

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

(6) All families deserve respect and the support of social policy. [1995 c.800 §1]

FAMILY- OR CLIENT-CENTERED SERVICE SYSTEM

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

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

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

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

(d) Dedicated direct service workers become the target of disillusionment by clients even though the workers are equally frus-

trated by their lack of control over bureaucratic requirements; and

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

(2) It shall be the policy of this state to foster a family- or client-centered service delivery system at the community level with the goal of providing more efficient and responsive services, driven by the needs of the individuals and families served and not by funding tied to traditional, categorical programs. Family services available through community level delivery systems should include, but need not be limited to, education, information and referral services. [1991 c.359 §1; 1995 c.800 §1a]

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

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

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

(3) Pools funds of multiple service delivery agencies;

(4) Generates policies for program planning and implementation at the community level rather than mandating policies at the state level; and

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

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

FAMILY DECISION-MAKING MEETING

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

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

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

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

417.371 Notice to family members of meeting.

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

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

(3) Any family member the department deems a safety risk may provide written statements that address the subject of any family decision-making meeting, including the determination of placement of the child or components of a service plan for the child and family members.

(4) As used in this section:

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

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

417.375 Development of family plan; contents.

(1) If the Department of Human Services conducts a family decision-making meeting under ORS 417.365 to 417.375, the meeting shall result in the development of a written family plan that may include a pri-

mary permanent plan, concurrent permanent plan, placement recommendations and service recommendations. The family plan or service agreement shall also include:

- (a) The expectations of the parents of the child and other family members;
- (b) Services the department will provide;
- (c) Timelines for implementation of the plan;
- (d) The benefits of compliance with the plan;
- (e) The consequences of noncompliance with the plan; and
- (f) A schedule of subsequent meetings, if appropriate.

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

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

(4) If the family plan is not incorporated in the department's service plan for the child, the department shall document the reasons in the service plan.

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

417.400 [1979 c.682 §1; 1989 c.835 §2; repealed by 1993 c.676 §53]

417.405 [1979 c.682 §3; 1985 c.631 §6; 1989 c.835 §3; 1991 c.581 §7; 1993 c.33 §325; 1993 c.546 §121; repealed by 1993 c.676 §53]

417.410 [1979 c.682 §2; 1985 c.499 §1; repealed by 1993 c.676 §53]

417.415 [1979 c.682 §8; repealed by 1993 c.676 §53]

417.420 [1979 c.682 §9; 1981 c.383 §1; 1989 c.835 §14; repealed by 1993 c.676 §53]

417.425 [1979 c.682 §10; 1981 c.383 §2; 1989 c.835 §15; repealed by 1993 c.676 §53]

417.430 [1979 c.682 §11; 1981 c.383 §3; 1985 c.618 §9; 1989 c.835 §16; 1993 c.33 §361; repealed by 1993 c.676 §53]

417.435 [1979 c.682 §12; 1985 c.499 §2; repealed by 1993 c.676 §53]

417.440 [1979 c.682 §13; 1989 c.835 §17; repealed by 1993 c.676 §53]

417.445 [1979 c.682 §14; 1985 c.499 §9; 1989 c.835 §18; 1991 c.581 §8; repealed by 1993 c.676 §53]

417.450 [1979 c.682 §15; 1981 c.383 §4; 1983 c.283 §1; 1985 c.499 §7; repealed by 1989 c.119 §1]

417.455 [1979 c.682 §16; 1981 c.383 §5; 1985 c.499 §5; 1989 c.835 §21; repealed by 1993 c.676 §53]

417.475 [1979 c.682 §4; 1989 c.835 §4; 1991 c.581 §9; repealed by 1993 c.676 §53]

417.480 [1979 c.682 §5; repealed by 1993 c.676 §53]

417.485 [1979 c.682 §6; repealed by 1993 c.676 §53]

417.490 [1979 c.682 §7; 1981 c.869 §6; 1985 c.499 §6; 1987 c.320 §157; 1989 c.834 §16; 1989 c.835 §22; 1991 c.581 §10; repealed by 1993 c.676 §53]

417.500 [Repealed by 1993 c.676 §53]

417.510 [1989 c.835 §1; repealed by 1993 c.676 §53]

417.600 [1987 c.906 §1; repealed by 1993 c.33 §373]

417.610 [1987 c.906 §2; repealed by 1993 c.33 §373]

417.620 [1987 c.906 §3; repealed by 1993 c.33 §373]

417.630 [1987 c.906 §4; repealed by 1993 c.33 §373]

417.640 [1987 c.906 §5; repealed by 1993 c.33 §373]

417.650 [1987 c.906 §6; repealed by 1993 c.33 §373]

417.660 [1987 c.906 §7; repealed by 1993 c.33 §373]

417.670 [1987 c.906 §9; 1989 c.994 §1; repealed by 1993 c.33 §373]

417.672 [1991 c.747 §1; repealed by 1993 c.33 §373 and 1993 c.676 §53]

417.700 [1991 c.265 §§1,2; 1993 c.18 §102; 1993 c.676 §42; renumbered 417.900 in 1993]

SERVICES TO CHILDREN AND FAMILIES

(Generally)

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

(1) "Early Learning Hub" means an entity designated under ORS 417.827.

(2) "Outcome" means the measure of a desired result.

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

(4) "Target" means a specific level of achievement desired for a specific time, expressed numerically. [1993 c.676 §30; 1999 c.1053 §3; 2003 c.148 §1; 2003 c.553 §1; 2012 c.37 §§43,79; 2013 c.728 §21]

417.707 Duty of state agencies providing services for children and families. The purpose of ORS 417.705 to 417.800, as described in ORS 417.708 to 417.725, shall be implemented by all state agencies providing services for children and families to guide the providing of those services. [Formerly 417.755; 2012 c.97 §20]

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

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

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

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

(1) Authorize the Early Learning Council to set statewide guidelines for the planning, coordination and delivery of services for children and families in conjunction with other state agencies and other planning bodies;

(2) Vest in Early Learning Hubs the authority to distribute state and federal funds, to coordinate services and to purchase services for children and families in the local area;

(3) Provide a process for providing local services that are consistent with statewide guidelines;

(4) Retain in the state the responsibility for funding of services for children and families through a combination of local, state and federal funding, including the leveraging of public and private funds available under ORS 417.705 to 417.800; and

(5) Retain state supervision of child protection and other services that should be uniform throughout the state and that are necessarily the state's responsibility. [1993 c.676 §1; 1999 c.1053 §4; 2003 c.553 §2; 2012 c.37 §§44,80; 2012 c.97 §21; 2013 c.728 §22]

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

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

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

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

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

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

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

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

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

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

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

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

(3) The service system shall emphasize:

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

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

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

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

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

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

417.720 Characteristics of service system. The characteristics of the service system developed and implemented under ORS 417.705 to 417.800 are that the system:

(1) Is nonstigmatizing;

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

- (3) Is outcome-oriented;
- (4) Is integrated;
- (5) Recognizes the contributions of the system's workers;
- (6) Promotes in the community a sense of responsibility for self and others and is committed to the well-being of children as well as support for families;
- (7) Emphasizes local planning for children and families and integrates local needs with statewide goals;
- (8) Provides services locally in a process that encourages partnerships, alliances and efficient use of resources; and
- (9) Provides local service delivery systems that build on the unique strengths of the county or community. [1993 c.676 §2; 2012 c.97 §22]

417.721 Collaboration with coordinated care organizations. The Oregon Health Authority and the Early Learning Council shall work collaboratively with coordinated care organizations to develop performance metrics for prenatal care, delivery and infant care that align with early learning outcomes. [2013 c.728 §8]

Note: The amendments to 417.721 by section 12, chapter 389, Oregon Laws 2015, become operative February 1, 2017. See section 17, chapter 389, Oregon Laws 2015. The text that is operative on and after February 1, 2017, is set forth for the user's convenience.

417.721. The Oregon Health Authority, the Health Plan Quality Metrics Committee and the Early Learning Council shall work collaboratively with coordinated care organizations to develop performance metrics for prenatal care, delivery and infant care that align with early learning outcomes.

Note: 417.721 and 417.723 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 417 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

417.723 Grant program to support alignment of systems. The Oregon Health Authority and the Early Learning Council shall establish a grant program to provide funding to support effective and scalable strategies that align voluntary statewide early learning systems and health systems for the purpose of improving the developmental outcomes for children from zero through three years of age. [2013 c.728 §9]

Note: See second note under 417.721.

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

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

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

- (c) A service continuum based on promoting wellness for the children of Oregon whose parents have given their express written consent. Family resource centers and community learning centers as defined in ORS 329.007 are a viable, but not the exclusive, structure for delivering a service continuum.

(2) If a system of family resource centers and community learning centers is selected by an Early Learning Hub to deliver services, the centers:

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

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

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

- (d) Shall incorporate the requirements specified for community learning centers under ORS 329.156. [1993 c.676 §3; 2001 c.831 §10; 2003 c.153 §1; 2012 c.37 §81; 2012 c.97 §23; 2013 c.728 §23]

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

- (1) Prevent child abuse and neglect;
 - (2) Improve the health and development of young children;
 - (3) Promote bonding and attachment in the early years of a child's life;
 - (4) Support parents in providing the optimum environment for their young children;
 - (5) Link and integrate services and supports in the voluntary statewide early learning system pursuant to ORS 417.728;
 - (6) Ensure that children are entering school ready to learn; and
 - (7) Ensure that parents have access to affordable, quality child care. [2001 c.831 §4; 2012 c.37 §§44a,90a]
- 417.728 Voluntary statewide early learning system; components; system of quality supports for exempt family child care providers; rules.** (1) The Early Learning Council shall lead a joint effort with other state and local early childhood partners to establish the policies necessary for a voluntary statewide early learning system.

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

(a) The appropriate outcomes identified by the Early Learning Council with input from early childhood partners; and

(b) Any other early childhood benchmark or outcome that demonstrates progress toward meeting a target and that is identified by the Early Learning Council with input from early childhood partners.

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

(a) A process to identify as early as possible children and families who would benefit from early learning services, including the required use of standardized screening and referral procedures used throughout the voluntary statewide early learning system;

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

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

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

(B) Specialized or targeted home visiting services;

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

(D) Affordable, quality child care, as defined by the Early Learning Council;

(E) Preschool and other early education services;

(F) Health services for children and pregnant women;

(G) Mental health services;

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

(I) Developmental disability services; and

(J) Other state and local services.

(4) In establishing the definition of affordable, quality child care under subsection (3)(c)(D) of this section, the Early Learning Council shall consult with child care providers and early childhood educators. The definition established by the council shall support parental choice of child care provider and shall consider differences in settings and services, including but not limited to child care for school-aged children, part-time care, odd-hour and respite care and fac-

tors of cultural appropriateness and competence.

(5) No later than July 1, 2016, for the purpose of ensuring that affordable, quality home-based child care is available through a subsidy program administered by the Department of Human Services, the Early Learning Division, in consultation with the department, shall develop and implement a system of quality supports for exempt family child care providers as defined in ORS 329A.430. The system may use evidence-based practices or best practices that are consistent with state policies for child well-being and development and that are subject to collective bargaining. The system must include professional development opportunities for exempt family child care providers that are available for attendance in person and through the Internet.

(6) The Early Learning Council shall:

(a) Consolidate administrative functions relating to the voluntary statewide early learning system, to the extent practicable, including but not limited to training and technical assistance, planning and budgeting.

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

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

(d) Develop a plan for the implementation of a common data system for voluntary early childhood programs.

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

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

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

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

(i) During January of each odd-numbered year, report to the Governor and the Legislative Assembly on the voluntary statewide early learning system.

(7) The State Board of Education, the Employment Department, the Department of Human Services and the Oregon Health Authority when adopting rules to administer voluntary early childhood programs under their individual authority shall adopt rules:

(a) That are consistent with the requirements of the voluntary statewide early learning system created under this section; and

(b) With the direction of the Early Learning Council.

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

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

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

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

(d) Meeting the requirements of mandatory state and federal disclosure laws. [Formerly 417.748; 2003 c.293 §2; 2005 c.271 §2; 2009 c.595 §359; 2012 c.37 §§44b,91; 2013 c.728 §§3,4; 2015 c.698 §3]

417.730 [1993 c.676 §4; 1999 c.1053 §5; 2001 c.104 §146; 2003 c.293 §3; 2009 c.595 §360; repealed by 2012 c.37 §69]

417.733 [2001 c.716 §14; repealed by 2012 c.37 §69]

417.735 [1993 c.676 §5; 1995 c.800 §3; 1997 c.249 §129; 1997 c.707 §30; 1999 c.1053 §6; 2001 c.831 §10b; 2001 c.905 §1; 2003 c.148 §2; 2003 c.293 §4; 2005 c.503 §9; 2009 c.595 §361; 2011 c.545 §51; 2012 c.97 §24; repealed by 2012 c.37 §69]

417.740 [1993 c.676 §7; repealed by 2012 c.37 §69]

417.745 [1993 c.676 §8; repealed by 2012 c.37 §69]

417.747 [1993 c.676 §28(3); 1999 c.1053 §7; 2001 c.189 §1; 2001 c.900 §226; repealed by 2012 c.37 §103 and 2013 c.728 §12]

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

417.750 [1993 c.676 §9; 1999 c.1053 §8; repealed by 2012 c.37 §69]

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

417.760 [1993 c.676 §12; 1999 c.59 §110; 1999 c.1053 §11; 2012 c.37 §45; repealed by 2012 c.37 §103 and 2013 c.728 §12]

417.765 [1993 c.676 §13; 1999 c.528 §1; 1999 c.1053 §12; 2012 c.37 §45a; repealed by 2012 c.37 §103 and 2013 c.728 §12]

417.770 [1993 c.676 §13a; repealed by 2012 c.37 §103 and 2013 c.728 §12]

417.775 [1993 c.676 §14; 1999 c.1053 §13; 2001 c.179 §1; 2001 c.276 §2; 2001 c.831 §11; 2003 c.148 §3; 2003 c.293 §5; 2003 c.553 §3; 2009 c.856 §§7,17; 2011 c.673 §13; 2012 c.37 §§46,108a; 2012 c.97 §25; 2013 c.728 §15; repealed by 2012 c.37 §103 and 2013 c.728 §12]

417.777 [2001 c.831 §9; 2003 c.293 §6; 2012 c.37 §47; 2013 c.728 §7; repealed by 2012 c.37 §103 and 2013 c.728 §12]

417.780 [1993 c.676 §15; 1999 c.1053 §15; 2012 c.37 §47a; 2012 c.97 §26; repealed by 2012 c.37 §103 and 2013 c.728 §12]

417.785 [1993 c.676 §16; 1999 c.1053 §16; 2012 c.37 §48; 2012 c.97 §27; repealed by 2012 c.37 §103 and 2013 c.728 §12]

417.787 [1993 c.676 §29; 1999 c.1053 §17; 2001 c.900 §227; 2012 c.37 §49; 2013 c.624 §26; repealed by 2012 c.37 §103 and 2013 c.728 §12]

(Programs and Services)

417.788 Relief nurseries. (1) The Early Learning Division shall support relief nurseries statewide as funding becomes available. The division may encourage communities to establish relief nurseries for young children who are at risk and their families. Adjoining counties may choose to establish regional relief nurseries. The relief nurseries shall:

(a) Be consistent with the voluntary early learning system overseen by the Early Learning Council; and

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

(2) Programs at the relief nurseries shall include:

(a) Therapeutic early childhood education programs; and

(b) Parent education, training and support.

(3) Each relief nursery that receives state funding shall have financial support from the community that is at least equal to 25 percent of any state allocation. [1999 c.1053 §22; 2001 c.831 §12; 2012 c.37 §§50,92; 2013 c.624 §27]

Note: Section 28, chapter 624, Oregon Laws 2013, provides:

Sec. 28. Contracts with relief nurseries. The Early Learning Division shall enter into contracts with relief nurseries beginning July 1, 2013, in order to ensure service continuity and efficient delivery of contracted services. [2013 c.624 §28]

417.790 Grants for services and initiatives and Great Start. The Early Learning Division shall:

(1) Make grants to fund research-based services and initiatives to improve outcomes for children, youth or families.

(2) Make Great Start grants to fund community-based programs for children zero through six years of age. A recipient shall use Great Start grant funds to provide research-based early childhood programs in community settings and to provide services

that have proven to be successful and that meet the needs of the community. These services shall be provided in accordance with ORS 417.728. [1993 c.676 §31; 2001 c.976 §1; 2012 c.37 §§51,93; 2013 c.624 §§29,30; 2013 c.728 §25]

417.793 Parents-as-teachers programs.

The Early Learning Division shall support parents-as-teachers programs statewide as funding becomes available. If a program is offered, the program shall be part of a comprehensive, research-based approach to parent education and support. The program shall be consistent with the voluntary early learning system plan overseen by the Early Learning Council. [2001 c.831 §12b; 2012 c.37 §§52,94; 2013 c.624 §§31,32]

417.795 Healthy Families Oregon programs; standards; coordination. (1) The Early Learning Division shall establish Healthy Families Oregon programs in all counties of this state as funding becomes available.

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

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

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

(c) Offer a voluntary comprehensive risk assessment of all children, from zero through three years of age, and their families in coordination with voluntary statewide early learning system screening and referral efforts;

(d) Ensure that the disclosure of information gathered in conjunction with the voluntary comprehensive risk assessment of children and their families is limited pursuant to ORS 417.728 (8) to the following purposes:

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

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

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

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

(e) Ensure that risk factors used in the risk screen are limited to those risk factors that have been shown by research to be as-

sociated with poor outcomes for children and families;

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

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

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

(i) Coordinate services for children consistent with other services provided through the Oregon Early Learning System;

(j) Integrate data with any common data system for early childhood programs;

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

- (A) Level of screening and assessment;
- (B) Incidence of child abuse and neglect;
- (C) Change in parenting skills; and
- (D) Rate of child development;

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

(m) Meet statewide quality assurance and quality improvement standards.

(3) The Healthy Families Oregon programs, in coordination with statewide home visiting partners, shall:

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

(b) Build on existing programs;

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

(d) Target, at a minimum, all prenatal families and families with children less than three months of age and provide services through at least the child's third birthday; and

(e) Ensure that home visiting services provided by local home visiting partners for children and pregnant women support and are coordinated with local Healthy Families Oregon programs.

(4) Through a Healthy Families Oregon program, a trained home visitor shall be assigned to each family assessed as at risk that consents to receive services through the trained home visitor. The trained home visitor shall conduct home visits and assist the family in gaining access to needed services.

(5) The services required by this section shall be provided by hospitals, public or private entities or organizations, or any combination thereof, capable of providing all or part of the family risk assessment and the follow-up services. In granting a contract, collaborative contracting or requests for proposals may be used and must include the most effective and consistent service delivery system.

(6) The family risk assessment and follow-up services for families at risk shall be provided by trained home visitors organized in teams supervised by a manager.

(7) Each Healthy Families Oregon program shall adopt disciplinary procedures for trained home visitors and other employees of the program. The procedures shall provide appropriate disciplinary actions for trained home visitors and other employees who violate federal or state law or the policies of the program. [1993 c.677 §1; 1999 c.1053 §21; 2001 c.831 §14; 2003 c.14 §209; 2005 c.271 §3; 2009 c.595 §362; 2012 c.37 §§53,95; 2013 c.624 §§32a,32b; 2013 c.728 §§5,6]

417.796 State advisory council for federal Head Start Act purposes; duties; public hearings and comment; annual statewide strategic report. (1) As the state advisory council for purposes of the federal Head Start Act, the Early Learning Council shall:

(a) Conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to school age, including an assessment of the availability of high-quality prekindergarten services for low-income children in this state.

(b) Identify opportunities for, and barriers to, collaboration and coordination among federally funded and state-funded child care and early childhood education and development programs and services, including collaboration and coordination among state agencies responsible for administering those programs and services.

(c) Develop recommendations for increasing the overall participation of children in existing federal, state and local early childhood education and development programs and services, including outreach to underrepresented and special populations.

(d) Develop recommendations for establishing a unified data collection system for public early childhood education and development programs and services throughout this state.

(e) Develop recommendations regarding statewide professional development and career advancement plans for providers of early

childhood education and development programs and services in this state.

(f) Assess the capacity and effectiveness of two-year and four-year public and private institutions of higher education in this state in supporting the development of early childhood educators, including the extent to which the institutions have articulation agreements, professional development and career advancement plans, and internships or other training opportunities that allow students to spend time with children enrolled in the federal Head Start program or another prekindergarten program. The assessment conducted under this paragraph must be conducted in coordination with appropriate higher education governance bodies, as identified by the Chief Education Office.

(g) Make recommendations for improvements in state early learning standards and undertake efforts to develop high-quality comprehensive early learning standards when appropriate.

(2) The council shall hold public hearings and provide an opportunity for public comment in relation to the actions described in subsection (1) of this section.

(3)(a) The council shall submit an annual statewide strategic report addressing the activities described in subsection (1) of this section to the State Director of Head Start Collaboration, the Chief Education Office, the Legislative Assembly and the Governor.

(b) Following submission of a statewide strategic report described in paragraph (a) of this subsection, the council may meet periodically to review the implementation of the recommendations in the report and to review any changes in state or local needs. [2012 c.37 §§7,8; 2015 c.774 §32]

Note: The amendments to 417.796 by section 62, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, and section 20, chapter 763, Oregon Laws 2015. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

417.796. (1) As the state advisory council for purposes of the federal Head Start Act, the Early Learning Council shall:

(a) Conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to school age, including an assessment of the availability of high-quality prekindergarten services for low-income children in this state.

(b) Identify opportunities for, and barriers to, collaboration and coordination among federally funded and state-funded child care and early childhood education and development programs and services, including collaboration and coordination among state agencies responsible for administering those programs and services.

(c) Develop recommendations for increasing the overall participation of children in existing federal, state and local early childhood education and develop-

ment programs and services, including outreach to underrepresented and special populations.

(d) Develop recommendations for establishing a unified data collection system for public early childhood education and development programs and services throughout this state.

(e) Develop recommendations regarding statewide professional development and career advancement plans for providers of early childhood education and development programs and services in this state.

(f) Assess the capacity and effectiveness of two-year and four-year public and private institutions of higher education in this state in supporting the development of early childhood educators, including the extent to which the institutions have articulation agreements, professional development and career advancement plans, and internships or other training opportunities that allow students to spend time with children enrolled in the federal Head Start program or another prekindergarten program. The assessment conducted under this paragraph must be conducted in coordination with appropriate higher education governance bodies.

(g) Make recommendations for improvements in state early learning standards and undertake efforts to develop high-quality comprehensive early learning standards when appropriate.

(2) The council shall hold public hearings and provide an opportunity for public comment in relation to the actions described in subsection (1) of this section.

(3)(a) The council shall submit an annual statewide strategic report addressing the activities described in subsection (1) of this section to the State Director of Head Start Collaboration, the Legislative Assembly and the Governor.

(b) Following submission of a statewide strategic report described in paragraph (a) of this subsection, the council may meet periodically to review the implementation of the recommendations in the report and to review any changes in state or local needs.

Note: 417.796 and 417.798 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 417 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

417.797 [1999 c.1053 §19; 2003 c.148 §4; 2012 c.37 §54; repealed by 2013 c.728 §13]

417.798 State Director of Head Start Collaboration. For purposes of the statutory laws of this state and all state operations of the federal Head Start program, the director of state operations of the federal Head Start program may be referenced as the State Director of Head Start Collaboration. [2012 c.37 §139]

Note: See second note under 417.796.

Note: Section 17, chapter 37, Oregon Laws 2012, provides:

Sec. 17. Department of Education quarterly report on alignment of goals. (1) By June 30, 2015, the Department of Education shall align Common Core State Standards with Oregon Early Learning System outcomes and with the Head Start Child Development Early Learning Framework adopted under section 16 of this 2012 Act.

(2) Beginning April 1, 2012, the department shall report quarterly to the Early Learning Council and the Oregon Education Investment Board [renamed Chief Education Office] on the state's progress toward meeting the goal identified in subsection (1) of this section. [2012 c.37 §17]

(Runaway and Homeless Youth)

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

(2) The department shall recommend policies that integrate a system of services and support for runaway and homeless youth into the state's continuum of care for children who are 0 through 17 years of age. The department shall recommend policies for a system of services and support for youth who are 18 through 20 years of age and who continue to be or who become homeless.

(3) The department may work with the Youth Development Division, the Employment Department, the Housing and Community Services Department, the Office of Community Colleges and Workforce Development, the Department of Education and the Oregon Youth Authority to develop a comprehensive and coordinated approach for services and support for runaway and homeless youth and their families, including youth who are 18 through 20 years of age and who continue to be or who become homeless.

(4) In addition to the entities listed in subsection (3) of this section, the department shall include representatives of youth, non-profit organizations and statewide coalitions related to runaway and homeless youth services and supports, including services and supports for youth who are 18 through 20 years of age and who continue to be or who become homeless, in the joint process described in subsection (3) of this section.

(5) The department may enter into and renew contracts with providers for the provision of services to runaway and homeless youth and their families, including services to youth who are 18 through 20 years of age and who continue to be or who become homeless.

(6) The department shall appoint an advisory committee to advise the department with respect to policies and procedures to coordinate statewide planning for delivery of services to runaway and homeless youth and their families. The advisory committee shall meet with and advise the department on a regular basis, provide the department with information regarding the status of existing services and make recommendations for improvements and additional services. The department shall include as members of the advisory committee stakeholders with expertise in housing, mental health and addictions,

sex trafficking, child welfare and law enforcement.

(7) The department shall report annually on or before September 15 of each year to the interim legislative committees on child welfare regarding the status of the system of services and support for runaway and homeless youth developed by the department, and the advice and information provided by the advisory committee appointed by the department, pursuant to this section. [2005 c.495 §2; 2011 c.678 §2; 2012 c.37 §109; 2013 c.249 §§1,2; 2013 c.623 §11; 2015 c.153 §1; 2015 c.366 §88]

417.800 Department to coordinate efforts and make recommendations. The Department of Human Services shall coordinate the collection of data, provision of technical assistance to communities for assessing the needs of runaway and homeless youth, and identification and promotion of the best practices for service delivery, and shall recommend long term goals to identify and address the underlying causes of homelessness of youth. [2005 c.495 §3; 2011 c.678 §3]

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

(Office of Children's Advocate)

417.805 Toll-free child abuse hotline.

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

(1) Access information and be referred to the appropriate services in matters of child abuse.

(2) Voice concerns regarding the actions and conduct of the Department of Human Services relating to child abuse.

(3) Have a single place to file complaints concerning the actions and conduct of the Department of Human Services relating to child abuse. [1993 c.678 §7; 2003 c.591 §3]

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

(2) Subject to available funds and the applicable provisions of ORS chapter 240, the Children's Advocate may hire staff to carry out the duties, functions and powers of the office and shall prescribe their duties and fix their compensation.

(3) The Children's Advocate shall be a person who has background and experience in:

(a) Law enforcement with particular emphasis on crimes involving child victims; or

(b) Social work with particular emphasis on child abuse. [1993 c.678 §8; 2003 c.591 §4]

417.815 Duties of office; confidentiality; protection for person filing complaint. (1) The Office of Children's Advocate shall be accessible to the public through the state toll-free telephone line maintained pursuant to ORS 417.805 and through other electronic and written forms of communication. The office shall:

(a) Disseminate information and educate the public about the detection and prevention of child abuse and about the prosecution of persons accused of child abuse;

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

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

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

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

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

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

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

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

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

(e) Conduct a review of the department's action when appropriate, and inform the department of the results of the review, including any recommendation the Children's

Advocate believes would resolve any case or any systemic issues identified in the review.

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

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

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

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

(c) Denied any right, privilege or benefit.

(5) If deemed necessary by the Children's Advocate for the purposes of carrying out the duties of the office, the office may conduct criminal records checks pursuant to ORS 181A.200 on a person through the Law Enforcement Data System maintained by the Department of State Police. [1993 c.678 §§9,10; 1995 c.79 §211; 2003 c.591 §5; 2005 c.730 §22]

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

(a) When records of live birth are registered with the state, shall pay a \$1 fee on each record of live birth registered with the agency.

(b) That issues certified copies of records of live birth for the state or a county, shall collect a \$1 fee on each certified copy of a record of live birth issued by the agency.

(2) The agencies paying or collecting the fees described in subsection (1) of this section shall transfer moneys from the fees imposed by this section to the State Treasurer for deposit in the Department of Human Services Account established under ORS 409.060. The moneys deposited under this section are appropriated continuously to the Department of Human Services for use by the Office of Children's Advocate for the administration of ORS 417.805, 417.810 and 417.815. [1993 c.678 §11; 2003 c.591 §6; 2011 c.595 §111; 2013 c.366 §74]

EARLY LEARNING HUBS

417.827 Early Learning Hubs; system requirements; requests for proposals; proposal requirements; rules; metrics for funding; match requirements; delivery of services to community without hub; annual report. (1) As used in this section and section 2, chapter 773, Oregon Laws 2015:

(a) "Early Learning Hub" means any entity designated by regional partners to coordinate early learning services, as determined by rules adopted by the Early Learning Council.

(b) "Regional partners" includes counties, cities, school districts, education service districts, community colleges, public universities, private educational institutions, faith-based organizations, nonprofit service providers and tribes.

(2) The council shall implement and oversee a system that coordinates the delivery of early learning services to the communities of this state through the direction of Early Learning Hubs. The system may not include more than 16 Early Learning Hubs.

(3) The system implemented and overseen by the council must ensure that:

(a) Providers of early learning services are accountable for outcomes;

(b) Services are provided in a cost-efficient manner; and

(c) The services provided, and the means by which those services are provided, are focused on the outcomes of the services.

(4) The council shall develop and implement a process for requesting proposals from entities to become Early Learning Hubs. Proposals submitted under this subsection must comply with criteria and requirements adopted by the council by rule, including:

(a) The entity will be able to coordinate the provision of early learning services to the community that will be served by the entity. An entity may meet the requirement of this paragraph by submitting evidence that local stakeholders, including but not limited to service providers, parents, community members, county governments, local governments and school districts, have participated in the development of the proposal and will maintain a meaningful role in the Early Learning Hub.

(b) The services coordinated by the entity will be in alignment with the services provided by the public schools of the community that will be served by the entity.

(c) The entity will be in alignment with, and make advantageous use of, the system of public health care and services available through local health departments and other publicly supported programs delivered through, or in partnership with, counties and coordinated care organizations.

(d) The entity will be able to integrate efforts among education providers, providers of health care, providers of human services and providers of other programs and services in the community.

(e) The entity will use coordinated and transparent budgeting.

(f) The entity will operate in a fiscally sound manner.

(g) The entity must have a governing body or community advisory body that:

(A) Has the authority to initiate audits, recommend the terms of a contract and provide reports to the public and to the council on the outcomes of the provision of early learning services to the community served by the entity.

(B) Has members selected through a transparent process and includes both public and private entities, locally based parents and service recipients, human social service providers, child care providers, health care providers and representatives of local governments from the service area.

(h) The entity will collaborate on documentation related to coordinated services with public and private entities that are identified by the council as providers of services that advance the early learning of children.

(i) The entity will serve a community that is based on the population and service needs of the community and will demonstrate the ability to improve results for at-risk children, including the ability to identify, evaluate and implement coordinated strategies to ensure that a child is ready to succeed in school.

(j) The entity will be able to raise and leverage significant funds from public and private sources and to secure in-kind support to support early learning services coordinated by the entity and operate in a fiscally sound manner.

(k) The entity meets any other qualifications established by the council.

(5) The council may adopt by rule requirements that are in addition to the requirements described in subsections (3) and (4) of this section that an entity must meet to qualify as an Early Learning Hub. When developing the additional requirements, the council must use a statewide public process of community engagement that is consistent with the requirements of the federal Head Start Act.

(6) When determining whether to designate an entity as an Early Learning Hub, the council shall balance the following factors:

(a) The entity's ability to engage the community and be involved in the community.

(b) The entity's ability to produce outcomes that benefit children.

(c) The entity's resourcefulness.

(d) The entity's use, or proposed use, of evidence-based practices.

(7) The council shall develop metrics for the purpose of providing funding to Early Learning Hubs designated under this section. The metrics must:

(a) Focus on community readiness, high capacity development and progress toward tracking child outcomes;

(b) Establish a baseline of information for the area to be served by the Early Learning Hub, including information about the inclusion of community partners in the governance structure of the Early Learning Hub, the availability of data on local programs and outcomes and the success in leveraging private, nonprofit and other governmental resources for early learning; and

(c) Include child performance metrics.

(8) The council may require that, as a condition of receiving funding as a designated Early Learning Hub under this section, the Early Learning Hub provide matching funding. The percentage of matching funding shall be determined by the council and may vary for each fiscal year. Any moneys received by an Early Learning Hub are subject to the restrictions of this section.

(9) For any community in this state that is not served by an Early Learning Hub, the council shall oversee and administer the delivery of early learning services for that community and, to the extent practicable, shall regionalize service administration.

(10) The council may alter the lines of the territory served by an Early Learning Hub only to ensure that all children of this state are served by an Early Learning Hub.

(11) An entity designated as part of an Early Learning Hub may not use more than 15 percent of the moneys received by the entity from the council to pay administrative costs of the entity.

(12) The Department of Human Services or the Oregon Health Authority may not transfer any authority for determining eligibility for a state or federal program to an Early Learning Hub.

(13) The council shall report annually on or before September 15 to the interim committees of the Legislative Assembly with subject matter jurisdiction of education and early learning regarding the implementation and status of Early Learning Hubs under this section. [2012 c.37 §77; 2013 c.728 §19; 2015 c.736 §61; 2015 c.773 §1]

417.830 [1993 c.675 §1; 1995 c.161 §1; 1995 c.781 §48a; repealed by 2012 c.37 §103 and 2013 c.728 §12]

417.833 [1993 c.675 §2; 1995 c.161 §2; 1995 c.781 §49; repealed by 2012 c.37 §103 and 2013 c.728 §12]

417.836 [1993 c.675 §3; repealed by 2012 c.37 §103 and 2013 c.728 §12]

417.839 [1993 c.675 §4; 2001 c.962 §94; repealed by 2012 c.37 §103 and 2013 c.728 §12]

417.842 [1993 c.675 §5; repealed by 2012 c.37 §103 and 2013 c.728 §12]

417.845 [1999 c.1053 §36; 2001 c.900 §111; 2001 c.904 §8; 2001 c.905 §9; 2005 c.503 §8; 2009 c.595 §363; 2011 c.272 §7; 2012 c.37 §27; 2013 c.623 §12; repealed by 2012 c.37 §111]

YOUTH DEVELOPMENT COUNCIL

417.847 Youth Development Council; purpose; members; duties and authority; rules. (1) The Youth Development Council is established.

(2) The council is established for the purpose of overseeing a unified system that provides services to school-age children through youth 24 years of age in a manner that supports educational success, focuses on crime prevention, reduces high risk behaviors and is integrated, measurable and accountable. The council shall provide direction to the Youth Development Division.

(3) The council consists of no fewer than 15 members who are appointed by the Governor. The Governor shall ensure that membership of the council satisfies any federal requirements for membership of a state advisory committee on juvenile justice.

(4) The council shall:

(a) Determine the availability of funding to support community-based youth development programs, services and initiatives with demonstrated outcomes and strategic objectives established by the council by rule.

(b) Prioritize funding for services related to:

(A) The prevention of and intervention in the risk factors that lead to juvenile delinquency and the promotion of protective factors that improve the health and well-being of children and youth, as supported by evidence-based program models and other research-based models; and

(B) The prevention of and intervention in gang violence and gang involvement.

(5) The council may:

(a) Enter into performance-based inter-governmental agreements with regional and county entities, and tribal governments, to contract for the provision of youth development programs, services and initiatives that will achieve demonstrated outcomes and strategic objectives established by the council by rule.

(b) Determine the means by which services to children and youth may be provided effectively and efficiently across multiple programs to improve the academic and social outcomes of children and youth.

(c) Assess state programs and services related to youth development and training, and identify methods by which programs and services may be coordinated or consolidated.

(d) Establish common academic and social indicators to support attainment of goals established by the council.

(e) Establish common program outcome measurements and coordinate data collection across multiple programs and services.

(f) Ensure implementation of best practices that:

(A) Are evidence based;

(B) Are culturally, gender and age appropriate;

(C) Address individual risk factors;

(D) Build upon factors that improve the health and well-being of children and youth; and

(E) Include tribal best practices.

(6) The Governor may designate one member of the council to serve as the chairperson or, if the Governor chooses not to designate a chairperson, the council may elect one of its members to serve as chairperson.

(7) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules necessary for the administration of the laws that the council is charged with administering.

(8) The council shall coordinate and collaborate with the Chief Education Office as provided by section 1, chapter 519, Oregon Laws 2011. [2012 c.37 §21; 2012 c.37 §23; 2013 c.623 §§4,5; 2015 c.774 §33; 2015 c.788 §§1,2]

Note: The amendments to 417.847 by section 63, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, and section 20, chapter 763, Oregon Laws 2015. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

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(7) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules necessary for the administration of the laws that the council is charged with administering.

417.850 Additional duties of council.

The Youth Development Council established by ORS 417.847 shall:

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

(2) Review the components of local high-risk juvenile crime prevention plans developed under ORS 417.855 and make recommendations to the Governor about the local plans;

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

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

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

(6) Review data and outcome information;

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

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

(a) Shelter care;

(b) Treatment services;

(c) Graduated sanctions; and

(d) Aftercare for youth offenders;

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

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

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

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

(13) Work with tribal governments to develop tribal high-risk juvenile crime prevention plans. [1999 c.1053 §38; 2012 c.37 §§95a,110]

417.852 Youth Development Division; purpose; direction and control; administrative officer. (1) The Youth Development Division is established in the Department of Education. The purpose of the division is to ensure that services are provided to school-age children through youth 24 years of age in a manner that supports educational success, focuses on crime prevention, reduces high risk behaviors and is integrated, measurable and accountable.

(2) The division shall function under the direction and control of the Youth Development Council with the Youth Development Director serving as the administrative officer. The director shall coordinate with the Chief Education Officer as provided by section 2, chapter 519, Oregon Laws 2011. [2013 c.623 §1; 2015 c.774 §34; 2015 c.788 §3]

Note: The amendments to 417.852 by section 64, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, and section 20, chapter 763, Oregon Laws 2015. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

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(2) The division shall function under the direction and control of the Youth Development Council with the Youth Development Director serving as the administrative officer.

417.853 Youth Development Director; appointment; responsibilities. (1) The Governor shall appoint the Youth Development Director, who is responsible for the performance of the duties, functions and powers of the Youth Development Division.

(2) The director shall serve at the pleasure of the Governor.

(3) The director shall be directly responsible to the Superintendent of Public Instruction. [2013 c.623 §2]

417.854 Youth Development Division Fund; sources; uses. (1) The Youth Development Division Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Youth Development Division Fund shall be credited to the fund.

(2) Moneys in the Youth Development Division Fund consist of:

- (a) Amounts donated to the fund;
- (b) Moneys transferred to the fund from the federal government, state agencies and local governments;
- (c) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;
- (d) Investment earnings received on moneys in the fund; and
- (e) Other amounts deposited in the fund from any source.

(3) Moneys in the fund are continuously appropriated to the Department of Education for the purpose of fulfilling the duties, functions and powers of the Youth Development Division.

(4) The department may establish accounts and subaccounts within the fund when the department determines that accounts or subaccounts are necessary or desirable and may credit any interest or income derived from moneys in the fund to any account or subaccount in the fund. [2012 c.37 §21b; 2013 c.623 §6]

417.855 Local high-risk juvenile crime prevention plan. (1) Each board of county commissioners shall designate an agency or organization to serve as the lead planning organization to facilitate the creation of a partnership among state and local public and private entities in each county. The partner-

ship shall include, but is not limited to, education representatives, public health representatives, local alcohol and drug planning committees, representatives of the court system, local mental health planning committees, city or municipal representatives and local public safety coordinating councils. The partnership shall develop a local high-risk juvenile crime prevention plan.

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

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

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

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

(3)(a) The Youth Development Council shall allocate funds available to support the local high-risk juvenile crime prevention plans to counties based on the youth population age 18 or younger in those counties.

(b) The Youth Development Council shall award a minimum grant to small counties. The minimum grant level shall be determined by the council through a public process and reviewed by the council biennially. [1999 c.1053 §39; 2005 c.503 §10; 2012 c.37 §§55,96,110a]

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

(2) The Youth Development Council shall develop an objective process, review criteria and timetable for consideration of a waiver request. A waiver granted under this section applies to the requirements for basic services grants described in ORS 417.850 (8) and high-risk juvenile crime prevention resources managed by the Youth Development Division. The waiver shall be consistent with the goals of ORS 417.705 to 417.800, 417.850 and 417.855.

(3) Any documentation required for a waiver under this section shall be obtained to the greatest extent possible from material contained in the county's juvenile crime pre-

vention plan and from material as determined through biennial intergovernmental agreements. The Youth Development Council may ask the county to submit additional information regarding how the county intends to use crime prevention funds under the waiver.

(4) The Youth Development Council shall grant a waiver or continue a waiver based on criteria that include:

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

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

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

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

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

(f) Support of the local public safety coordinating council and the board of county commissioners;

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

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

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

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

(6) The duration of a waiver granted under this section is four years. Before the expiration of a waiver granted under this section, the county may submit a request for another waiver. [1999 c.1053 §40; 2005 c.503 §18; 2005 c.517 §1; 2009 c.856 §8; 2012 c.37 §§56,97,110b; 2013 c.623 §§13,14,15]

MISCELLANEOUS

417.875 Required training regarding concussions; restrictions on participation in athletic event or training; guidelines; liability. (1) As used in this section:

(a) "Coach" means a person who volunteers for, or is paid to instruct or train members of, a nonschool athletic team.

(b) "Health care professional" means a medical doctor, osteopathic physician, psychologist, physician assistant or nurse practitioner licensed or certified under the laws of this state.

(c) "League governing body" means a governing body that:

(A) Oversees an association of nonschool athletic teams that provide instruction or training for team members and that may compete with each other; and

(B) Is affiliated with, or otherwise sponsored or organized by, a nonprofit corporation established as provided by ORS chapter 65.

(d) "Nonschool athletic team" means an athletic team that includes members who are under 18 years of age and that is not affiliated with a public school in this state.

(e) "Referee" means a person who volunteers or is paid to act as a referee, as an umpire or in a similar supervisory position for events involving nonschool athletic teams.

(f) "Referee governing body" means a governing body that:

(A) Trains and certifies individuals to serve as referees for nonschool athletic team events; and

(B) Is affiliated with, or otherwise sponsored or organized by, a nonprofit corporation established as provided by ORS chapter 65.

(2)(a) Each league governing body and each referee governing body shall ensure that the coaches and the referees, respectively, receive annual training to learn how to recognize the symptoms of a concussion and how to seek proper medical treatment for a person suspected of having a concussion.

(b) Each league governing body and each referee governing body shall adopt a policy that establishes:

(A) The requirements of the training described in paragraph (a) of this subsection; and

(B) Procedures that ensure that every coach and referee receives the training described in paragraph (a) of this subsection.

(3) Except as provided in subsection (4) of this section:

(a) A coach may not allow a member of a nonschool athletic team to participate in any athletic event or training on the same day that the member:

(A) Exhibits signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body; or

(B) Has been diagnosed with a concussion.

(b) A coach may allow a member of a nonschool athletic team who is prohibited from participating in an athletic event or training, as described in paragraph (a) of this subsection, to participate in an athletic event or training no sooner than the day after the member experienced a blow to the head or body and only after the member:

(A) No longer exhibits signs, symptoms or behaviors consistent with a concussion; and

(B) Receives a medical release form from a health care professional.

(4) A coach may allow a member of a nonschool athletic team to participate in any athletic event or training at any time after an athletic trainer registered by the Board of Athletic Trainers determines that the member has not suffered a concussion. The athletic trainer may, but is not required to, consult with a health care professional in making the determination that the member has not suffered a concussion.

(5) The league governing body shall develop or use existing guidelines and other relevant materials, and shall make available those guidelines and materials, to inform and educate persons under 18 years of age desiring to be a member on a nonschool athletic team, the parents and legal guardians of the persons and the coaches about the symptoms and warning signs of a concussion.

(6) For each year of participation, and prior to a person under 18 years of age participating as a member on a nonschool athletic team, at least one parent or legal

guardian of the person must acknowledge the receipt of the guidelines and materials described in subsection (5) of this section and the review of those guidelines and materials by:

(a) The parent or legal guardian of the person; and

(b) If the person is 12 years of age or older, the person.

(7) A league governing body may hold an informational meeting prior to the start of any season for each nonschool athletic team regarding the symptoms and warning signs of a concussion.

(8)(a) Any person who regularly serves as a coach or as a referee and who complies with the provisions of this section is immune from civil or criminal liability related to a head injury unless the person acted or failed to act because of gross negligence or willful or wanton misconduct.

(b) Nothing in this section shall be construed to affect the civil or criminal liability related to a head injury of a person who does not regularly serve as a coach or a referee. [2013 c.489 §1; 2015 c.392 §2]

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

PENALTIES

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

