

**B-Engrossed**  
**Senate Bill 659**

Ordered by the Senate July 4  
Including Senate Amendments dated May 1 and July 4

Sponsored by COMMITTEE ON HEALTH AND HUMAN SERVICES (at the request of Senator Mae Yih)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs State Commission on Children and Families to provide technical assistance and information to local commissions to support development of goals and outcomes.

Authorizes state commission to withhold funds from local commissions that do not meet appropriate outcomes.

**Eliminates certain responsibilities of State Commission on Children and Families and transfers other responsibilities to Juvenile Crime Prevention Advisory Committee and Oregon Youth Authority.**

**Declares emergency, effective July 1, 2001.**

**A BILL FOR AN ACT**

1  
2 Relating to State Commission on Children and Families; amending ORS 3.250, 169.090, 417.735,  
3 417.845, 419A.014, 419A.047, 419A.048, 419C.453, 420.014 and 420A.012; repealing ORS 419A.044;  
4 and declaring an emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 417.735 is amended to read:

7 417.735. (1) The State Commission on Children and Families shall promote the wellness of chil-  
8 dren and families at the state level and shall act in accordance with the principles, characteristics  
9 and values identified in ORS 417.710 to 417.725. The state commission shall provide no direct ser-  
10 vices.

11 (2)(a) Funds for local commissions shall consist of payments from moneys appropriated therefor  
12 to the State Commission on Children and Families by the Legislative Assembly. The state commis-  
13 sion shall develop an equitable formula for the distribution of funds to counties or regions for ser-  
14 vices for children and families, and a minimum annual grant shall be provided to each county or  
15 region.

16 **(b) The state commission shall provide technical assistance and research-based informa-**  
17 **tion to local commissions to support the development of county goals and outcomes for ser-**  
18 **vices and programs.**

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

21 (3) The state commission shall:

22 (a) Set guidelines for the planning, coordination and delivery of services by local commissions  
23 in partnership with other planning bodies and agencies providing services for children and families.  
24 The guidelines shall be consistent with the key elements of the service system developed and im-  
25 plemented under ORS 417.705 to 417.797. In conjunction with other planning bodies and agencies

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 providing social supports, the state commission shall use the local coordinated comprehensive plans  
2 to advise agencies, the Legislative Assembly and the Governor;

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

5 (c) In conjunction with the Oregon Progress Board and in consultation with other agencies,  
6 identify outcomes and interim indicators relating to children and families consistent with the Oregon  
7 benchmarks and shall monitor the progress of local coordinated comprehensive plans in meeting  
8 identified outcomes;

9 (d) Encourage the development of innovative projects, based on proven practices of effective-  
10 ness, that benefit children and families;

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

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

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

17 (h) Provide a process whereby the Department of Human Services, Juvenile Crime Prevention  
18 Advisory Committee, Oregon Youth Authority, Department of Education, Department of Community  
19 Colleges and Workforce Development, Housing and Community Services Department and Economic  
20 and Community Development Department review all findings from data collected by the local com-  
21 missions through the local coordinated comprehensive plans. The information gathered in this re-  
22 view shall be considered by those agencies in designing future economic resources and services and  
23 in the coordination of services;

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

26 (j) Communicate information and policy advice on current research and proven practices of ef-  
27 fectiveness, from both inside and outside the state, including successful local strategies, to local  
28 commissions, the Governor, the Legislative Assembly, state agencies and the public. The information  
29 shall include progress in meeting outcomes identified in the local coordinated comprehensive plans.

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

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

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

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

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

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

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

44 (5) The state commission, in coordination with the local commissions on children and families,  
45 shall:

1 (a) Assist the local commissions in the development and implementation of performance and  
2 outcome criteria for evaluating services at the local level;

3 (b) Monitor the progress in meeting criteria in the local coordinated comprehensive plans;

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

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

9 (B) Facilitation;

10 (C) Planning;

11 (D) Policy development;

12 (E) Proven practices of effectiveness;

13 (F) Local systems development;

14 (G) Community problem solving and mobilization; and

15 (H) Other services, as appropriate;

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

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

18 (f) Develop a process for reviewing requests for waivers from requirements of the state com-  
19 mission. Requests for waivers shall be granted or denied as a part of the approval process for a local  
20 coordinated comprehensive plan. The state commission shall not grant a request for waiver that al-  
21 lows funds to be used for any purpose other than early childhood prevention, intervention and  
22 treatment programs.

23 (6) The state commission shall employ a staff director who shall be responsible for hiring and  
24 supervising any additional personnel necessary to assist the state commission in performing its du-  
25 ties. The staff director shall be responsible for management functions of the state commission sub-  
26 ject to policy direction by the state commission.

27 (7) To the extent that federal funding is not jeopardized, the State Commission on Children and  
28 Families shall enter into an interagency agreement with the Department of Human Services in  
29 which they agree on a system to:

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

31 (b) Ensure that federal and state requirements are met for federal funds administered by the  
32 state commission; and

33 (c) Carry out the necessary auditing, monitoring and information requirements for federal funds  
34 distributed by the state commission.

35 (8) In addition to the authority under subsection (5)(e) of this section, the state commission may  
36 direct the Department of Human Services or the appropriate state department providing services for  
37 children and families to negotiate federal waivers. If the Department of Human Services or any  
38 other state agency does not pursue a federal waiver recommended by the state commission, the state  
39 commission may ask the Governor to direct the Department of Human Services or other state  
40 agency to apply for and negotiate the waiver.

41 (9) If the Department of Human Services or any other state agency refuses to distribute state  
42 or federal funds as requested by the state commission, the state commission may ask the Governor  
43 to direct the Department of Human Services or other state agency to distribute the funds.

44 (10) The programs shall be funded as fully as possible by Title XX of the federal Social Security  
45 Act, consistent with the terms and conditions of the block grant program and the local coordinated

1 comprehensive plans that reflect community priorities established by the local planning process.

2 (11) In conjunction with the Department of Human Services, the state commission, as soon as  
3 possible, shall develop a plan to re-engineer and integrate the data processing systems related to  
4 children's programs with the objective of making management information more accessible. The  
5 state commission shall make regular presentations to the Joint Legislative Committee on Informa-  
6 tion Management and Technology on its progress in developing and implementing the plan.

7 (12) Before each regular session of the Legislative Assembly, the state commission shall report,  
8 to the Governor and to the appropriate joint interim committee as determined by the Speaker of the  
9 House of Representatives and the President of the Senate, the following:

10 (a) Any additional proposals contained in "A Positive Future for Oregon's Children and  
11 Families" by the 1991-1992 Oregon Children's Care Team Interim Task Force that should be under-  
12 taken;

13 (b) The status in all counties of local service systems related to the health and wellness of  
14 children and the adequacy of financial resources to deliver services;

15 (c) The progress in achieving desired outcomes, including but not limited to the benchmarks  
16 established by the Oregon Progress Board and the statewide guidelines set by the state commission  
17 under ORS 417.710 (1);

18 (d) Barriers to achieving outcomes and benchmarks;

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

21 (f) County and community mobilization to increase public awareness and involvement and fund-  
22 ing of community determined priorities.

23 (13)(a) The state commission may solicit, accept and receive federal moneys or moneys or other  
24 property from persons or corporations, public or private, for the purpose of carrying out the pro-  
25 visions of ORS 417.705 to 417.797 and 419A.170.

26 (b) All federal moneys collected or received under paragraph (a) of this subsection shall be ac-  
27 cepted and transferred or expended by the state commission upon such terms and conditions as are  
28 prescribed by the federal government.

29 (c) All moneys and other property accepted by the state commission under this subsection shall  
30 be transferred, expended or used upon such terms and conditions as are prescribed by the donor in  
31 a manner consistent with applicable law.

32 **SECTION 2.** ORS 169.090 is amended to read:

33 169.090. (1) The Director of the Department of Corrections shall publish and distribute a manual  
34 of recommended guidelines for the operation of local correctional facilities and lockups as developed  
35 by a jail standards committee appointed by the director. This manual shall be revised when appro-  
36 priate with consultation and advice of the Oregon State Sheriffs' Association, the Oregon Associ-  
37 ation of Chiefs of Police, Association of Oregon Counties, the League of Oregon Cities and other  
38 appropriate groups and agencies and will be redistributed upon the approval of the Governor.

39 (2) The [*State Commission on Children and Families*] **Juvenile Crime Prevention Advisory**  
40 **Committee** and the Department of Corrections shall develop guidelines pertaining to the operation  
41 of juvenile detention facilities, as defined in ORS 169.005 (2). Guidelines shall be revised by the  
42 [*commission*] **Juvenile Crime Prevention Advisory Committee** and the Department of Corrections,  
43 whenever appropriate. The guidelines shall be included in the manual published and distributed un-  
44 der subsection (1) of this section. However, the [*commission*] **Juvenile Crime Prevention Advisory**  
45 **Committee** may choose to publish and distribute the guidelines independently.

1        **SECTION 3.** ORS 419A.014 is amended to read:

2        419A.014. The juvenile department of a county shall report annually to the [*State Commission*  
3        *on Children and Families*] **Oregon Criminal Justice Commission** the frequency with which juve-  
4        niles are held in preadjudicative detention and the duration of the detention.

5        **SECTION 4.** ORS 419A.047 is amended to read:

6        419A.047. (1) The state shall provide financial assistance to the counties [*which apply therefor*  
7        *by January 1 of the fiscal year*] **for the implementation of local coordinated comprehensive**  
8        **plans** from funds appropriated for that purpose for court services, as defined in ORS 3.250.

9        (2) [*Prior to April 1 of each odd-numbered year, the State Commission on Children and Families*]  
10        **The Oregon Youth Authority** shall determine each county's estimated percentage share of the  
11        amount to be appropriated for the purposes of this [*subsection*] **section**. Such determination shall  
12        be based upon each county's respective share of resident juveniles under the age of 18.

13        (3) The numbers of resident juveniles under the age of 18 for each county shall be certified to  
14        the [*State Commission on Children and Families*] **Oregon Youth Authority** by January 1 of each  
15        odd-numbered year by the Center for Population Research and Census.

16        **SECTION 5.** ORS 419A.048 is amended to read:

17        419A.048. Any court with juvenile court jurisdiction that receives financial assistance under  
18        ORS 419A.044 to 419A.048 shall comply with fiscal reporting procedures [*as*] developed and approved  
19        by the [*State Commission on Children and Families*] **Oregon Youth Authority**.

20        **SECTION 6.** ORS 419C.453 is amended to read:

21        419C.453. Pursuant to hearing, the juvenile court may order a youth 12 years of age or older  
22        placed in a detention facility for youths for a specific period of time not to exceed eight days, in  
23        addition to time already spent in the facility, unless a program plan that is in conformance with  
24        standards established by the [*State Commission on Children and Families*] **Oregon Criminal Justice**  
25        **Commission** has been filed with and approved by the commission, in which case the youth may be  
26        held in detention for a maximum of 30 days in addition to time already spent in the facility, when:

27        (1) The youth has been found to be within the jurisdiction of the juvenile court by reason of  
28        having committed an act which would be a crime if committed by an adult; or

29        (2) The youth has been placed on formal probation for an act which would be a crime if com-  
30        mitted by an adult, and has been found to have violated a condition of that probation.

31        **SECTION 7.** ORS 420.014 is amended to read:

32        420.014. (1) The total population of youth offenders confined in the youth correction facilities  
33        may not exceed the design capacity of the facilities designated for close custody purposes by the  
34        Director of the Oregon Youth Authority. The total population limit shall include offenders in the  
35        youth correction facility who were waived by the juvenile court to be prosecuted as adults or who  
36        were prosecuted as adults under ORS 137.707.

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

45        (3) The director by rule shall establish criteria upon which the decision to place a youth in a

1 youth correction facility must be based, and which, in turn, shall be based upon behaviors and  
2 characteristics of youths otherwise eligible for commitment to a youth correction facility.

3 (4) After conferring with the juvenile court judges [*and the State Commission on Children and*  
4 *Families*], the director shall develop and implement by rule, a method of controlling admissions to  
5 the youth correction facilities so as not to exceed maximum levels determined under subsections (1)  
6 and (2) of this section.

7 **SECTION 8.** ORS 420A.012 is amended to read:

8 420A.012. (1) [*No later than January 1, 1996,*] The Oregon Youth Authority, in consultation with  
9 [*the State Commission on Children and Families and*] the Oregon Juvenile Department Directors'  
10 Association, shall adopt one or more definitions of recidivism and establish a recidivism reporting  
11 system applicable to youth offenders. The definition must be designed to address outcomes including,  
12 but not limited to, community safety and rehabilitation.

13 (2) [*Prior to March 1, 1996, and annually thereafter,*] The juvenile department of a county **an-**  
14 **nually** shall submit to the Oregon Youth Authority, in the form established under subsection (1) of  
15 this section, statistical data relating to the recidivism of delinquent youths experienced by the  
16 county during the previous year.

17 (3) [*Prior to April 1, 1996, and annually thereafter,*] The Oregon Youth Authority shall publish  
18 [a] **an annual** comprehensive report that includes the data provided by the counties under sub-  
19 section (2) of this section and similar data that measures the recidivism of youths supervised by the  
20 youth authority who are on probation or parole.

21 (4) The Oregon Youth Authority shall cooperate and, to the extent of available information  
22 systems resources, shall share data with the Department of Corrections to enable the department  
23 to track youth offenders who later enter the adult corrections system and to assess the effect of  
24 juvenile corrections on future criminal conduct that occurs during and after supervision by the  
25 Oregon Youth Authority and county juvenile departments. The Department of **Corrections** shall  
26 manage data under this subsection in a manner consistent with the confidentiality of juvenile court  
27 records and the effectiveness of orders of expunction.

28 **SECTION 9.** ORS 417.845 is amended to read:

29 417.845. (1) The Juvenile Crime Prevention Advisory Committee is created within the Oregon  
30 Criminal Justice Commission.

31 (2) The committee shall have the following members:

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

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

35 (c) The Director of Human Services or a designee of the director;

36 (d) The Assistant Director for Alcohol and Drug Abuse Programs or a designee of the assistant  
37 director;

38 (e) The executive director of the Oregon Criminal Justice Commission or a designee of the  
39 executive director;

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

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

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

43 (i) One designee of the Governor;

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

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

3 (L) One designee of the Chief Justice of the Supreme Court from the Judicial Department who  
4 serves as [*an ex officio*] a **nonvoting** member to provide information and support the partnership  
5 role of the courts in an effective comprehensive statewide approach to high-risk youth and their  
6 families.

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

10 (a) To represent local public and private entities:

11 (A) A county commissioner;

12 (B) A local juvenile director;

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

14 (D) Two law enforcement officials;

15 (E) A county mental health director;

16 (F) An alcohol and drug abuse professional;

17 (G) A school superintendent;

18 (H) A private youth service provider; and

19 (I) An elected city official;

20 (b) A researcher;

21 (c) A citizen member; and

22 (d) Other members as determined by the Governor.

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

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

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

31 (7) The Oregon Criminal Justice Commission shall provide staff support to the committee.

32 **SECTION 10.** ORS 3.250 is amended to read:

33 3.250. As used in ORS 3.250 to 3.280 [*and 419A.044*], unless the context requires otherwise:

34 (1) "Child" means a person under 18 years of age.

35 (2) "Court services" includes but is not limited to services and facilities relating to intake  
36 screening, juvenile detention, shelter care, investigations, study and recommendations on disposition  
37 of cases, probation on matters within the jurisdiction of the court under ORS 3.260, family coun-  
38 seling, conciliation in domestic relations, group homes, and psychological or psychiatric or medical  
39 consultation and services provided at the request of or under the direction of the court, whether  
40 performed by employees of the court, by other government agencies or by contract or other ar-  
41 rangement.

42 **SECTION 11.** ORS 419A.044 is repealed.

43 **SECTION 12.** This 2001 Act being necessary for the immediate preservation of the public  
44 peace, health and safety, an emergency is declared to exist, and this 2001 Act takes effect  
45 July 1, 2001.

