

## CHAPTER 97

AN ACT

HB 4082

Relating to court appointed special advocates; creating new provisions; amending ORS 131A.360, 409.185, 417.707, 417.710, 417.720, 417.725, 417.735, 417.775, 417.780, 417.785, 418.575, 418.580, 419A.004, 458.558 and 458.568; repealing ORS 419A.170; appropriating money; and declaring an emergency.

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

**SECTION 1.** ORS 419A.170 is repealed.

**SECTION 2.** (1) In every case under ORS chapter 419B, the court shall appoint a court appointed special advocate. The court appointed special advocate is deemed a party in these proceedings and may be represented by counsel, file pleadings and request hearings and may subpoena, examine and cross-examine witnesses. If the court appointed special advocate is represented by counsel, counsel shall be paid from funds in the Court Appointed Special Advocate Fund established under section 5 of this 2012 Act. Funds from the Public Defense Services Account, or from Judicial Department operating funds, may not be used for this purpose.

(2) Subject to the direction of the court, the duties of the court appointed special advocate are to:

(a) Investigate all relevant information about the case;

(b) Advocate for the child or ward, ensuring that all relevant facts are brought before the court;

(c) Facilitate and negotiate to ensure that the court, the Department of Human Services, if applicable, and the child or ward's attorney, if any, fulfill their obligations to the child or ward in a timely fashion; and

(d) Monitor all court orders to ensure compliance and to bring to the court's attention any change in circumstances that may require a modification of an order of the court.

(3) If a juvenile court does not have a sufficient number of qualified court appointed special advocates available to it, the court may, in fulfillment of the requirements of this section, appoint a juvenile department employee or other suitable person to represent the child or ward's interest in court pursuant to ORS 419A.012 or 419B.195.

(4) Any person appointed as a court appointed special advocate in any judicial proceeding on behalf of the child or ward is immune from any liability for defamation or statements made in good faith by that person, orally or in writing, in the course of the case review or judicial proceeding.

(5) Any person appointed as a court appointed special advocate, CASA Volunteer Program director, CASA Volunteer Program employee or member of the board of directors or trustees of any CASA Volunteer Program is immune from any liability for acts or omissions or errors in judgment made in good faith in the course or scope of that person's duties or employment as part of a CASA Volunteer Program.

(6) Whenever the court appoints a court appointed special advocate or other person under subsections (1) to (3) of this section to represent the child or ward, the court may require a parent, if able, or guardian of the estate, if the estate is able, to pay, in whole or in part, the reasonable costs of court appointed special advocate services, including reasonable attorney fees. The court's order of payment is enforceable in the same manner as an order of support under ORS 419B.408.

(7) Upon presentation of the order of appointment by the court appointed special advocate, any agency, hospital, school organization, division, office or department of the state, doctor, nurse or other health care provider, psychologist, psychiatrist, police department or mental health clinic shall permit the court appointed special advocate to inspect and copy, and may consult with the court appointed special advocate regarding, any records relating to the child or ward involved in the case, without the consent of the child, ward or parents.

(8) All records and information acquired or reviewed by a court appointed special advocate during the course of official duties are deemed confidential under ORS 419A.255.

(9) For the purposes of a Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) grant to this state under P.L. 93-247, or any related state or federal legislation, a court appointed special advocate or other person appointed pursuant to subsections (1) to (3) of this section is deemed a guardian ad litem to represent the interests of the child or ward in proceedings before the court.

**SECTION 3.** As used in ORS 458.558 and sections 2, 4 and 9 of this 2012 Act:

(1) "CASA Volunteer Program" means a program that is approved or sanctioned by a juvenile court, has received accreditation from the National CASA Association and has entered into a contract with the Oregon Volunteers Commission for Voluntary Action and Service under section 4 of this 2012 Act to recruit, train and supervise volunteers to serve as court appointed special advocates.

(2) "Court appointed special advocate" means a person in a CASA Volunteer Program who is appointed by the court to act as a court appointed special advocate pursuant to section 2 of this 2012 Act.

**SECTION 4.** (1) The Oregon Volunteers Commission for Voluntary Action and Service shall:

(a) Contract with all CASA Volunteer Programs in this state to recruit, train and supervise court appointed special advocates.

(b) Disburse and expend moneys in the Court Appointed Special Advocate Fund established under section 5 of this 2012 Act for the purposes set forth in this section and section 2 of this 2012 Act.

(c) Oversee the provision of court appointed special advocate services throughout this state in a uniform, consistent and cost-efficient manner by ensuring that CASA Volunteer Programs:

(A) Adopt policies, procedures, standards and guidelines regarding the provision of court appointed special advocate services as directed by the commission; and

(B) Develop and provide training and education for court appointed special advocates and employees and other volunteers in CASA Volunteer Programs as directed by the commission.

(d) Identify statewide outcome or performance measures for CASA Volunteer Programs.

(e) Collect, evaluate and summarize data regarding CASA Volunteer Programs and court appointed special advocate services in this state.

(f) Adopt rules for carrying out the commission's responsibilities, duties and functions under this section and section 2 of this 2012 Act.

(2) The commission may:

(a) Delegate to public agencies or private nonprofit organizations the responsibility to, or contract with public agencies or private nonprofit organizations to:

(A) Create, supervise and operate CASA Volunteer Programs throughout this state; and

(B) Develop and provide training for court appointed special advocates and employees and volunteers of CASA Volunteer Programs.

(b) Consult with public agencies or private nonprofit organizations for the purpose of developing:

(A) An allocation formula for the disbursement of moneys to CASA Volunteer Programs in this state; and

(B) Policies, procedures, standards and guidelines regarding the provision of court appointed special advocate services in this state.

(c) Apply for and receive funds from state, federal and private sources for CASA Volunteer Programs and the provision of court appointed special advocate services in this state.

(3) Public agencies or private nonprofit organizations to whom the commission has delegated responsibilities, or with whom the commission has contracted, under this section shall provide biannual reports to the commission regarding:

(a) The fulfillment of responsibilities that have been delegated or contracted for; and

(b) When applicable to responsibilities delegated or contracted for, the achievement of the objectives in subsection (1)(c) to (f) of this section.

(4) The commission shall report annually to committees or interim committees of the Legislative Assembly related to the provision of court appointed special advocate services regarding the disbursement of moneys in the Court Appointed Special Advocate Fund established under section 5 of this 2012 Act, the extent to which statewide outcome or performance measures identified under subsection (1)(d) of this section are being met and the current status of court appointed special advocate services provided in this state.

**SECTION 5.** (1) The Court Appointed Special Advocate Fund is created within the State Treasury, separate and distinct from the General Fund. Interest earned by the Court Appointed Special Advocate Fund shall be credited to the fund.

(2) Moneys in the Court Appointed Special Advocate Fund shall consist of:

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

(b) Amounts received from state, federal and private sources;

(c) Amounts donated to the fund; and

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

(3) Moneys in the fund are continuously appropriated to the Housing and Community Services Department for the Oregon Volunteers Commission for Voluntary Action and Service established under ORS 458.555 for the purpose of carrying out the provisions of sections 2 and 4 of this 2012 Act.

(4) The department may use moneys in the fund to pay the administrative costs of the commission associated with the fund and with carrying out the provisions of sections 2 and 4 of this 2012 Act.

**SECTION 6.** ORS 458.558 is amended to read:

458.558. (1) The members of the Oregon Volunteers Commission for Voluntary Action and Service must be citizens of this state who have a proven commitment to community service and who have a demonstrated interest in fostering and nurturing citizen involvement as a strategy for strengthening communities and promoting the ethic of service in all sectors of this state.

(2) The Governor shall appoint as members of the commission at least one of each of the following:

(a) An individual with experience in educational, training and development needs of youth, particularly disadvantaged youth.

(b) An individual with experience in promoting involvement of older adults in service and volunteerism.

(c) A representative of community-based agencies or organizations within this state.

(d) The Deputy Superintendent of Public Instruction or designee.

(e) A representative of local governments in this state.

(f) A representative of local labor unions in this state.

(g) A representative of business.

(h) A person at least 16, but not more than 25, years of age who is a participant or supervisor in a national service program.

(i) A representative of a national service program described in 42 U.S.C. 12572(a).

(3) In addition to appointing members under subsection (2) of this section, the Governor may appoint as members individuals from the following groups:

(a) Educators.

(b) Experts in the delivery of human, educational, environmental or public safety services to communities and individuals.

(c) Members of Native American tribes.

(d) At-risk youths who are out of school.

(e) Entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

**(f) A director or representative of a CASA Volunteer Program.**

**(g) A court appointed special advocate.**

(4) In making appointments of members described in subsections (2) and (3) of this section, the Governor shall ensure that:

(a) No more than 50 percent of the appointed members are from the same political party; and

(b) No more than 25 percent of the appointed members are state employees.

**SECTION 7.** ORS 458.568 is amended to read: 458.568. The Oregon Volunteers Commission for Voluntary Action and Service shall:

(1) Develop programs and provide oversight and administration of programs granted to this state by the Corporation for National and Community Service under the National and Community Service Trust Act of 1993, as amended, (P.L. 103-82).

(2) Prepare state applications to the Corporation for National and Community Service for financial assistance for state-based service programs.

(3) Develop a statewide plan that is designed to meet or exceed the Oregon benchmark on volunteerism.

(4) Develop projects, training methods, curriculum materials and other materials and activities related to state service programs that receive assistance directly from the Corporation for National and Community Service.

(5) To engage citizens in service and to strengthen communities, create statewide access for

all Oregon citizens to a variety of volunteer opportunities by:

(a) Evaluating the status of volunteerism in the public, private and nonprofit sectors of this state;

(b) Examining methods to strengthen the capacity of volunteer organizations to support citizen involvement; and

(c) Educating all citizens about the importance of citizen involvement and voluntary action.

(6) Encourage youth and young adults to engage in their communities through voluntary action by:

(a) Assisting efforts to inform young Oregonians about opportunities for involvement in the public, private and nonprofit sectors;

(b) Promoting the value of service learning as an educational strategy in the kindergarten through higher educational systems; and

(c) Collaborating with groups to advocate for youth voice in the public, private and nonprofit governing structures.

(7) Promote recognition of volunteerism and service into the daily operation of public, private and nonprofit sectors throughout the state by:

(a) Promoting a statewide volunteer recognition plan open to all sectors; and

(b) Assisting efforts by Oregon communities to encourage citizen involvement in volunteerism.

**(8) Implement the provisions of sections 2 and 4 of this 2012 Act.**

~~[(8)]~~ **(9)** Biennially submit a report to the Governor and the Legislative Assembly as provided under ORS 192.230 to 192.245:

(a) Detailing commission activities during the preceding two-year period;

(b) Reviewing and summarizing, to the extent the commission deems relevant, the content of reports accepted by the commission on behalf of the Governor;

(c) Assessing the state of volunteerism in Oregon; and

(d) Containing specific recommendations for any additional legislation the commission deems necessary to carry out the purpose of the Oregon Volunteer and Community Service Act or to improve the effectiveness or efficiency of the commission.

**SECTION 8. Notwithstanding any other provision of law, the General Fund appropriation made to the Housing and Community Services Department by section 1, chapter 574, Oregon Laws 2011, for the biennium beginning July 1, 2011, is increased by \$1,307,165 for the administration of the CASA Volunteer Programs by the Oregon Volunteers Commission for Voluntary Action and Service.**

**SECTION 8a. Notwithstanding any other provision of law, the General Fund appropriation made to the State Commission on Children and Families by section 1, chapter 591, Oregon Laws 2011, for the biennium beginning July 1, 2011, is decreased by \$1,184,366.**

**SECTION 9.** Each CASA Volunteer Program shall report biannually to standing and interim committees of the Legislative Assembly related to the provision of court appointed special advocate services. The report must include each program's status with respect to the statewide outcome or performance measures identified by the Oregon Volunteers Commission for Voluntary Action and Service under section 4 of this 2012 Act.

**SECTION 10.** The Judicial Department, the Housing and Community Services Department and the Oregon Volunteers Commission for Voluntary Action and Service shall study the appropriate structure and operation for funding and administration of the CASA Volunteer Programs in this state and make recommendations to standing and interim committees of the Legislative Assembly related to the provision of court appointed special advocate services no later than September 30, 2014.

**TRANSFER OF AUTHORITY FROM  
STATE COMMISSION ON CHILDREN  
AND FAMILIES TO  
OREGON VOLUNTEERS COMMISSION  
FOR VOLUNTARY ACTION AND SERVICE**

**SECTION 11.** All the duties, functions and powers of the State Commission on Children and Families relating to the creation, supervision and operation of CASA Volunteer Programs under ORS 419A.170, as that statute was in effect before the operative date of this section, are imposed upon, transferred to and vested in the Oregon Volunteers Commission for Voluntary Action and Service established under ORS 458.555.

**RECORDS AND PROPERTY**

**SECTION 12.** The staff director of the State Commission on Children and Families shall deliver to the director of the Oregon Volunteers Commission for Voluntary Action and Service all records and property within the jurisdiction of the staff director that relate to the duties, functions and powers transferred by section 11 of this 2012 Act, and the director of the Oregon Volunteers Commission for Voluntary Action and Service shall take possession of the records and property transferred under this section.

**UNEXPENDED REVENUES**

**SECTION 13.** (1) The unexpended balances of amounts authorized to be expended by the State Commission on Children and Families for the biennium beginning July 1, 2011, from re-

venues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by section 11 of this 2012 Act are transferred to and are available for expenditure by the Housing and Community Services Department for the Oregon Volunteers Commission for Voluntary Action and Service for the biennium beginning July 1, 2011, for the purpose of administering and enforcing the duties, functions and powers of the department and the Oregon Volunteers Commission for Voluntary Action and Service under sections 2, 4 and 5 of this 2012 Act.

(2) The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the State Commission on Children and Families remain applicable to expenditures by the Housing and Community Services Department for the Oregon Volunteers Commission for Voluntary Action and Service under this section.

**ACTIONS, PROCEEDINGS, PROSECUTIONS**

**SECTION 14.** The transfer of duties, functions and powers to the Oregon Volunteers Commission for Voluntary Action and Service by section 11 of this 2012 Act does not affect any action, proceeding or prosecution involving or with respect to such duties, functions and powers begun before and pending at the time of the transfer, except that the Oregon Volunteers Commission for Voluntary Action and Service is substituted for the State Commission on Children and Families in the action, proceeding or prosecution.

**LIABILITIES, DUTIES, OBLIGATIONS**

**SECTION 15.** (1) Nothing in sections 11 to 17 of this 2012 Act relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by section 11 of this 2012 Act. The Oregon Volunteers Commission for Voluntary Action and Service may undertake the collection or enforcement of any such liability, duty or obligation.

(2) The rights and obligations of the State Commission on Children and Families legally incurred under contracts, leases and business transactions executed, entered into or begun before the operative date of section 11 of this 2012 Act are transferred to the Oregon Volunteers Commission for Voluntary Action and Service. For the purpose of succession to these rights and obligations, the Oregon Volunteers Commission for Voluntary Action and Service is a continuation of the State Commission on Children and Families and not a new authority.

## RULES

**SECTION 16.** Notwithstanding the transfer of duties, functions and powers by section 11 of this 2012 Act, the rules of the State Commission on Children and Families with respect to such duties, functions or powers that are in effect on the operative date of section 11 of this 2012 Act continue in effect until superseded or repealed by rules of the Oregon Volunteers Commission for Voluntary Action and Service. References in such rules of the State Commission on Children and Families to the State Commission on Children and Families or an officer or employee of the State Commission on Children and Families are considered to be references to the Oregon Volunteers Commission for Voluntary Action and Service or an officer or employee of the Oregon Volunteers Commission for Voluntary Action and Service.

**SECTION 17.** Whenever, in any uncodified law or resolution of the Legislative Assembly or in any rule, document, record or proceeding authorized by the Legislative Assembly, in the context of the duties, functions and powers transferred by section 11 of this 2012 Act, reference is made to the State Commission on Children and Families or an officer or employee of the State Commission on Children and Families whose duties, functions or powers are transferred by section 11 of this 2012 Act, the reference is considered to be a reference to the Oregon Volunteers Commission for Voluntary Action and Service or an officer or employee of the Oregon Volunteers Commission for Voluntary Action and Service who by this 2012 Act is charged with carrying out such duties, functions and powers.

### CONFORMING AMENDMENTS RELATING TO TRANSFER OF AUTHORITY (Operative May 1, 2012)

**SECTION 18.** ORS 131A.360 is amended to read: 131A.360. (1) The provisions of this section apply only to a forfeiting agency other than the state, and apply only to forfeiture proceeds arising out of prohibited conduct as defined by ORS 131A.005 (12)(a).

(2) If the forfeiting agency is not a county, the forfeiting agency shall enter into an agreement, under ORS chapter 190, with the county in which the property was seized to provide a portion of the forfeiture proceeds to the county.

(3) After entry of a judgment of forfeiture, a forfeiting agency shall first pay from the forfeiture proceeds the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, including costs, disbursements and attorney fees as defined in ORCP 68 A, special expenses such as the provision of currency for undercover law enforce-

ment operations, the cost of disabling a hidden compartment in a motor vehicle and the expenses of maintaining the seized property. The forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and operation of a seizing or forfeiting agency under this subsection.

(4) After payment of costs under subsection (3) of this section, the forfeiting agency shall:

(a) Deduct an amount equal to five percent of the forfeiture proceeds and deposit that amount in the Illegal Drug Cleanup Fund established by ORS 475.495 for the purposes specified in ORS 475.495 (5) and (6);

(b) Deduct an amount equal to 2.5 percent of the forfeiture proceeds and deposit that amount in the Asset Forfeiture Oversight Account;

(c) Deduct an amount equal to 20 percent of the forfeiture proceeds and deposit that amount in the Oregon Criminal Justice Commission Account established under ORS 137.662 for disbursement to drug court programs as described in ORS 3.450; and

(d) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in the State Commission on Children and Families Account established by ORS 417.733 for disbursement to relief nurseries as described in ORS 417.788.

(5) If the forfeiting agency has entered into an agreement with a county under subsection (2) of this section, after paying costs under subsection (3) of this section and making the deductions required by subsection (4) of this section, the forfeiting agency shall pay the county the amounts required by the agreement.

(6) After making all payments and deductions required by subsections (3), (4) and (5) of this section, the forfeiting agency may use the remaining forfeiture proceeds, including amounts received by a county under subsection (5) of this section or by a any other public body under an intergovernmental agreement entered into under ORS 131A.355, only for:

(a) The purchase of equipment necessary for the enforcement of laws relating to the unlawful delivery, distribution, manufacture or possession of controlled substances;

(b) Currency for undercover law enforcement operations;

(c) Drug awareness and drug education programs offered in middle schools and high schools;

(d) The expenses of a forfeiting agency in operating joint narcotic operations with other forfeiting agencies pursuant to the terms of an intergovernmental agreement, including paying for rental space, utilities and office equipment;

(e) Expenses of a district attorney in criminal prosecutions for unlawful delivery, distribution, manufacture or possession of controlled substances, as determined through intergovernmental agreement between the forfeiting agency and the district attorney;

(f) Drug treatment and programs that support drug treatment; and

(g) A [Court Appointed Special Advocate] **CASA Volunteer Program as defined in section 3 of this 2012 Act.**

(7) Notwithstanding subsection (6) of this section, growing equipment and laboratory equipment seized by a forfeiting agency that was used, or intended for use, in the manufacturing of controlled substances may be donated to a public school, community college or institution of higher education.

(8) A forfeiting agency shall sell as much property as may be needed to make the distributions required by this section. Distributions required under subsection (4) of this section must be made once every three months and are due within 20 days of the end of each quarter. No interest shall accrue on amounts that are paid within the period specified by this subsection.

**SECTION 19.** ORS 409.185 is amended to read:

409.185. (1) The Director of Human Services shall oversee the development of standards and procedures for assessment, investigation and enforcement of child protective services.

(2)(a) The Department of Human Services shall take action to implement the provision of child protective services as outlined in ORS 417.705 to 417.800 [and 419A.170] and based on the recommendations in the 1992 "Oregon Child Protective Services Performance Study" published by the University of Southern Maine.

(b) In all substantiated cases of child abuse and neglect, the role of the department is to complete a comprehensive family assessment of risk of abuse or neglect, or both, assess service needs and provide immediate protective services as necessary.

(c) The department shall provide remedial services needed to ensure the safety of the child.

(d) In all cases of child abuse and neglect for which a criminal investigation is conducted, the role of law enforcement agencies is to provide a legally sound, child sensitive investigation of whether abuse or neglect or both have occurred and to gather other evidence and perform other responsibilities in accordance with interagency agreements.

(e) The department and law enforcement agencies shall conduct the investigation and assessment concurrently, based upon the protocols and procedures of the county multidisciplinary child abuse team in each jurisdiction.

(f) When the department and law enforcement agencies conduct a joint investigation and assessment, the activities of the department and agencies are to be clearly differentiated by the protocols of the county multidisciplinary child abuse team.

(g) Nothing in this subsection is intended to be inconsistent with ORS 418.702, 418.747 and 418.748 and ORS chapter 419B.

(h) In all cases of child abuse for which an investigation is conducted, the department shall provide a child's parent, guardian or caregiver with a clear written explanation of the investigation process, the court hearing process and the rights of the

parent, guardian or caregiver in the abuse investigation and in the court proceedings related to the abuse investigation.

(3) Upon receipt of a recommendation of the Children's Advocate under ORS 417.815 (2)(e), the department shall implement the recommendation or give the Children's Advocate written notice of an intent not to implement the recommendation.

**SECTION 20.** ORS 417.707 is amended to read:

417.707. The purpose of ORS 417.705 to 417.800 [and 419A.170], 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.

**SECTION 21.** ORS 417.710 is amended to read:

417.710. Subject to the availability of funds therefor and the specific provisions of ORS 417.705 to 417.800 [and 419A.170], it is the purpose of ORS 417.705 to 417.800 [and 419A.170] to:

(1) Authorize the State Commission on Children and Families 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 local commissions on children and families the authority to distribute state and federal funds allocated to the local commissions to supervise services or to purchase services for children and families in the local area and to supervise the development of the local coordinated comprehensive plan;

(3) Provide a process for comprehensive local planning for services for children and families to provide 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 419A.170]; 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.

**SECTION 22.** ORS 417.720 is amended to read:

417.720. The characteristics of the service system developed and implemented under ORS 417.705 to 417.800 [and 419A.170] 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.

**SECTION 23.** ORS 417.725 is amended to read:

417.725. (1) Key elements of the service system developed and implemented under ORS 417.705 to 417.800 [and 419A.170] 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 a local commission on children and families established pursuant to ORS 417.760 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;

(d) Shall be consistent with the local coordinated comprehensive plan; and

(e) Shall incorporate the requirements specified for community learning centers under ORS 329.156.

**SECTION 24.** ORS 417.735 is amended to read:

417.735. (1) The State Commission on Children and Families shall promote the wellness of children and families at the state level and shall act in accordance with the principles, characteristics and values identified in ORS 417.708 to 417.725. The state commission shall provide no direct services.

(2)(a) Funds for local commissions shall consist of payments from moneys appropriated for local commissions to the State Commission on Children and Families by the Legislative Assembly. The state commission shall develop an equitable formula for the distribution of funds to counties or regions for

services for children and families, and a minimum annual grant shall be provided to each county or region.

(b) The state commission shall provide technical assistance and research-based information to local commissions to support the development of county goals, performance measures and outcomes for services and programs.

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

(3) The state commission shall:

(a) Set guidelines for the planning, coordination and delivery of services by local commissions in partnership with other planning bodies and agencies providing services for children and families. The guidelines shall be consistent with the key elements of the service system developed and implemented under ORS 417.705 to 417.800. In conjunction with other planning bodies and agencies providing social supports, the state commission shall use the local coordinated comprehensive plans to advise agencies, the Legislative Assembly and the Governor;

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

(c) In consultation with other agencies, identify high-level and intermediate outcomes relating to children and families and monitor the progress of local coordinated comprehensive plans in meeting intermediate outcome targets;

(d) Encourage the development of innovative projects, based on proven practices of effectiveness, that benefit children and families;

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

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

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

(h) Provide a process whereby the Department of Human Services, Oregon Health Authority, Juvenile Crime Prevention Advisory Committee, Oregon Youth Authority, Department of Education, Department of Community Colleges and Workforce Development, Employment Department, Housing and Community Services Department and Oregon Business Development Department review all findings from data collected by the local commissions through the local coordinated comprehensive plans. The information gathered in this review shall be considered by those agencies in designing future economic resources and services and in the coordination of services;

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

(j) Communicate information and policy advice on current research and proven practices of effective

tiveness, from both inside and outside the state, including successful local strategies, to local commissions, the Governor, the Legislative Assembly, state agencies and the public. The information shall include progress in meeting intermediate outcome targets identified in the local coordinated comprehensive plans.

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

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

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

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

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

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

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

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

(a) Assist the local commissions in the development and implementation of performance measures and outcomes for evaluating services at the local level;

(b) Monitor the progress in meeting intermediate outcome targets in the local coordinated comprehensive plans;

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

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

(B) Facilitation;

(C) Planning;

(D) Policy development;

(E) Proven practices of effectiveness;

(F) Local systems development;

(G) Community problem solving and mobilization; and

(H) Other services, as appropriate;

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

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

(f) Develop a process for reviewing requests for waivers from requirements of the state commission.

Requests for waivers shall be granted or denied as a part of the approval process for a local coordinated comprehensive plan. The state commission shall not grant a request for waiver that allows funds to be used for any purpose other than early childhood prevention, intervention and treatment programs.

(6) The state commission shall employ a staff director who shall be responsible for hiring and supervising any additional personnel necessary to assist the state commission in performing its duties. The staff director shall be responsible for management functions of the state commission subject to policy direction by the state commission.

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

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

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

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

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

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

(10) The programs shall be funded as fully as possible by Title XX of the federal Social Security Act, consistent with the terms and conditions of the block grant program and the local coordinated comprehensive plans that reflect community priorities established by the local planning process.

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

(12) Before each odd-numbered year regular session of the Legislative Assembly, the state commission shall report, to the Governor and to the appropriate joint interim committee as determined



by the Speaker of the House of Representatives and the President of the Senate, the following:

(a) Any additional proposals contained in “A Positive Future for Oregon’s Children and Families” by the 1991-1992 Oregon Children’s Care Team Interim Task Force that should be undertaken;

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

(c) The progress in achieving desired outcomes, including but not limited to the statewide guidelines set by the state commission under ORS 417.710 (1);

(d) Barriers to achieving intermediate and high-level outcome targets as identified in local coordinated comprehensive plans;

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

(f) County and community mobilization to increase public awareness and involvement and funding of community determined priorities.

(13)(a) The state commission may solicit, accept and receive federal moneys or moneys or other property from persons or corporations, public or private, for the purpose of carrying out the provisions of ORS 417.705 to 417.800 [and 419A.170].

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

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

(14) The state commission shall:

(a) Implement the recommendations of the Juvenile Crime Prevention Advisory Committee, as approved by the Governor; and

(b) In cooperation with other state and federal agencies, coordinate technical assistance efforts on a statewide and county-specific basis relating to juvenile crime prevention programs and services.

(15) The state commission may contract with local governments or other entities to administer juvenile crime prevention programs and services. In accordance with the applicable provisions of ORS chapter 183, the state commission may adopt rules necessary for the administration of juvenile crime prevention programs and services.

**SECTION 25.** ORS 417.775 is amended to read:

417.775. (1) Under the direction of the board or boards of county commissioners, and in conjunction with the guidelines set by the State Commission on Children and Families, the local commission on children and families shall promote wellness for children of all ages and their families in the county or region, if the families have given their express written consent, mobilize communities and develop policy and oversee the implementation of a local co-

ordinated comprehensive plan described in this section. A local commission shall:

(a) Inform and involve citizens;

(b) Identify and map the range of resources in the community;

(c) Plan, advocate and fund research-based and tribal-based initiatives for children who are 18 years of age or younger, including prenatal, and their families;

(d) Develop local policies, priorities, outcomes and targets;

(e) Prioritize activities identified in the local plan and mobilize the community to take action;

(f) Prioritize the use of nondedicated resources;

(g) Monitor implementation of the local plan; and

(h) Monitor and evaluate the intermediate outcome targets identified in the local plan that are reviewed under ORS 417.797, and report on the progress in addressing priorities and achieving outcomes.

(2)(a) A local commission may not provide direct services for children and their families.

(b) Notwithstanding paragraph (a) of this subsection, a local commission may provide direct services for children and their families for a period not to exceed six months if:

(A)(i) The local commission determines that there is an emergency;

(ii) A provider of services discontinues providing the services in the county or region; or

(iii) No provider is able to offer the services in the county or region; and

(B) The family has given its express written consent.

(3) The local commission shall lead and coordinate a process to assess needs, strengths, goals, priorities and strategies, and identify county or regional outcomes to be achieved. The process shall be in conjunction with other coordinating bodies for services for children and their families and shall include representatives of education, mental health services, developmental disability services, alcohol and drug treatment programs, public health programs, local child care resource and referral agencies, child care providers, law enforcement and corrections agencies, private nonprofit entities, local governments, faith-based organizations, businesses, families, youth and the local community. The process shall include populations representing the diversity of the county or region.

(4) Through the process described in subsection (3) of this section, the local commission shall coordinate the development of a single local plan for coordinating community programs, strategies and services for children who are 18 years of age or younger, including prenatal, and their families among community groups, government agencies, private providers and other parties. The local plan shall be a comprehensive area-wide service delivery plan for all services to be provided for children and their families in the county or region, if the families have given their express written consent. The local

plan shall be designed to achieve state and county or regional outcomes based on state policies and guidelines and to maintain a level of services consistent with state and federal requirements.

(5) The local commission shall prepare the local coordinated comprehensive plan and applications for funds to implement ORS 417.705 to 417.800 [and 419A.170]. The local plan, policies and proposed service delivery systems shall be submitted to the board or boards of county commissioners for approval prior to submission to the state commission. The local plan shall be based on identifying the most effective service delivery system allowing for the continuation of current public and private programs where appropriate. The local plan shall address needs, strengths and assets of all children, their families and communities, including those children and their families at highest risk.

(6) Subject to the availability of funds:

(a) The local coordinated comprehensive plan shall include:

(A) Identification of ways to connect all state and local planning processes related to services for children and their families into the local coordinated comprehensive plan to create positive outcomes for children and their families; and

(B) Provisions for a continuum of social supports at the community level for children from the prenatal stage through 18 years of age, and their families, that takes into account areas of need, service overlap, asset building and community strengths as outlined in ORS 417.305 (2).

(b) The local coordinated comprehensive plan shall reference:

(A) A voluntary local early childhood system plan created pursuant to ORS 417.777;

(B) Local alcohol and other drug prevention and treatment plans developed pursuant to ORS 430.242;

(C) Local service plans, developed pursuant to ORS 430.630, for the delivery of mental health services for children and their families;

(D) Local public health plans, developed pursuant to ORS 431.385, that include public health issues such as prenatal care, immunizations, well-child checkups, tobacco use, nutrition, teen pregnancy, maternal and child health care and suicide prevention; and

(E) The local high-risk juvenile crime prevention plan developed pursuant to ORS 417.855.

(7) The local coordinated comprehensive plan shall include a list of staff positions budgeted to support the local commission on children and families. The list shall indicate the status of each position as a percentage of full-time equivalency dedicated to the implementation of the local coordinated comprehensive plan. The county board or boards of commissioners shall be responsible for providing the level of staff support detailed in the local plan and shall ensure that funds provided for these purposes are used to carry out the local plan.

(8) The local coordinated comprehensive plan shall:

(a) Improve results by addressing the needs, strengths and assets of all children, their families and communities in the county or region, including those children and their families at highest risk;

(b) Improve results by identifying the methods that work best at the state and local levels to coordinate resources, reduce paperwork and simplify processes, including data gathering and planning;

(c) Be based on local, state and federal resources;

(d) Be based on proven practices of effectiveness for the specific community;

(e) Contribute to a voluntary statewide system of formal and informal services and supports that is provided at the community level, that is integrated in local communities and that promotes improved outcomes for Oregon's children;

(f) Be presented to the citizens in each county for public review, comment and adjustment;

(g) Be designed to achieve outcomes based on research-identified proven practices of effectiveness; and

(h) Address other issues, local needs or children and family support areas as determined by the local commission pursuant to ORS 417.735.

(9) In developing the local coordinated comprehensive plan, the local commission shall:

(a) Secure active participation pursuant to subsection (3) of this section;

(b) Provide for community participation in the planning process, including media notification;

(c) Conduct an assessment of the community that identifies needs and strengths;

(d) Identify opportunities for service integration; and

(e) Develop a local coordinated comprehensive plan and budget to meet the priority needs of a county or region.

(10) The state commission may disapprove the part of the local coordinated comprehensive plan relating to the planning process required by this section and the voluntary local early childhood system plan.

(11)(a) The state commission may disapprove the planning process and the voluntary local early childhood system plan only upon making specific findings that the local plan substantially fails to conform to the principles, characteristics and values identified in ORS 417.708 to 417.725 and 417.735 (4) or that the local plan fails to conform with the planning process requirements of this section. The staff of the state commission shall assist the local commission in remedying the deficiencies in the planning process or the voluntary local early childhood system plan. The state commission shall set a date by which any deficient portions of the planning process or the voluntary local early childhood system plan must be revised and resubmitted to the state commission by the local commission.

(b) The state commission does not have approval authority over the following service plans referenced in the local coordinated comprehensive plan:

(A) The local alcohol and other drug prevention and treatment plans developed pursuant to ORS 430.242;

(B) Local service plans, developed pursuant to ORS 430.630, relating to the delivery of mental health services;

(C) Local public health plans developed pursuant to ORS 431.385; and

(D) Local high-risk juvenile crime prevention plans developed pursuant to ORS 417.855.

(12) The state commission, the Department of Human Services and the Juvenile Crime Prevention Advisory Committee may jointly approve the community plan that is part of the local coordinated comprehensive plan, but may not jointly approve the service plans that are referenced in the local plan. If the community plan is disapproved in whole, the agencies shall identify with particularity the manner in which the community plan is deficient and the service plans may be implemented. If only part of the community plan is disapproved, the remainder of the community plan and the service plans may be implemented. The staff of the agencies shall assist the local commission in remedying the disapproved portions of the community plan. The agencies shall jointly set a date by which the deficient portions of the community plan shall be revised and resubmitted to the agencies by the local commission. In reviewing the community plan, the agencies shall consider the impact of state and local budget reductions on the community plan.

(13) If a local commission determines that the needs of the county or region it serves differ from those identified by the state commission, it may ask the state commission to waive specific requirements in its list of children's support areas. The process for granting waivers shall be developed by the state commission prior to the start of the review and approval process for the local coordinated comprehensive plan described in ORS 417.735 (4) and shall be based primarily on a determination of whether the absence of a waiver would prevent the local commission from best meeting the needs of the county or region.

(14) From time to time, the local commission may amend the local coordinated comprehensive plan and applications for funds to implement ORS 417.705 to 417.800 [and 419A.170]. The local commission must amend the local plan to reflect current community needs, strengths, goals, priorities and strategies. Amendments become effective upon approval of the board or boards of county commissioners and the state commission.

(15) The local commission shall keep an official record of any amendments to the local coordinated comprehensive plan under subsection (14) of this section.

(16) The local commission shall provide an opportunity for public and private contractors to review the components of the local coordinated comprehensive plan and any amendments to the local plan, to receive notice of any component that the county or counties intend to provide through a

county agency and to comment publicly to the board or boards of county commissioners if they disagree with the proposed service delivery plan.

(17) Alcohol and drug prevention and treatment services included in the local coordinated comprehensive plan must meet minimum standards adopted by the Oregon Health Authority under ORS 430.357.

**SECTION 26.** ORS 417.780 is amended to read:

417.780. Funds received by a county or counties from the state to implement ORS 417.705 to 417.800 [and 419A.170] shall not be used to replace county general fund moneys, other than federal or state funds, currently being used by the county for existing programs for children and youth. However, in case of severe financial hardship demonstrated by a county or counties, the State Commission on Children and Families may waive the requirements of this section in approving the local coordinated comprehensive plan.

**SECTION 27.** ORS 417.785 is amended to read:

417.785. A local commission is the recommended local structure for implementation of ORS 417.705 to 417.800 [and 419A.170]. However, a county or counties may elect to offer another structure but shall submit only one local coordinated comprehensive plan. The alternative structure must be approved by the State Commission on Children and Families.

**SECTION 28.** ORS 418.575 is amended to read:

418.575. As used in ORS 418.575 to 418.598:

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

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

(3) "County partners" means employees or representatives of the Department of Human Services, the county, court appointed special advocates under [ORS 419A.170] **section 2 of this 2012 Act**, drug and alcohol treatment providers, mental health providers, providers of affordable housing and other persons or entities that provide services to children and families within a county of this state.

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

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

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

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

(5) "Intensive in-home services" means services that keep a child and family together in the child's and family's home with a goal of 24-hour on-call support while the child and the child's family engage

in family strengthening activities and receive appropriate mental health and addiction treatment and other intensive support interventions.

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

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

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

(7) "Program" means a Strengthening, Preserving and Reunifying Families program described in ORS 418.580.

**SECTION 29.** ORS 418.580 is amended to read:

418.580. (1) By October 1, 2012, and to the extent practicable using available resources, the Department of Human Services and county partners shall implement Strengthening, Preserving and Reunifying Families programs as described in this section. County partners are encouraged to form collaborations with programs to design, oversee and participate in program development and implementation as appropriate. The department shall be the lead agency in efforts undertaken pursuant to this section, but all officers, boards, commissions and other agencies of the State of Oregon shall cooperate with the department to accomplish the duties imposed on the department by ORS 418.575 to 418.598 and to allocate services provided by programs as described in this section.

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

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

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

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

(a) Front end intervention services that include alcohol and drug treatment providers or mental health providers accompanying department caseworkers on initial calls and visits in response to allegations or reports of abuse or neglect. County partners shall participate in assessments to determine the appropriateness and level of program ser-

vices required for a child and the child's family, the creation of safety plans to enable the provision of in-home services if appropriate and the development of family preservation and reunification plans for presentation to the juvenile court.

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

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

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

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

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

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

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

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

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

(k) Services of a court appointed special advocate appointed [pursuant to ORS 419A.170] **under section 2 of this 2012 Act** where available.

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

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

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

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

(7) Programs shall develop and implement training and continuing education curricula for persons delivering program services and, when adequate funding exists, sponsor the attendance of service providers at state or national training programs, conferences or other similar events.

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

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

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

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

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

**SECTION 30.** ORS 419A.004 is amended to read: 419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires otherwise:

(1) "CASA Volunteer Program" means a program [approved or sanctioned by the juvenile court] **that is approved or sanctioned by a juvenile court, has received accreditation from the National CASA Association and has entered into a contract with the Oregon Volunteers Commission for Voluntary Action and Service under section 4 of this 2012 Act** to recruit, train and supervise [volunteer persons] **volunteers** to serve as court appointed special advocates.

(2) "Child care center" means a residential facility for wards or youth offenders that is licensed under the provisions of ORS 418.240.

(3) "Community service" has the meaning given that term in ORS 137.126.

(4) "Conflict of interest" means a person appointed to a local citizen review board who has a personal or pecuniary interest in a case being reviewed by that board.

(5) "Counselor" means a juvenile department counselor or a county juvenile probation officer.

(6) "Court" means the juvenile court.

(7) "Court appointed special advocate" [or "CASA"] means a person **in a CASA Volunteer Program who is appointed by the court [pursuant to a CASA Volunteer Program to act as special advocate pursuant to ORS 419A.170] to act as a court appointed special advocate pursuant to section 2 of this 2012 Act.**

(8) "Court facility" has the meaning given that term in ORS 166.360.

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

(10) "Detention" or "detention facility" means a facility established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 for the detention of chil-

dren, wards, youths or youth offenders pursuant to a judicial commitment or order.

(11) "Director" means the director of a juvenile department established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063.

(12) "Guardian" means guardian of the person and not guardian of the estate.

(13) "Indian child" means any unmarried person less than 18 years of age who is:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(14) "Juvenile court" means the court having jurisdiction of juvenile matters in the several counties of this state.

(15) "Local citizen review board" means the board specified by ORS 419A.090 and 419A.092.

(16) "Parent" means the biological or adoptive mother and the legal father of the child, ward, youth or youth offender. As used in this subsection, "legal father" means:

(a) A man who has adopted the child, ward, youth or youth offender or whose paternity has been established or declared under ORS 109.070 or 416.400 to 416.465 or by a juvenile court; and

(b) In cases in which the Indian Child Welfare Act applies, a man who is a father under applicable tribal law.

(17) "Permanent foster care" means an out-of-home placement in which there is a long-term contractual foster care agreement between the foster parents and the department that is approved by the juvenile court and in which the foster parents commit to raise a ward in substitute care or youth offender until the age of majority.

(18) "Planned permanent living arrangement" means an out-of-home placement other than by adoption, placement with a relative or placement with a legal guardian that is consistent with the case plan and in the best interests of the ward.

(19) "Public building" has the meaning given that term in ORS 166.360.

(20) "Reasonable time" means a period of time that is reasonable given a child or ward's emotional and developmental needs and ability to form and maintain lasting attachments.

(21) "Records" means any information in written form, pictures, photographs, charts, graphs, recordings or documents pertaining to a case.

(22) "Resides" or "residence," when used in reference to the residence of a child, ward, youth or youth offender, means the place where the child, ward, youth or youth offender is actually living or the jurisdiction in which wardship or jurisdiction has been established.

(23) "Restitution" has the meaning given that term in ORS 137.103.

(24) "Serious physical injury" means:

(a) A serious physical injury as defined in ORS 161.015; or

(b) A physical injury that:

(A) Has a permanent or protracted significant effect on a child's daily activities;

(B) Results in substantial and recurring pain; or

(C) In the case of a child under 10 years of age, is a broken bone.

(25) "Shelter care" means a home or other facility suitable for the safekeeping of a child, ward, youth or youth offender who is taken into temporary custody pending investigation and disposition.

(26) "Short-term detention facility" means a facility established under ORS 419A.050 (3) for holding children, youths and youth offenders pending further placement.

(27) "Sibling" means one of two or more children or wards related:

(a) By blood or adoption through a common legal parent; or

(b) Through the marriage of the children's or wards' legal or biological parents.

(28) "Substitute care" means an out-of-home placement directly supervised by the department or other agency, including placement in a foster family home, group home or other child caring institution or facility. "Substitute care" does not include care in:

(a) A detention facility, forestry camp or youth correction facility;

(b) A family home that the court has approved as a ward's permanent placement, when a private child caring agency has been appointed guardian of the ward and when the ward's care is entirely privately financed; or

(c) In-home placement subject to conditions or limitations.

(29) "Surrogate" means a person appointed by the court to protect the right of the child, ward, youth or youth offender to receive procedural safeguards with respect to the provision of free appropriate public education.

(30) "Tribal court" means a court with jurisdiction over child custody proceedings and that is either a Court of Indian Offenses, a court established and operated under the code of custom of an Indian tribe or any other administrative body of a tribe that is vested with authority over child custody proceedings.

(31) "Victim" means any person determined by the district attorney, the juvenile department or the court to have suffered direct financial, psychological or physical harm as a result of the act that has brought the youth or youth offender before the juvenile court. When the victim is a minor, "victim" includes the legal guardian of the minor. The youth or youth offender may not be considered the victim. When the victim of the crime cannot be determined, the people of Oregon, as represented by the district attorney, are considered the victims.

(32) "Violent felony" means any offense that, if committed by an adult, would constitute a felony and:

(a) Involves actual or threatened serious physical injury to a victim; or

(b) Is a sexual offense. As used in this paragraph, "sexual offense" has the meaning given the term "sex crime" in ORS 181.594.

(33) "Ward" means a person within the jurisdiction of the juvenile court under ORS 419B.100.

(34) "Young person" means a person who has been found responsible except for insanity under ORS 419C.411 and placed under the jurisdiction of the Psychiatric Security Review Board.

(35) "Youth" means a person under 18 years of age who is alleged to have committed an act that is a violation, or, if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county or city.

(36) "Youth care center" has the meaning given that term in ORS 420.855.

(37) "Youth offender" means a person who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005 for an act committed when the person was under 18 years of age.

#### **OPERATIVE DATE RELATING TO TRANSFER OF AUTHORITY**

**SECTION 31.** Sections 2 to 5 and 11 to 17 of this 2012 Act, the amendments to ORS 131A.360, 409.185, 417.707, 417.710, 417.720, 417.725, 417.735, 417.775, 417.780, 417.785, 418.575, 418.580, 419A.004, 458.558 and 458.568 by sections 6, 7 and 18 to 30 of this 2012 Act and the repeal of ORS 419A.170 by section 1 of this 2012 Act become operative on May 1, 2012.

#### **CAPTIONS**

**SECTION 32.** The unit captions used in this 2012 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2012 Act.

#### **EMERGENCY CLAUSE**

**SECTION 33.** This 2012 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect on its passage.

Approved by the Governor April 11, 2012  
Filed in the office of Secretary of State April 11, 2012  
Effective date April 11, 2012