

Chapter 418

Child Welfare Services

Chapter 418

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418.005

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418.015

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418.035

CASE CITATIONS: State v. Malheur County, (1949) 185 Or 392, 203 P2d 305. Quinn v. Hanks, (1951) 192 Or 254, 233 P2d 767; In re Sharon Gift, (1956) 207 Or 250, 295 P2d 865.

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418.040

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418.045

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418.050

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418.054

ATTY. GEN. OPINIONS: Resolving conflicting federal and state laws for payments to representatives and imposition of sanctions, 1966-68, p 619.

418.059

ATTY. GEN. OPINIONS: Resolving conflicting federal and state laws for payments to representatives and imposition of sanctions, 1966-68, p 619.

418.070

NOTES OF DECISIONS

The definition of foster home applies only in a state foster-home program for which federal funds are available. State ex rel. Clackamas County v. Peterson, (1970) 3 Or App 52, 471 P2d 853.

ATTY. GEN. OPINIONS: Resolving conflicting federal and state laws for payments to representatives and imposition of sanctions, 1966-68, p 619.

418.075

ATTY. GEN. OPINIONS: Resolving conflicting federal and state laws for payments to representatives and imposition of sanctions, 1966-68, p 619.

418.100

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418.115

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418.120

ATTY. GEN. OPINIONS: Assistance if matching funds are not provided, 1962-64, p 473.

418.125

NOTES OF DECISIONS

Statutes and regulations, which authorize and require termination or suspension of aid to recipients without affording recipients a hearing prior to the withdrawal of such assistance, deny due process under U.S. Const., Am. 14. Sims v. Juras, (1969) 313 F Supp 1212.

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418.130

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418.135

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418.140

NOTES OF DECISIONS

Only a male can be prosecuted under this statute. *State v. Bearcub*, (1970) 1 Or App 579, 465 P2d 252.

418.145

ATTY. GEN. OPINIONS: Resolving conflicting federal and state laws for payments to representatives and imposition of sanctions, 1966-68, p 619.

418.205

NOTES OF DECISIONS

1. In general

The legislature did not intend this section to abolish the distinction between a delinquent and a dependent child. *State v. Harmon*, (1961) 225 Or 571, 358 P2d 1048.

2. Under former similar statute

The mere fact that a child could be given a better home did not make it a dependent child so as to deprive father of custody of child. *In re Guardianship of Baldwin*, (1929) 130 Or 206, 279 P 1078; *In re Schein*, (1937) 156 Or 661, 69 P2d 293.

The general purpose of the statute was to provide for the welfare of neglected and delinquent children, by placing the state in loco parentis so far as possible, with a view to their reformation. *State v. Eisen*, (1909) 53 Or 297, 99 P 282, 100 P 257.

The court of domestic relations of Multnomah County had jurisdiction involving care and disposition of dependent children. *Hills v. Pierce*, (1925) 113 Or 386, 231 P 652.

A finding of dependency because of parent's neglect or cruelty was unnecessary to commit a delinquent child to the industrial school. *Hills v. Pierce*, (1925) 113 Or 386, 388, 231 P 652.

A father turning his child over to his sister to be cared for temporarily after his wife's death did not abandon the child. *In re Guardianship of Baldwin*, (1929) 130 Or 206, 278 P 1078.

The statute defined three classes of dependent children: The first referred to children who had no home, no parents or guardians to care for them; the second referred to children whose home was an unfit place for children; the third referred to neglected children whose parents failed to remedy the situation. *In re Schein*, (1937) 156 Or 661, 69 P2d 293.

The first part of the statute referred to children who had been abandoned by their parents, had no guardian, or were orphans and whose only way of living was as public charges. *Id.*

The mandate "to labor with the parents or guardians of such children, and if possible induce them to perform their neglected duties," etc., applied solely to the parents or guardians of children defined as "neglected children" and had no applicability to those who fall within the definition of "dependent children." *O'Beirne v. State*, (1952) 194 Or 389, 241 P2d 874.

FURTHER CITATIONS: *In re Young*, (1946) 180 Or 187, 174 P2d 189; *Quinn v. Hanks*, (1951) 192 Or 254, 233 P2d 767; *State v. Gordineer*, (1961) 229 Or 105, 366 P2d 161; *State v. Day*, (1966) 242 Or 559, 410 P2d 1018; *State v. Hodges*, (1969) 254 Or 21, 457 P2d 491; *Kerr v. State Public Welfare Comm.*, (1970) 3 Or App 27, 470 P2d 167, Sup Ct review denied, cert. denied, 402 US 950.

ATTY. GEN. OPINIONS: Responsibility of parent for support of daughter under age of 21 years, 1936-38, p 80; state aid for indigent children whose parents are not residents of the state, 1936-38, p 129; 1907 c. 34 and this statute as far as committing dependent children to the care of private individuals is concerned, 1944-46, p 243; power to provide medical care when parents refuse, 1964-66, p 183.

LAW REVIEW CITATIONS: 5 WLJ 108, 109.

418.215

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418.240

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418.245

LAW REVIEW CITATIONS: 37 OLR 82.

418.250

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418.270

NOTES OF DECISIONS

Subsection (4) requires a waiver of appearance in a specific proceeding in which specified adoptive parents are petitioners. *Strobel v. Garrison*, (1970) 255 Or 16, 459 P2d 1001, 464 P2d 688.

A waiver of appearance may be executed in a specific adoption proceeding without disclosing the names of the present and prospective parents. *Id.*

A natural parent's right to attack premature adoption decree on grounds that the waiver of appearance is defective must be invoked within six-month period after execution of the ineffective waiver. *Id.*

FURTHER CITATIONS: *McCleskey v. Ore. State Pub. Welfare Comm.*, (1970) 4 Or App 308, 477 P2d 235, Sup Ct review denied.

ATTY. GEN. OPINIONS: Procedure in case of adoption of

child surrendered to an incorporated private child-caring institution, 1928-30, p 477.

LAW REVIEW CITATIONS: 5 WLJ 51, 52, 58.

418.275

NOTES OF DECISIONS

Adoption of a minor child committed to a child-caring agency may only be accomplished by obtaining the consent provided by this statute. In re Flora's Adoption, (1935) 152 Or 155, 52 P2d 178.

FURTHER CITATIONS: McCleskey v. Ore. State Pub. Welfare Comm., (1970) 4 Or App 308, 477 P2d 235, Sup Ct review denied.

ATTY. GEN. OPINIONS: Authority of institution to which child has been committed for care to place the child in a family home or to consent to adoption without the knowledge or order of the committing court, 1944-46, p 240; effect of consent to adopt given by a foreign child-caring agency, 1948-50, p 34.

418.280

NOTES OF DECISIONS

A county court order of adoption of a child by family with which placed by Protestant agency was of no effect where made after circuit court had revoked commitment to that agency and had committed the child to a Catholic agency. Palm v. Smith, (1948) 183 Or 617, 195 P2d 708.

ATTY. GEN. OPINIONS: Authority to place children in homes in other states and for disbursement of funds provided by the state for the support of such children, 1934-36, p 354; liability of county public welfare commission for acts of children in foster homes, 1946-48, p 44; foster home as child-caring facility, 1966-68, p 625.

418.285

CASE CITATIONS: McCleskey v. Ore. State Pub. Welfare Comm., (1970) 4 Or App 308, 477 P2d 235, Sup Ct review denied.

LAW REVIEW CITATIONS: 5 WLJ 51, 52, 58.

418.290

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418.295

ATTY. GEN. OPINIONS: Special assistant attorney general for State Land Board acting as attorney in adoption proceedings, 1960-62, p 56.

418.300

ATTY. GEN. OPINIONS: Foster home as child-caring facility, 1966-68, p 625.

LAW REVIEW CITATIONS: 5 WLJ 63, 64.

418.405 to 418.565

ATTY. GEN. OPINIONS: Foster home as child-caring facility, 1966-68, p 625.

418.410

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418.420

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418.435

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418.440

CASE CITATIONS: State v. McMaster, (1971) 259 Or 291, 486 P2d 567.

ATTY. GEN. OPINIONS: In a commitment to Fairview Home, residence for jurisdiction of minor whose parents are unavailable, 1960-62, p 159.

418.455

ATTY. GEN. OPINIONS: Foster home as a legal guardian, 1948-50, p 110; state aid to private institute that is caring for a Fairview Home parolee, 1948-50, p 160.

418.460

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418.515

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418.520

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418.625

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418.635

ATTY. GEN. OPINIONS: Defining "person," 1946-48, p 50.

418.640

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418.675

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418.705

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418.710

ATTY. GEN. OPINIONS: Injuries during recreational activities, 1962-64, p 103.