

House Bill 2383

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon Law Commission)

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 **as introduced**.

Modifies definition of "parent" in juvenile code.

A BILL FOR AN ACT

1
2 Relating to juveniles; amending ORS 419A.004.

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

4 **SECTION 1.** ORS 419A.004, as amended by section 1, chapter 843, Oregon Laws 2005, is
5 amended to read:

6 419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires
7 otherwise:

8 (1) "CASA Volunteer Program" means a program approved or sanctioned by the juvenile court
9 to recruit, train and supervise volunteer persons to serve as court appointed special advocates.

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

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

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

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

16 (6) "Court" means the juvenile court.

17 (7) "Court appointed special advocate" or "CASA" means a person appointed by the court pur-
18 suant to a CASA Volunteer Program to act as special advocate pursuant to ORS 419A.170.

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

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

21 (10) "Detention" or "detention facility" means a facility established under ORS 419A.010 to
22 419A.020 and 419A.050 to 419A.063 for the detention of children, wards, youths or youth offenders
23 pursuant to a judicial commitment or order.

24 (11) "Director" means the director of a juvenile department established under ORS 419A.010 to
25 419A.020 and 419A.050 to 419A.063.

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

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

28 (a) A member of an Indian tribe; or

29 (b) Eligible for membership in an Indian tribe and is the biological child of a member of an In-
30 dian tribe.

31 (14) "Juvenile court" means the court having jurisdiction of juvenile matters in the several

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 counties of this state.

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

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

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

7 (b) In cases in which the Indian Child Welfare Act applies, a man who is a father under appli-
8 cable tribal law.

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

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

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

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

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

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

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

25 (24) "Serious physical injury" means:

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

27 (b) A physical injury that:

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

29 (B) Results in substantial and recurring pain; or

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

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

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

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

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

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

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

43 (28) "Surrogate" means a person appointed by the court to protect the right of the child, ward,
44 youth or youth offender to receive procedural safeguards with respect to the provision of free ap-
45 propriate public education.

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

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

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

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

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

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

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