

# House Bill 4082

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Human Services)

## 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**.

Transfers authority over court appointed special advocates and CASA Volunteer Programs from State Commission on Children and Families to Oregon Volunteers Commission for Voluntary Action and Service. Becomes operative on May 1, 2012.

Prescribes duties and responsibilities of Oregon Volunteers Commission for Voluntary Action and Service. Requires commission to contract with and disburse moneys to CASA Volunteer Programs. Directs commission to present annual report to Legislative Assembly.

Creates Court Appointed Special Advocate Fund and continuously appropriates moneys in fund to Housing and Community Services Department for Oregon Volunteers Commission for Voluntary Action and Service for purpose of providing court appointed special advocate services in state.

Repeals provisions regarding CASA Volunteer Programs and court appointed special advocates on January 2, 2016.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to court appointed special advocates; creating new provisions; amending ORS 131A.360,  
3 342.176, 409.185, 417.707, 417.710, 417.720, 417.725, 417.735, 417.775, 417.780, 417.785, 418.517,  
4 418.575, 418.580, 419A.004, 419A.098, 419A.255, 419A.256, 419B.005, 419B.015, 419B.035, 419B.395,  
5 419B.470, 419B.875, 419C.285, 419C.626, 458.558, 458.568 and 609.652; repealing ORS 419A.170;  
6 appropriating money; and declaring an emergency.

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

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 ORS 419A.170 is repealed.**

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

17 (2) **Subject to the direction of the court, the duties of the court appointed special advo-**  
18 **cate are to:**

19 (a) **Investigate all relevant information about the case;**

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

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

25 (d) **Monitor all court orders to ensure compliance and to bring to the court's attention**

**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 any change in circumstances that may require a modification of an order of the court.

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

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

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

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

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

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

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

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

35 (1) "CASA Volunteer Program" means a program that has entered into a contract with  
 36 the Oregon Volunteers Commission for Voluntary Action and Service under section 4 of this  
 37 2012 Act to recruit, train and supervise volunteers to serve as court appointed special advo-  
 38 cates.

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

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

44 (a) Contract with all CASA Volunteer Programs in this state to recruit, train and su-  
 45 pervise court appointed special advocates.

1 (b) Disburse and expend moneys in the Court Appointed Special Advocate Fund estab-  
2 lished under section 5 of this 2012 Act for the purposes set forth in this section and section  
3 2 of this 2012 Act.

4 (c) Work to ensure the provision of court appointed special advocate services throughout  
5 this state in a uniform, consistent and cost-efficient manner.

6 (d) Adopt policies, procedures, standards and guidelines regarding the provision of court  
7 appointed special advocate services.

8 (e) Develop and provide training and education for court appointed special advocates and  
9 employees and other volunteers in CASA Volunteer Programs.

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

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

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

15 (2) The commission may:

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

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

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

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

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

25 (B) Policies, procedures, standards and guidelines regarding the provision of court ap-  
26 pointed special advocate services in this state.

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

29 (3) The commission shall report annually to committees or interim committees of the  
30 Legislative Assembly related to the provision of court appointed special advocate services  
31 regarding the disbursement of moneys in the Court Appointed Special Advocate Fund estab-  
32 lished under section 5 of this 2012 Act, the extent to which statewide outcome or perform-  
33 ance measures identified under subsection (1)(f) of this section are being met and the current  
34 status of court appointed special advocate services provided in this state.

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

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

39 (a) Amounts appropriated or otherwise transferred to the fund by the Legislative As-  
40 sembly;

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

42 (c) Amounts donated to the fund; and

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

44 (3) Moneys in the fund are continuously appropriated to the Housing and Community  
45 Services Department for the Oregon Volunteers Commission for Voluntary Action and Ser-

1 **vice established under ORS 458.555 for the purpose of carrying out the provisions of sections**  
 2 **2 and 4 of this 2012 Act.**

3 **(4) The department may use moneys in the fund to pay the administrative costs of the**  
 4 **commission associated with the fund and with carrying out the provisions of sections 2 and**  
 5 **4 of this 2012 Act.**

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

7 458.558. (1) The members of the Oregon Volunteers Commission for Voluntary Action and Ser-  
 8 vice must be citizens of this state who have a proven commitment to community service and who  
 9 have a demonstrated interest in fostering and nurturing citizen involvement as a strategy for  
 10 strengthening communities and promoting the ethic of service in all sectors of this state.

11 (2) The Governor shall appoint as members of the commission at least one of each of the fol-  
 12 lowing:

13 (a) An individual with experience in educational, training and development needs of youth, par-  
 14 ticularly disadvantaged youth.

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

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

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

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

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

21 (g) A representative of business.

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

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

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

27 (a) Educators.

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

30 (c) Members of Native American tribes.

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

32 (e) Entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C.  
 33 4950 et seq.).

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

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

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

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

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

40 **SECTION 7.** ORS 458.568 is amended to read:

41 458.568. The Oregon Volunteers Commission for Voluntary Action and Service shall:

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

45 (2) Prepare state applications to the Corporation for National and Community Service for fi-

1 nancial assistance for state-based service programs.

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

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

7 (5) To engage citizens in service and to strengthen communities, create statewide access for all  
8 Oregon citizens to a variety of volunteer opportunities by:

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

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

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

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

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

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

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

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

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

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

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

27 [(8)] **(9)** Biennially submit a report to the Governor and the Legislative Assembly as provided  
28 under ORS 192.230 to 192.245:

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

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

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

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

36 **SECTION 8. In addition to and not in lieu of any other appropriation, there is appropri-**  
37 **ated to the Housing and Community Services Department, for the biennium beginning July**  
38 **1, 2011, out of the General Fund, the amount of \$\_\_\_\_\_ , for distribution to the Oregon**  
39 **Volunteers Commission for Voluntary Action and Service for the purpose of implementing**  
40 **the provisions of sections 2 and 4 of this 2012 Act.**

41 **SECTION 9. Sections 2, 3, 4 and 5 of this 2012 Act are repealed on January 2, 2016.**

42 **SECTION 10. Any unexpended moneys remaining in the Court Appointed Special Advo-**  
43 **cate Fund established under section 5 of this 2012 Act on January 2, 2016, shall be transferred**  
44 **to the General Fund.**

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**LIABILITIES, DUTIES, OBLIGATIONS**

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3     **SECTION 15.** (1) Nothing in sections 11 to 18 of this 2012 Act relieves a person of a li-  
4 ability, duty or obligation accruing under or with respect to the duties, functions and powers  
5 transferred by section 11 of this 2012 Act. The Oregon Volunteers Commission for Voluntary  
6 Action and Service may undertake the collection or enforcement of any such liability, duty  
7 or obligation.

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

**RULES**

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

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

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

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41     **SECTION 18.** ORS 131A.360 is amended to read:

42     131A.360. (1) The provisions of this section apply only to a forfeiting agency other than the  
43 state, and apply only to forfeiture proceeds arising out of prohibited conduct as defined by ORS  
44 131A.005 (12)(a).

45     (2) If the forfeiting agency is not a county, the forfeiting agency shall enter into an agreement,

1 under ORS chapter 190, with the county in which the property was seized to provide a portion of  
2 the forfeiture proceeds to the county.

3 (3) After entry of a judgment of forfeiture, a forfeiting agency shall first pay from the forfeiture  
4 proceeds the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the  
5 case, including costs, disbursements and attorney fees as defined in ORCP 68 A, special expenses  
6 such as the provision of currency for undercover law enforcement operations, the cost of disabling  
7 a hidden compartment in a motor vehicle and the expenses of maintaining the seized property. The  
8 forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and  
9 operation of a seizing or forfeiting agency under this subsection.

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

11 (a) Deduct an amount equal to five percent of the forfeiture proceeds and deposit that amount  
12 in the Illegal Drug Cleanup Fund established by ORS 475.495 for the purposes specified in ORS  
13 475.495 (5) and (6);

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

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

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

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

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

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

32 (b) Currency for undercover law enforcement operations;

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

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

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

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

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

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

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

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

6 409.185. (1) The Director of Human Services shall oversee the development of standards and  
 7 procedures for assessment, investigation and enforcement of child protective services.

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

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

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

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

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

23 (f) When the department and law enforcement agencies conduct a joint investigation and as-  
 24 sessment, the activities of the department and agencies are to be clearly differentiated by the pro-  
 25 tocols of the county multidisciplinary child abuse team.

26 (g) Nothing in this subsection is intended to be inconsistent with ORS 418.702, 418.747 and  
 27 418.748 and ORS chapter 419B.

28 (h) In all cases of child abuse for which an investigation is conducted, the department shall  
 29 provide a child’s parent, guardian or caregiver with a clear written explanation of the investigation  
 30 process, the court hearing process and the rights of the parent, guardian or caregiver in the abuse  
 31 investigation and in the court proceedings related to the abuse investigation.

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

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

36 417.707. The purpose of ORS 417.705 to 417.800 [and 419A.170], as described in ORS 417.708 to  
 37 417.725, shall be implemented by all state agencies providing services for children and families to  
 38 guide the providing of those services.

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

40 417.710. Subject to the availability of funds therefor and the specific provisions of ORS 417.705  
 41 to 417.800 [and 419A.170], it is the purpose of ORS 417.705 to 417.800 [and 419A.170] to:

42 (1) Authorize the State Commission on Children and Families to set statewide guidelines for the  
 43 planning, coordination and delivery of services for children and families in conjunction with other  
 44 state agencies and other planning bodies;

45 (2) Vest in local commissions on children and families the authority to distribute state and fed-

1 eral funds allocated to the local commissions to supervise services or to purchase services for chil-  
 2 dren and families in the local area and to supervise the development of the local coordinated  
 3 comprehensive plan;

4 (3) Provide a process for comprehensive local planning for services for children and families to  
 5 provide local services that are consistent with statewide guidelines;

6 (4) Retain in the state the responsibility for funding of services for children and families through  
 7 a combination of local, state and federal funding, including the leveraging of public and private  
 8 funds available under ORS 417.705 to 417.800 [*and 419A.170*]; and

9 (5) Retain state supervision of child protection and other services that should be uniform  
 10 throughout the state and that are necessarily the state's responsibility.

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

12 417.720. The characteristics of the service system developed and implemented under ORS 417.705  
 13 to 417.800 [*and 419A.170*] are that the system:

14 (1) Is nonstigmatizing;

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

18 (3) Is outcome-oriented;

19 (4) Is integrated;

20 (5) Recognizes the contributions of the system's workers;

21 (6) Promotes in the community a sense of responsibility for self and others and is committed to  
 22 the well-being of children as well as support for families;

23 (7) Emphasizes local planning for children and families and integrates local needs with statewide  
 24 goals;

25 (8) Provides services locally in a process that encourages partnerships, alliances and efficient  
 26 use of resources; and

27 (9) Provides local service delivery systems that build on the unique strengths of the county or  
 28 community.

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

30 417.725. (1) Key elements of the service system developed and implemented under ORS 417.705  
 31 to 417.800 [*and 419A.170*] are:

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

33 (b) An implementation process resulting in a voluntary system based on nurturing human de-  
 34 velopment; and

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

39 (2) If a system of family resource centers and community learning centers is selected by a local  
 40 commission on children and families established pursuant to ORS 417.760 to deliver services, the  
 41 centers:

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

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

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

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

4 (e) Shall incorporate the requirements specified for community learning centers under ORS  
5 329.156.

6 **SECTION 24.** 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 417.708 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 for local  
12 commissions to the State Commission on Children and Families by the Legislative Assembly. The  
13 state commission shall develop an equitable formula for the distribution of funds to counties or re-  
14 gions for services for children and families, and a minimum annual grant shall be provided to each  
15 county or region.

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

19 (c) The state commission may withhold funds from a local commission if services and programs  
20 funded through the local commission do not meet appropriate performance measures and 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 417.800. In conjunction with other planning bodies and agencies  
26 providing social supports, the state commission shall use the local coordinated comprehensive plans  
27 to advise agencies, the Legislative Assembly and the Governor;

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

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

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

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

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

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

41 (h) Provide a process whereby the Department of Human Services, Oregon Health Authority,  
42 Juvenile Crime Prevention Advisory Committee, Oregon Youth Authority, Department of Education,  
43 Department of Community Colleges and Workforce Development, Employment Department, Housing  
44 and Community Services Department and Oregon Business Development Department review all  
45 findings from data collected by the local commissions through the local coordinated comprehensive

1 plans. The information gathered in this review shall be considered by those agencies in designing  
 2 future economic resources and services and in the coordination of services;

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

5 (j) Communicate information and policy advice on current research and proven practices of ef-  
 6 fectiveness, from both inside and outside the state, including successful local strategies, to local  
 7 commissions, the Governor, the Legislative Assembly, state agencies and the public. The information  
 8 shall include progress in meeting intermediate outcome targets identified in the local coordinated  
 9 comprehensive plans.

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

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

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

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

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

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

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

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

26 (a) Assist the local commissions in the development and implementation of performance meas-  
 27 ures and outcomes for evaluating services at the local level;

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

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

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

35 (B) Facilitation;

36 (C) Planning;

37 (D) Policy development;

38 (E) Proven practices of effectiveness;

39 (F) Local systems development;

40 (G) Community problem solving and mobilization; and

41 (H) Other services, as appropriate;

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

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

44 (f) Develop a process for reviewing requests for waivers from requirements of the state com-  
 45 mission. Requests for waivers shall be granted or denied as a part of the approval process for a local

1 coordinated comprehensive plan. The state commission shall not grant a request for waiver that al-  
2 lows funds to be used for any purpose other than early childhood prevention, intervention and  
3 treatment programs.

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

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

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

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

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

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

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

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

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

33 (12) Before each odd-numbered year regular session of the Legislative Assembly, the state com-  
34 mission shall report, to the Governor and to the appropriate joint interim committee as determined  
35 by the Speaker of the House of Representatives and the President of the Senate, the following:

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

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

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

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

45 (e) Proposed solutions to barriers identified under paragraph (d) of this subsection, including

1 proven, effective and innovative strategies; and

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

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

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

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

13 (14) The state commission shall:

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

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

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

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

23 417.775. (1) Under the direction of the board or boards of county commissioners, and in con-  
24 junction with the guidelines set by the State Commission on Children and Families, the local com-  
25 mission on children and families shall promote wellness for children of all ages and their families  
26 in the county or region, if the families have given their express written consent, mobilize commu-  
27 nities and develop policy and oversee the implementation of a local coordinated comprehensive plan  
28 described in this section. A local commission shall:

29 (a) Inform and involve citizens;

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

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

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

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

35 (f) Prioritize the use of nondedicated resources;

36 (g) Monitor implementation of the local plan; and

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

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

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

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

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

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

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

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

10 (4) Through the process described in subsection (3) of this section, the local commission shall  
11 coordinate the development of a single local plan for coordinating community programs, strategies  
12 and services for children who are 18 years of age or younger, including prenatal, and their families  
13 among community groups, government agencies, private providers and other parties. The local plan  
14 shall be a comprehensive area-wide service delivery plan for all services to be provided for children  
15 and their families in the county or region, if the families have given their express written consent.  
16 The local plan shall be designed to achieve state and county or regional outcomes based on state  
17 policies and guidelines and to maintain a level of services consistent with state and federal re-  
18 quirements.

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

26 (6) Subject to the availability of funds:

27 (a) The local coordinated comprehensive plan shall include:

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

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

34 (b) The local coordinated comprehensive plan shall reference:

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

36 (B) Local alcohol and other drug prevention and treatment plans developed pursuant to ORS  
37 430.242;

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

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

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

44 (7) The local coordinated comprehensive plan shall include a list of staff positions budgeted to  
45 support the local commission on children and families. The list shall indicate the status of each po-

1 sition as a percentage of full-time equivalency dedicated to the implementation of the local coordi-  
2 nated comprehensive plan. The county board or boards of commissioners shall be responsible for  
3 providing the level of staff support detailed in the local plan and shall ensure that funds provided  
4 for these purposes are used to carry out the local plan.

5 (8) The local coordinated comprehensive plan shall:

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

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

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

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

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

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

17 (g) Be designed to achieve outcomes based on research-identified proven practices of effective-  
18 ness; and

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

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

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

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

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

25 (d) Identify opportunities for service integration; and

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

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

31 (11)(a) The state commission may disapprove the planning process and the voluntary local early  
32 childhood system plan only upon making specific findings that the local plan substantially fails to  
33 conform to the principles, characteristics and values identified in ORS 417.708 to 417.725 and 417.735  
34 (4) or that the local plan fails to conform with the planning process requirements of this section.

35 The staff of the state commission shall assist the local commission in remedying the deficiencies in  
36 the planning process or the voluntary local early childhood system plan. The state commission shall  
37 set a date by which any deficient portions of the planning process or the voluntary local early  
38 childhood system plan must be revised and resubmitted to the state commission by the local com-  
39 mission.

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

42 (A) The local alcohol and other drug prevention and treatment plans developed pursuant to ORS  
43 430.242;

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

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

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

3 (12) The state commission, the Department of Human Services and the Juvenile Crime Pre-  
4 ventation Advisory Committee may jointly approve the community plan that is part of the local coordi-  
5 nated comprehensive plan, but may not jointly approve the service plans that are referenced in the  
6 local plan. If the community plan is disapproved in whole, the agencies shall identify with  
7 particularity the manner in which the community plan is deficient and the service plans may be  
8 implemented. If only part of the community plan is disapproved, the remainder of the community  
9 plan and the service plans may be implemented. The staff of the agencies shall assist the local  
10 commission in remedying the disapproved portions of the community plan. The agencies shall jointly  
11 set a date by which the deficient portions of the community plan shall be revised and resubmitted  
12 to the agencies by the local commission. In reviewing the community plan, the agencies shall con-  
13 sider the impact of state and local budget reductions on the community plan.

14 (13) If a local commission determines that the needs of the county or region it serves differ from  
15 those identified by the state commission, it may ask the state commission to waive specific re-  
16 quirements in its list of children's support areas. The process for granting waivers shall be devel-  
17 oped by the state commission prior to the start of the review and approval process for the local  
18 coordinated comprehensive plan described in ORS 417.735 (4) and shall be based primarily on a de-  
19 termination of whether the absence of a waiver would prevent the local commission from best  
20 meeting the needs of the county or region.

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

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

28 (16) The local commission shall provide an opportunity for public and private contractors to  
29 review the components of the local coordinated comprehensive plan and any amendments to the lo-  
30 cal plan, to receive notice of any component that the county or counties intend to provide through  
31 a county agency and to comment publicly to the board or boards of county commissioners if they  
32 disagree with the proposed service delivery plan.

33 (17) Alcohol and drug prevention and treatment services included in the local coordinated com-  
34 prehensive plan must meet minimum standards adopted by the Oregon Health Authority under ORS  
35 430.357.

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

37 417.780. Funds received by a county or counties from the state to implement ORS 417.705 to  
38 417.800 [*and 419A.170*] shall not be used to replace county general fund moneys, other than federal  
39 or state funds, currently being used by the county for existing programs for children and youth.  
40 However, in case of severe financial hardship demonstrated by a county or counties, the State  
41 Commission on Children and Families may waive the requirements of this section in approving the  
42 local coordinated comprehensive plan.

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

44 417.785. A local commission is the recommended local structure for implementation of ORS  
45 417.705 to 417.800 [*and 419A.170*]. However, a county or counties may elect to offer another struc-

1 ture but shall submit only one local coordinated comprehensive plan. The alternative structure must  
2 be approved by the State Commission on Children and Families.

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

4 418.575. As used in ORS 418.575 to 418.598:

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

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

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

15 (4) "Family" means, at a minimum but not to the exclusion of siblings as defined in ORS  
16 419A.004 or other persons living in the same household with a child, the child and:

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

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

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

20 (5) "Intensive in-home services" means services that keep a child and family together in the  
21 child's and family's home with a goal of 24-hour on-call support while the child and the child's family  
22 engage in family strengthening activities and receive appropriate mental health and addiction  
23 treatment and other intensive support interventions.

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

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

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

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

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

32 418.580. (1) By October 1, 2012, and to the extent practicable using available resources, the  
33 Department of Human Services and county partners shall implement Strengthening, Preserving and  
34 Reunifying Families programs as described in this section. County partners are encouraged to form  
35 collaborations with programs to design, oversee and participate in program development and imple-  
36 mentation as appropriate. The department shall be the lead agency in efforts undertaken pursuant  
37 to this section, but all officers, boards, commissions and other agencies of the State of Oregon shall  
38 cooperate with the department to accomplish the duties imposed on the department by ORS 418.575  
39 to 418.598 and to allocate services provided by programs as described in this section.

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

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

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

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

8 (a) Front end intervention services that include alcohol and drug treatment providers or mental  
9 health providers accompanying department caseworkers on initial calls and visits in response to  
10 allegations or reports of abuse or neglect. County partners shall participate in assessments to de-  
11 termine the appropriateness and level of program services required for a child and the child's family,  
12 the creation of safety plans to enable the provision of in-home services if appropriate and the de-  
13 velopment of family preservation and reunification plans for presentation to the juvenile court.

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

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

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

25 (e) Intensive in-home services while the child and family engage in family strengthening activ-  
26 ities.

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

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

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

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

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

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

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

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

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

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

3 (7) Programs shall develop and implement training and continuing education curricula for per-  
 4 sons delivering program services and, when adequate funding exists, sponsor the attendance of ser-  
 5 vice providers at state or national training programs, conferences or other similar events.

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

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

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

11 (c) Provide financial resources for the hiring of personnel and the provision of existing or en-  
 12 hanced program services.

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

16 **SECTION 30.** ORS 419A.004 is amended to read:

17 419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires  
 18 otherwise:

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

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

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

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

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

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

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

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

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

36 (10) "Detention" or "detention facility" means a facility established under ORS 419A.010 to  
 37 419A.020 and 419A.050 to 419A.063 for the detention of children, wards, youths or youth offenders  
 38 pursuant to a judicial commitment or order.

39 (11) "Director" means the director of a juvenile department established under ORS 419A.010 to  
 40 419A.020 and 419A.050 to 419A.063.

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

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

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

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

1 (14) “Juvenile court” means the court having jurisdiction of juvenile matters in the several  
2 counties of this state.

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

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

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

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

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

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

17 (19) “Public building” has the meaning given that term in ORS 166.360.

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

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

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

25 (23) “Restitution” has the meaning given that term in ORS 137.103.

26 (24) “Serious physical injury” means:

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

28 (b) A physical injury that:

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

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

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

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

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

36 (27) “Sibling” means one of two or more children or wards related:

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

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

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

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

43 (b) A family home that the court has approved as a ward’s permanent placement, when a private  
44 child caring agency has been appointed guardian of the ward and when the ward’s care is entirely  
45 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.**

**CONFORMING AMENDMENTS RELATING TO  
REPEAL OF CASA PROVISIONS  
(Operative January 2, 2016)**

**SECTION 32.** ORS 131A.360, as amended by section 18 of this 2012 Act, 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).

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

4 (3) After entry of a judgment of forfeiture, a forfeiting agency shall first pay from the forfeiture  
5 proceeds the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the  
6 case, including costs, disbursements and attorney fees as defined in ORCP 68 A, special expenses  
7 such as the provision of currency for undercover law enforcement operations, the cost of disabling  
8 a hidden compartment in a motor vehicle and the expenses of maintaining the seized property. The  
9 forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and  
10 operation of a seizing or forfeiting agency under this subsection.

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

12 (a) Deduct an amount equal to five percent of the forfeiture proceeds and deposit that amount  
13 in the Illegal Drug Cleanup Fund established by ORS 475.495 for the purposes specified in ORS  
14 475.495 (5) and (6);

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

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

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

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

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

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

33 (b) Currency for undercover law enforcement operations;

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

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

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

41 (f) Drug treatment and programs that support drug treatment.[: and]

42 [(g) A CASA Volunteer Program as defined in section 3 of this 2012 Act.]

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

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

5 **SECTION 33.** ORS 418.517 is amended to read:

6 418.517. (1) As used in this section:

7 (a) "Medically accepted indication" means any use for a covered outpatient drug that is ap-  
 8 proved under the Federal Food, Drug and Cosmetic Act, or recommended by the Pharmacy and  
 9 Therapeutics Committee created by ORS 414.353, or the use of which is supported by one or more  
 10 citations included or approved for inclusion in any of the following compendia:

11 (A) American Hospital Formulary Service drug information;

12 (B) United States Pharmacopoeia drug information or any successor publication;

13 (C) The DRUGDEX Information System; or

14 (D) Peer-reviewed medical literature.

15 (b) "Psychotropic medication" means medication the prescribed intent of which is to affect or  
 16 alter thought processes, mood or behavior, including but not limited to antipsychotic, antidepressant  
 17 and anxiolytic medication and behavior medications. The classification of a medication depends upon  
 18 its stated intended effect when prescribed, because it may have many different effects.

19 (2) The Department of Human Services shall develop by rule procedures for the use of  
 20 psychotropic medications for children placed in foster care by the department.

21 (3) The procedures shall include but not be limited to:

22 (a) Required assessment by a qualified mental health professional or licensed medical profes-  
 23 sional, with expertise in children's mental health, as defined by rule of the department prior to is-  
 24 suance of a new prescription for more than one psychotropic medication or any antipsychotic  
 25 medication, except in case of urgent medical need as defined by rule.

26 (b) Required notice by the foster parent to the department within one working day after re-  
 27 ceiving a new prescription of the psychotropic medication.

28 (c) Required timely notice by the department to the child's parent and the parent's legal repre-  
 29 sentative, if any, and **to** the child's legal representative, **if any**, [*or the court appointed special ad-*  
 30 *vocate*] containing the following information:

31 (A) The prescribed psychotropic medication;

32 (B) The amount of the dosage;

33 (C) The dosage recommended pursuant to a medically accepted indication;

34 (D) The reason for the medication;

35 (E) The efficacy of the medication; and

36 (F) The side effects of the medication.

37 (d) Specified follow-up and monitoring by the department of a child taking psychotropic  
 38 medication including, but not limited to, an annual review of medications by a licensed medical  
 39 professional, or qualified mental health professional with authority to prescribe drugs, other than  
 40 the prescriber, if the child has more than two prescriptions for psychotropic medications or if the  
 41 child is under the age of six years.

42 (4) A psychotropic medication may not be prescribed for a child under this section unless it is  
 43 used for a medically accepted indication that is age appropriate.

44 (5) Any parent, legal representative of the parent[,], **or** legal representative of the child [*or court*  
 45 *appointed special advocate*] may petition the juvenile court for a hearing if the parent, the repre-

1 tentative of the parent, if any, **or** the legal representative of the child, **if any**, [*or the advocate*] ob-  
 2 jects to the use of or the prescribed dosage of the psychotropic medication. The court may order  
 3 an independent evaluation of the need for or the prescribed dosage of the medication. The court  
 4 may order that administration of the medication be discontinued or the prescribed dosage be modi-  
 5 fied upon a showing that either the prescribed medication or the dosage, or both, are inappropriate.

6 **SECTION 34.** ORS 418.575, as amended by section 28 of this 2012 Act, is amended to read:

7 418.575. As used in ORS 418.575 to 418.598:

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

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

13 (3) "County partners" means employees or representatives of the Department of Human Ser-  
 14 vices, the county, [*court appointed special advocates under section 2 of this 2012 Act,*] drug and al-  
 15cohol treatment providers, mental health providers, providers of affordable housing and other  
 16 persons or entities that provide services to children and families within a county of this state.

17 (4) "Family" means, at a minimum but not to the exclusion of siblings as defined in ORS  
 18 419A.004 or other persons living in the same household with a child, the child and:

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

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

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

22 (5) "Intensive in-home services" means services that keep a child and family together in the  
 23 child's and family's home with a goal of 24-hour on-call support while the child and the child's family  
 24 engage in family strengthening activities and receive appropriate mental health and addiction  
 25 treatment and other intensive support interventions.

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

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

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

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

33 **SECTION 35.** ORS 418.580, as amended by section 29 of this 2012 Act, is amended to read:

34 418.580. (1) By October 1, 2012, and to the extent practicable using available resources, the  
 35 Department of Human Services and county partners shall implement Strengthening, Preserving and  
 36 Reunifying Families programs as described in this section. County partners are encouraged to form  
 37 collaborations with programs to design, oversee and participate in program development and imple-  
 38 mentation as appropriate. The department shall be the lead agency in efforts undertaken pursuant  
 39 to this section, but all officers, boards, commissions and other agencies of the State of Oregon shall  
 40 cooperate with the department to accomplish the duties imposed on the department by ORS 418.575  
 41 to 418.598 and to allocate services provided by programs as described in this section.

42 (2)(a) The Director of Human Services or the director's designee, the Director of the Oregon  
 43 Health Authority or the director's designee or the Director of the Housing and Community Services  
 44 Department or the director's designee shall enter into a contract with, and make reasonable pay-  
 45 ment for services provided by, a program in accordance with ORS 418.575 to 418.598, and shall,

1 where necessary, enter into contracts with a lead agency or with county and community entities  
 2 that have been designated by the county partners to coordinate services provided under this section.

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

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

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

10 (a) Front end intervention services that include alcohol and drug treatment providers or mental  
 11 health providers accompanying department caseworkers on initial calls and visits in response to  
 12 allegations or reports of abuse or neglect. County partners shall participate in assessments to de-  
 13 termine the appropriateness and level of program services required for a child and the child's family,  
 14 the creation of safety plans to enable the provision of in-home services if appropriate and the de-  
 15 velopment of family preservation and reunification plans for presentation to the juvenile court.

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

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

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

27 (e) Intensive in-home services while the child and family engage in family strengthening activ-  
 28 ities.

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

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

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

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

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

40 *[(k) Services of a court appointed special advocate appointed under section 2 of this 2012 Act where*  
 41 *available.]*

42 *[(L)]* (k) Other services and interventions as programs evolve, research develops and funding  
 43 becomes available.

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

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

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

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

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

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

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

13 (c) Provide financial resources for the hiring of personnel and the provision of existing or en-  
14 hanced program services.

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

18 **SECTION 36.** ORS 419A.004, as amended by section 30 of this 2012 Act, is amended to read:

19 419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires  
20 otherwise:

21 [(1) “CASA Volunteer Program” means a program that has entered into a contract with the Oregon  
22 Volunteers Commission for Voluntary Action and Service under section 4 of this 2012 Act to recruit,  
23 train and supervise volunteers to serve as court appointed special advocates.]

24 [(2)] (1) “Child care center” means a residential facility for wards or youth offenders that is li-  
25 censed under the provisions of ORS 418.240.

26 [(3)] (2) “Community service” has the meaning given that term in ORS 137.126.

27 [(4)] (3) “Conflict of interest” means a person appointed to a local citizen review board who has  
28 a personal or pecuniary interest in a case being reviewed by that board.

29 [(5)] (4) “Counselor” means a juvenile department counselor or a county juvenile probation of-  
30 ficer.

31 [(6)] (5) “Court” means the juvenile court.

32 [(7) “Court appointed special advocate” means a person in a CASA Volunteer Program who is  
33 appointed by the court to act as a court appointed special advocate pursuant to section 2 of this 2012  
34 Act.]

35 [(8)] (6) “Court facility” has the meaning given that term in ORS 166.360.

36 [(9)] (7) “Department” means the Department of Human Services.

37 [(10)] (8) “Detention” or “detention facility” means a facility established under ORS 419A.010  
38 to 419A.020 and 419A.050 to 419A.063 for the detention of children, wards, youths or youth offenders  
39 pursuant to a judicial commitment or order.

40 [(11)] (9) “Director” means the director of a juvenile department established under ORS  
41 419A.010 to 419A.020 and 419A.050 to 419A.063.

42 [(12)] (10) “Guardian” means guardian of the person and not guardian of the estate.

43 [(13)] (11) “Indian child” means any unmarried person less than 18 years of age who is:

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

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

1 dian tribe.

2 [(14)] (12) "Juvenile court" means the court having jurisdiction of juvenile matters in the several  
3 counties of this state.

4 [(15)] (13) "Local citizen review board" means the board specified by ORS 419A.090 and  
5 419A.092.

6 [(16)] (14) "Parent" means the biological or adoptive mother and the legal father of the child,  
7 ward, youth or youth offender. As used in this subsection, "legal father" means:

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

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

12 [(17)] (15) "Permanent foster care" means an out-of-home placement in which there is a long-  
13 term contractual foster care agreement between the foster parents and the department that is ap-  
14 proved by the juvenile court and in which the foster parents commit to raise a ward in substitute  
15 care or youth offender until the age of majority.

16 [(18)] (16) "Planned permanent living arrangement" means an out-of-home placement other than  
17 by adoption, placement with a relative or placement with a legal guardian that is consistent with  
18 the case plan and in the best interests of the ward.

19 [(19)] (17) "Public building" has the meaning given that term in ORS 166.360.

20 [(20)] (18) "Reasonable time" means a period of time that is reasonable given a child or ward's  
21 emotional and developmental needs and ability to form and maintain lasting attachments.

22 [(21)] (19) "Records" means any information in written form, pictures, photographs, charts,  
23 graphs, recordings or documents pertaining to a case.

24 [(22)] (20) "Resides" or "residence," when used in reference to the residence of a child, ward,  
25 youth or youth offender, means the place where the child, ward, youth or youth offender is actually  
26 living or the jurisdiction in which wardship or jurisdiction has been established.

27 [(23)] (21) "Restitution" has the meaning given that term in ORS 137.103.

28 [(24)] (22) "Serious physical injury" means:

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

30 (b) A physical injury that:

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

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

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

34 [(25)] (23) "Shelter care" means a home or other facility suitable for the safekeeping of a child,  
35 ward, youth or youth offender who is taken into temporary custody pending investigation and dis-  
36 position.

37 [(26)] (24) "Short-term detention facility" means a facility established under ORS 419A.050 (3) for  
38 holding children, youths and youth offenders pending further placement.

39 [(27)] (25) "Sibling" means one of two or more children or wards related:

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

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

42 [(28)] (26) "Substitute care" means an out-of-home placement directly supervised by the depart-  
43 ment or other agency, including placement in a foster family home, group home or other child caring  
44 institution or facility. "Substitute care" does not include care in:

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

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

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

5 [(29)] (27) “Surrogate” means a person appointed by the court to protect the right of the child,  
 6 ward, youth or youth offender to receive procedural safeguards with respect to the provision of free  
 7 appropriate public education.

8 [(30)] (28) “Tribal court” means a court with jurisdiction over child custody proceedings and  
 9 that is either a Court of Indian Offenses, a court established and operated under the code of custom  
 10 of an Indian tribe or any other administrative body of a tribe that is vested with authority over child  
 11 custody proceedings.

12 [(31)] (29) “Victim” means any person determined by the district attorney, the juvenile depart-  
 13 ment or the court to have suffered direct financial, psychological or physical harm as a result of the  
 14 act that has brought the youth or youth offender before the juvenile court. When the victim is a  
 15 minor, “victim” includes the legal guardian of the minor. The youth or youth offender may not be  
 16 considered the victim. When the victim of the crime cannot be determined, the people of Oregon,  
 17 as represented by the district attorney, are considered the victims.

18 [(32)] (30) “Violent felony” means any offense that, if committed by an adult, would constitute  
 19 a felony and:

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

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

23 [(33)] (31) “Ward” means a person within the jurisdiction of the juvenile court under ORS  
 24 419B.100.

25 [(34)] (32) “Young person” means a person who has been found responsible except for insanity  
 26 under ORS 419C.411 and placed under the jurisdiction of the Psychiatric Security Review Board.

27 [(35)] (33) “Youth” means a person under 18 years of age who is alleged to have committed an  
 28 act that is a violation, or, if done by an adult would constitute a violation, of a law or ordinance  
 29 of the United States or a state, county or city.

30 [(36)] (34) “Youth care center” has the meaning given that term in ORS 420.855.

31 [(37)] (35) “Youth offender” means a person who has been found to be within the jurisdiction  
 32 of the juvenile court under ORS 419C.005 for an act committed when the person was under 18 years  
 33 of age.

34 **SECTION 37.** ORS 419A.098 is amended to read:

35 419A.098. The Chief Justice, in consultation with the Supreme Court, shall adopt rules under  
 36 ORS 1.002 that may include any procedures for the administration of the local citizen review board  
 37 program regarding:

38 (1) Removal of members of local citizen review boards;

39 (2) The time, content and manner in which case plans and case progress reports shall be pro-  
 40 vided by the Department of Human Services or other agency or individual directly responsible for  
 41 the care of the child or ward to the local citizen review board. These rules may require that such  
 42 information be provided in shorter time periods than those contained in ORS 419B.443, and that in-  
 43 formation in addition to that specified by ORS 419B.443 be provided;

44 (3) Procedures for providing written notice of the review to the department, any other agency  
 45 directly responsible for the care or placement of the child or ward, the parents or their attorneys,

1 foster parents, surrogate parents, mature children and wards or their attorneys, the appointed at-  
2 torney [*or court appointed special advocate*] of any child or ward, any district attorney or attorney  
3 general actively involved in the case and other interested persons. The notice shall include advice  
4 that persons receiving a notice may participate in the hearing and be accompanied by a represen-  
5 tative;

6 (4) Procedures for securing or excusing the presence at the review of caseworkers and other  
7 employees of the department or other agencies directly responsible for the care of the child or ward;

8 (5) Procedures by which boards can remove cases from review when such review is not required  
9 under federal law;

10 (6) Grounds for removal of members;

11 (7) Terms of board members; and

12 (8) Organization of individual boards.

13 **SECTION 38.** ORS 419A.255 is amended to read:

14 419A.255. (1) The clerk of the court shall keep a record of each case, including therein the  
15 summons and other process, the petition and all other papers in the nature of pleadings, motions,  
16 orders of the court and other papers filed with the court, but excluding reports and other material  
17 relating to the child, ward, youth or youth offender's history and prognosis. The record of the case  
18 shall be withheld from public inspection but is open to inspection by the child, ward, youth, youth  
19 offender, parent, guardian, [*court appointed special advocate,*] surrogate or a person allowed to in-  
20 tervene in a proceeding involving the child, ward, youth or youth offender, and their attorneys. The  
21 attorneys are entitled to copies of the record of the case.

22 (2) Reports and other material relating to the child, ward, youth or youth offender's history and  
23 prognosis are privileged and, except at the request of the child, ward, youth or youth offender, may  
24 not be disclosed directly or indirectly to anyone other than the judge of the juvenile court, those  
25 acting under the judge's direction, service providers in the case and the attorneys of record for the  
26 child, ward, youth or youth offender or the child, ward, youth or youth offender's parent, guardian,  
27 [*court appointed special advocate,*] surrogate or person allowed to intervene in a proceeding involving  
28 the child, ward, youth or youth offender. Reports and other material relating to a youth offender's  
29 history and prognosis in cases under ORS 419C.005 may be disclosed to the superintendent of the  
30 school district in which the youth offender resides or the superintendent's designee. The service  
31 providers in the case, school superintendents, superintendents' designees and attorneys are entitled  
32 to examine and obtain copies of any reports or other material relating to the child, ward, youth or  
33 youth offender's history and prognosis. Any service provider in the case, school superintendent,  
34 superintendent's designee or attorney who examines or obtains copies of such reports or materials  
35 is responsible for preserving their confidentiality. A service provider, school superintendent or  
36 superintendent's designee who obtains copies of such reports or materials shall return the copies to  
37 the court upon the conclusion of the service provider's, superintendent's or superintendent's  
38 designee's involvement in the case.

39 (3) Except as otherwise provided in subsection (7) of this section, no information appearing in  
40 the record of the case or in reports or other material relating to the child, ward, youth or youth  
41 offender's history or prognosis may be disclosed to any person not described in subsection (2) of this  
42 section without the consent of the court, except for purposes of evaluating the child, ward, youth  
43 or youth offender's eligibility for special education as provided in ORS chapter 343, and no such  
44 information may be used in evidence in any proceeding to establish criminal or civil liability against  
45 the child, ward, youth or youth offender, whether such proceeding occurs after the child, ward,

1 youth or youth offender has reached 18 years of age or otherwise, except for the following purposes:

2 (a) In connection with a presentence investigation after guilt has been admitted or established  
3 in a criminal court.

4 (b) In connection with a proceeding in another juvenile court concerning the child, ward, youth  
5 or youth offender or an appeal from the juvenile court.

6 (4) If the court finds that the child, ward, youth, youth offender or parent is without financial  
7 means to purchase all or a necessary part of the transcript of the evidence or proceedings, the court  
8 shall order upon motion the transcript or part thereof to be furnished. The transcript or part thereof  
9 furnished under this subsection shall be paid for in the same manner as furnished transcripts are  
10 paid for in criminal cases.

11 (5) Notwithstanding any other provision of law, the following are not confidential and not ex-  
12 empt from disclosure:

13 (a) The name and date of birth of the youth or youth offender;

14 (b) The basis for the juvenile court's jurisdiction over the youth or youth offender;

15 (c) The date, time and place of any juvenile court proceeding in which the youth or youth  
16 offender is involved;

17 (d) The act alleged in the petition that if committed by an adult would constitute a crime if ju-  
18 risdiction is based on ORS 419C.005;

19 (e) That portion of the juvenile court order providing for the legal disposition of the youth or  
20 youth offender when jurisdiction is based on ORS 419C.005;

21 (f) The names and addresses of the youth or youth offender's parents or guardians; and

22 (g) The register described in ORS 7.020 when jurisdiction is based on ORS 419C.005.

23 (6) Notwithstanding any other provision of law, when a youth has been taken into custody under  
24 ORS 419C.080, the following information shall be disclosed unless, and only for so long as, there is  
25 a clear need to delay disclosure in the course of a specific investigation, including the need to pro-  
26 tect the complaining party or the victim:

27 (a) The youth's name and age and whether the youth is employed or in school;

28 (b) The youth offense for which the youth was taken into custody;

29 (c) The name and age of the adult complaining party and the adult victim, unless the disclosure  
30 of such information is otherwise prohibited or restricted;

31 (d) The identity of the investigating and arresting agency; and

32 (e) The time and place that the youth was taken into custody and whether there was resistance,  
33 pursuit or a weapon used in taking the youth into custody.

34 (7)(a) Information contained in reports and other materials relating to a child, ward, youth or  
35 youth offender's history and prognosis that, in the professional judgment of the juvenile counselor,  
36 caseworker, school superintendent or superintendent's designee, teacher or detention worker to  
37 whom the information for the reports or other materials has been provided, indicates a clear and  
38 immediate danger to another person or to society shall be disclosed to the appropriate authority and  
39 the person or entity who is in danger from the child, ward, youth or youth offender.

40 (b) An agency or a person who discloses information under paragraph (a) of this subsection has  
41 immunity from any liability, civil or criminal, that might otherwise be incurred or imposed for  
42 making the disclosure.

43 (c) Nothing in this subsection affects the provisions of ORS 146.750, 146.760, 419B.035, 419B.040  
44 and 419B.045. The disclosure of information under this section does not make the information ad-  
45 missible in any court or administrative proceeding if it is not otherwise admissible.

1 (8) A county juvenile department is the agency responsible for disclosing youth and youth  
2 offender records if the records are subject to disclosure.

3 (9) A petition filed under ORS 419B.851 alleging that a child who is a foreign national is within  
4 the jurisdiction of the court, or a motion requesting an implementation plan other than return of a  
5 ward to the ward's parent, is subject to disclosure to the consulate for the child or ward's country  
6 as provided under ORS 419B.851 (3).

7 (10) Nothing in this section prohibits a guardian appointed under ORS 419B.365 or 419B.366 from  
8 disclosing or providing copies of letters of guardianship when so required to fulfill the duties of a  
9 guardian.

10 (11) The court shall cooperate in the sharing of information with a court in another state to  
11 facilitate an interstate placement of a child or ward.

12 **SECTION 39.** ORS 419A.256 is amended to read:

13 419A.256. (1)(a) Once prepared and filed with the court, a transcript of a juvenile court pro-  
14 ceeding is part of the record of the case maintained by the clerk of the court under ORS 419A.255  
15 (1) and is subject to the provisions of ORS 419A.255 (1) and (3) governing access and disclosure.

16 (b) Notwithstanding ORS 419A.255, if a transcript, audiotape or videotape has been prepared in  
17 any proceeding under ORS chapter 419C, the victim may obtain a copy by paying the actual cost  
18 of preparation.

19 (2) The official audio, video or other recording of a juvenile court proceeding shall be withheld  
20 from public inspection but is open to inspection by the child, ward, youth, youth offender, parent,  
21 guardian, [*court appointed special advocate,*] surrogate or a person allowed to intervene in a pro-  
22 ceeding involving the child, ward, youth or youth offender, and their attorneys.

23 **SECTION 40.** ORS 419B.005 is amended to read:

24 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

25 (1)(a) "Abuse" means:

26 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child  
27 which has been caused by other than accidental means, including any injury which appears to be  
28 at variance with the explanation given of the injury.

29 (B) Any mental injury to a child, which shall include only observable and substantial impairment  
30 of the child's mental or psychological ability to function caused by cruelty to the child, with due  
31 regard to the culture of the child.

32 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-  
33 tration and incest, as those acts are described in ORS chapter 163.

34 (D) Sexual abuse, as described in ORS chapter 163.

35 (E) Sexual exploitation, including but not limited to:

36 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any  
37 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage  
38 in the performing for people to observe or the photographing, filming, tape recording or other ex-  
39 hibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or  
40 described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not in-  
41 cluding any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or  
42 which is designed to serve educational or other legitimate purposes; and

43 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution or to patronize  
44 a prostitute, as defined in ORS chapter 167.

45 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to

1 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or  
 2 welfare of the child.

3 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm  
 4 to the child’s health or welfare.

5 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

6 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where  
 7 methamphetamines are being manufactured.

8 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child  
 9 to a substantial risk of harm to the child’s health or safety.

10 (b) “Abuse” does not include reasonable discipline unless the discipline results in one of the  
 11 conditions described in paragraph (a) of this subsection.

12 (2) “Child” means an unmarried person who is under 18 years of age.

13 (3) “Law enforcement agency” means:

14 (a) A city or municipal police department.

15 (b) A county sheriff’s office.

16 (c) The Oregon State Police.

17 (d) A police department established by a university under ORS 352.383.

18 (e) A county juvenile department.

19 (4) “Public or private official” means:

20 (a) Physician, osteopathic physician, physician assistant, naturopathic physician, podiatric phy-  
 21 sician and surgeon, including any intern or resident.

22 (b) Dentist.

23 (c) School employee.

24 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s aide, home health aide  
 25 or employee of an in-home health service.

26 (e) Employee of the Department of Human Services, Oregon Health Authority, State Commission  
 27 on Children and Families, Child Care Division of the Employment Department, the Oregon Youth  
 28 Authority, a county health department, a community mental health program, a community develop-  
 29 mental disabilities program, a county juvenile department, a licensed child-caring agency or an al-  
 30 cohol and drug treatment program.

31 (f) Peace officer.

32 (g) Psychologist.

33 (h) Member of the clergy.

34 (i) Regulated social worker.

35 (j) Optometrist.

36 (k) Chiropractor.

37 (L) Certified provider of foster care, or an employee thereof.

38 (m) Attorney.

39 (n) Licensed professional counselor.

40 (o) Licensed marriage and family therapist.

41 (p) Firefighter or emergency medical services provider.

42 [(q) A court appointed special advocate, as defined in ORS 419A.004.]

43 [(r)] (q) A child care provider registered or certified under ORS 657A.030 and 657A.250 to  
 44 657A.450.

45 [(s)] (r) Member of the Legislative Assembly.

1 [(t)] (s) Physical, speech or occupational therapist.

2 [(u)] (t) Audiologist.

3 [(v)] (u) Speech-language pathologist.

4 [(w)] (v) Employee of the Teacher Standards and Practices Commission directly involved in in-  
5 vestigations or discipline by the commission.

6 [(x)] (w) Pharmacist.

7 [(y)] (x) An operator of a preschool recorded program under ORS 657A.255.

8 [(z)] (y) An operator of a school-age recorded program under ORS 657A.257.

9 [(aa)] (z) Employee of a private agency or organization facilitating the provision of respite ser-  
10 vices, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney  
11 under ORS 109.056.

12 **SECTION 41.** ORS 419B.015 is amended to read:

13 419B.015. (1)(a) A person making a report of child abuse, whether the report is made voluntarily  
14 or is required by ORS 419B.010, shall make an oral report by telephone or otherwise to the local  
15 office of the Department of Human Services, to the designee of the department or to a law  
16 enforcement agency within the county where the person making the report is located at the time  
17 of the contact. The report shall contain, if known, the names and addresses of the child and the  
18 parents of the child or other persons responsible for care of the child, the child's age, the nature  
19 and extent of the abuse, including any evidence of previous abuse, the explanation given for the  
20 abuse and any other information that the person making the report believes might be helpful in es-  
21 tablishing the cause of the abuse and the identity of the perpetrator.

22 (b) When a report of child abuse is received by the department, the department shall notify a  
23 law enforcement agency within the county where the report was made. When a report of child abuse  
24 is received by a designee of the department, the designee shall notify, according to the contract,  
25 either the department or a law enforcement agency within the county where the report was made.  
26 When a report of child abuse is received by a law enforcement agency, the agency shall notify the  
27 local office of the department within the county where the report was made.

28 (2) When a report of child abuse is received under subsection (1)(a) of this section, the entity  
29 receiving the report shall make the notification required by subsection (1)(b) of this section accord-  
30 ing to rules adopted by the department under ORS 419B.017.

31 (3)(a) When a report alleging that a child or ward in substitute care may have been subjected  
32 to abuse is received by the department, the department shall notify the attorney for the child or  
33 ward, [*the child's or ward's court appointed special advocate,*] the parents of the child or ward and  
34 any attorney representing a parent of the child or ward that a report has been received.

35 (b) The name and address of and other identifying information about the person who made the  
36 report may not be disclosed under this subsection. Any person or entity to whom notification is  
37 made under this subsection may not release any information not authorized by this subsection.

38 (c) The department shall make the notification required by this subsection within three business  
39 days of receiving the report of abuse.

40 (d) Notwithstanding the obligation imposed by this subsection, the department is not required  
41 under this subsection to notify the parent or parent's attorney that a report of abuse has been re-  
42 ceived if the notification may interfere with an investigation or assessment or jeopardize the child's  
43 or ward's safety.

44 **SECTION 42.** ORS 419B.035, as amended by section 4, chapter 348, Oregon Laws 2009, is  
45 amended to read:

1 419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and  
2 192.610 to 192.990 relating to confidentiality and accessibility for public inspection of public records  
3 and public documents, reports and records compiled under the provisions of ORS 419B.010 to  
4 419B.050 are confidential and may not be disclosed except as provided in this section. The Depart-  
5 ment of Human Services shall make the records available to:

6 (a) Any law enforcement agency or a child abuse registry in any other state for the purpose of  
7 subsequent investigation of child abuse;

8 (b) Any physician, at the request of the physician, regarding any child brought to the physician  
9 or coming before the physician for examination, care or treatment;

10 (c) Attorneys of record for the child or child's parent or guardian in any juvenile court pro-  
11 ceeding;

12 (d) Citizen review boards established by the Judicial Department for the purpose of periodically  
13 reviewing the status of children, youths and youth offenders under the jurisdiction of the juvenile  
14 court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to  
15 participants in case reviews;

16 *[(e) A court appointed special advocate in any juvenile court proceeding in which it is alleged that  
17 a child has been subjected to child abuse or neglect;]*

18 *[(f)]* (e) The Child Care Division for certifying, registering or otherwise regulating child care  
19 facilities;

20 *[(g)]* (f) The Office of Children's Advocate;

21 *[(h)]* (g) The Teacher Standards and Practices Commission for investigations conducted under  
22 ORS 342.176 involving any child or any student in grade 12 or below; and

23 *[(i)]* (h) Any person, upon request to the Department of Human Services, if the reports or re-  
24 cords requested regard an incident in which a child, as the result of abuse, died or suffered serious  
25 physical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must  
26 be disclosed in accordance with ORS 192.410 to 192.505.

27 (2)(a) When disclosing reports and records pursuant to subsection *[(1)(i)]* (1)(h) of this section,  
28 the Department of Human Services may exempt from disclosure the names, addresses and other  
29 identifying information about other children, witnesses, victims or other persons named in the report  
30 or record if the department determines, in written findings, that the safety or well-being of a person  
31 named in the report or record may be jeopardized by disclosure of the names, addresses or other  
32 identifying information, and if that concern outweighs the public's interest in the disclosure of that  
33 information.

34 (b) If the Department of Human Services does not have a report or record of abuse regarding  
35 a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS  
36 161.015, the department may disclose that information.

37 (3) The Department of Human Services may make reports and records compiled under the pro-  
38 visions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer, court,  
39 agency, organization or other entity when the department determines that such disclosure is neces-  
40 sary to administer its child welfare services and is in the best interests of the affected child, or that  
41 such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect  
42 children from abuse and neglect or for research when the Director of Human Services gives prior  
43 written approval. The Department of Human Services shall adopt rules setting forth the procedures  
44 by which it will make the disclosures authorized under this subsection or subsection (1) or (2) of this  
45 section. The name, address and other identifying information about the person who made the report

1 may not be disclosed pursuant to this subsection and subsection (1) of this section.

2 (4) A law enforcement agency may make reports and records compiled under the provisions of  
 3 ORS 419B.010 to 419B.050 available to other law enforcement agencies, district attorneys, city at-  
 4 torneys with criminal prosecutorial functions and the Attorney General when the law enforcement  
 5 agency determines that disclosure is necessary for the investigation or enforcement of laws relating  
 6 to child abuse and neglect.

7 (5) A law enforcement agency, upon completing an investigation and closing the file in a specific  
 8 case relating to child abuse or neglect, shall make reports and records in the case available upon  
 9 request to any law enforcement agency or community corrections agency in this state, to the De-  
 10 partment of Corrections or to the State Board of Parole and Post-Prison Supervision for the purpose  
 11 of managing and supervising offenders in custody or on probation, parole, post-prison supervision  
 12 or other form of conditional or supervised release. A law enforcement agency may make reports and  
 13 records compiled under the provisions of ORS 419B.010 to 419B.050 available to law enforcement,  
 14 community corrections, corrections or parole agencies in an open case when the law enforcement  
 15 agency determines that the disclosure will not interfere with an ongoing investigation in the case.  
 16 The name, address and other identifying information about the person who made the report may not  
 17 be disclosed under this subsection or subsection (6)(b) of this section.

18 (6)(a) Any record made available to a law enforcement agency or community corrections agency  
 19 in this state, to the Department of Corrections or the State Board of Parole and Post-Prison Super-  
 20 vision or to a physician in this state, as authorized by subsections (1) to (5) of this section, shall be  
 21 kept confidential by the agency, department, board or physician. Any record or report disclosed by  
 22 the Department of Human Services to other persons or entities pursuant to subsections (1) and (3)  
 23 of this section shall be kept confidential.

24 (b) Notwithstanding paragraph (a) of this subsection:

25 (A) A law enforcement agency, a community corrections agency, the Department of Corrections  
 26 and the State Board of Parole and Post-Prison Supervision may disclose records made available to  
 27 them under subsection (5) of this section to each other, to law enforcement, community corrections,  
 28 corrections and parole agencies of other states and to authorized treatment providers for the pur-  
 29 pose of managing and supervising offenders in custody or on probation, parole, post-prison super-  
 30 vision or other form of conditional or supervised release.

31 (B) A person may disclose records made available to the person under subsection [(1)(i)] (1)(h)  
 32 of this section if the records are disclosed for the purpose of advancing the public interest.

33 (7) An officer or employee of the Department of Human Services or of a law enforcement agency  
 34 or any person or entity to whom disclosure is made pursuant to subsections (1) to (6) of this section  
 35 may not release any information not authorized by subsections (1) to (6) of this section.

36 (8) As used in this section, "law enforcement agency" has the meaning given that term in ORS  
 37 181.010.

38 (9) A person who violates subsection (6)(a) or (7) of this section commits a Class A violation.

39 **SECTION 43.** ORS 342.176 is amended to read:

40 342.176. (1) The Teacher Standards and Practices Commission shall promptly undertake an in-  
 41 vestigation upon receipt of a complaint or information that may constitute grounds for:

42 (a) Refusal to issue a license or registration, as provided under ORS 342.143;

43 (b) Suspension or revocation of a license or registration, discipline of a person holding a license  
 44 or registration, or suspension or revocation of the right to apply for a license or registration, as  
 45 provided under ORS 342.175; or

1 (c) Discipline for failure to provide appropriate notice prior to resignation, as provided under  
2 ORS 342.553.

3 (2) The commission may appoint an investigator and shall furnish the investigator with appro-  
4 priate professional and other special assistance reasonably required to conduct the investigation,  
5 and the investigator is empowered to subpoena witnesses over the signature of the executive direc-  
6 tor, swear witnesses and compel obedience in the same manner as provided under ORS 183.440 (2).

7 (3) Following completion of the investigation, the executive director shall report in writing any  
8 findings and recommendations to:

9 (a) The commission, meeting in executive session, at its next regular meeting following com-  
10 pletion of the investigation; and

11 (b) The person against whom the charge is made.

12 (4)(a) Except as provided in paragraph (b) of this subsection, the documents and materials used  
13 in the investigation and the report of the executive director are confidential and not subject to  
14 public inspection unless the commission makes a final determination to:

15 (A) Refuse to issue a license or registration, as provided under ORS 342.143;

16 (B) Suspend or revoke a license or registration, discipline a person holding a license or regis-  
17 tration, or suspend or revoke the right to apply for a license or registration, as provided under ORS  
18 342.175; or

19 (C) Discipline a person for failure to provide appropriate notice prior to resignation, as provided  
20 under ORS 342.553.

21 (b) Records made available to the commission under ORS 419B.035 [(1)(h)] (1)(g) shall be kept  
22 confidential.

23 (5) If the commission finds from the report that there is sufficient cause to justify holding a  
24 hearing under ORS 342.177, it shall notify in writing:

25 (a) The person charged, enclosing a statement of the charges and a notice of opportunity for  
26 hearing;

27 (b) The complainant; and

28 (c) The employing district or public charter school, if any.

29 (6) If the commission finds from the report that there is not sufficient cause to justify holding  
30 a hearing under ORS 342.177, it shall notify in writing:

31 (a) The person charged;

32 (b) The complainant; and

33 (c) The employing district or public charter school, if any.

34 (7) Notwithstanding ORS 192.660 (6), the commission may make its findings under this section  
35 in executive session. However, the provisions of ORS 192.660 (4) apply to the sessions.

36 **SECTION 44.** ORS 419B.395 is amended to read:

37 419B.395. (1) If in any proceeding under ORS 419B.100 or 419B.500 the juvenile court determines  
38 that the child or ward has no legal father or that paternity is disputed as allowed in ORS 109.070,  
39 the court may enter a judgment of paternity or a judgment of nonpaternity in compliance with the  
40 provisions of ORS 109.070, 109.124 to 109.230, 109.250 to 109.262 and 109.326.

41 (2) Before entering a judgment under subsection (1) of this section, the court must find that  
42 adequate notice and an opportunity to be heard was provided to:

43 (a) The parties to the proceeding;

44 (b) The man alleged or claiming to be the child or ward's father; and

45 (c) The Administrator of the Division of Child Support of the Department of Justice or the

1 branch office providing support services to the county in which the court is located.

2 (3) When appropriate, the court shall inform a man before the court claiming to be the father  
 3 of a child or ward that paternity establishment services may be available through the administrator  
 4 if the child or ward:

- 5 (a) Is a child born out of wedlock;
- 6 (b) Has not been placed for adoption; and
- 7 (c) Has no legal father.
- 8 (4) As used in this section:

- 9 (a) "Administrator" has the meaning given that term in ORS 25.010.
- 10 (b) "Child born out of wedlock" has the meaning given that term in ORS 109.124.
- 11 (c) "Legal father" has the meaning given that term in ORS 419A.004 [(16)] (14).

12 **SECTION 45.** ORS 419B.470 is amended to read:

13 419B.470. (1) The court shall conduct a permanency hearing within 30 days after a judicial  
 14 finding is made under ORS 419B.340 (5) if, based upon that judicial finding, the Department of Hu-  
 15 man Services determines that it will not make reasonable efforts to reunify the family.

16 (2) In all other cases when a child or ward is in substitute care, the court shall conduct a  
 17 permanency hearing no later than 12 months after the ward was found within the jurisdiction of the  
 18 court under ORS 419B.100 or 14 months after the child or ward was placed in substitute care,  
 19 whichever is the earlier.

20 (3) If a ward is removed from court sanctioned permanent foster care, the department shall re-  
 21 quest and the court shall conduct a permanency hearing within three months after the date of the  
 22 change in placement.

23 (4) If a ward has been surrendered for adoption or the parents' rights have been terminated and  
 24 the department has not physically placed the ward for adoption or initiated adoption proceedings  
 25 within six months after the surrender or entry of an order terminating parental rights, the court  
 26 shall conduct a permanency hearing within 30 days after receipt of the report required by ORS  
 27 419B.440 (2)(b).

28 (5) Unless good cause otherwise is shown, the court shall also conduct a permanency hearing  
 29 at any time upon the request of the department, an agency directly responsible for care or place-  
 30 ment of the child or ward, parents whose parental rights have not been terminated, an attorney for  
 31 the child or ward, [*a court appointed special advocate,*] a citizen review board, a tribal court or upon  
 32 its own motion. The court shall schedule the hearing as soon as possible after receiving a request.

33 (6) After the initial permanency hearing conducted under subsection (1) or (2) of this section or  
 34 any permanency hearing conducted under subsections (3) to (5) of this section, the court shall con-  
 35 duct subsequent permanency hearings not less frequently than once every 12 months for as long as  
 36 the child or ward remains in substitute care.

37 (7) After the permanency hearing conducted under subsection (4) of this section, the court shall  
 38 conduct subsequent permanency hearings at least every six months for as long as the ward is not  
 39 physically placed for adoption or adoption proceedings have not been initiated.

40 (8) If a child returns to substitute care after a court's previously established jurisdiction over  
 41 the child has been dismissed or terminated, a permanency hearing shall be conducted no later than  
 42 12 months after the child is found within the jurisdiction of the court on a newly filed petition or  
 43 14 months after the child's most recent placement in substitute care, whichever is the earlier.

44 **SECTION 46.** ORS 419B.875 is amended to read:

45 419B.875. (1)(a) Parties to proceedings in the juvenile court under ORS 419B.100 and 419B.500

1 are:

2 (A) The child or ward;

3 (B) The parents or guardian of the child or ward;

4 (C) A putative father of the child or ward who has demonstrated a direct and significant com-  
5 mitment to the child or ward by assuming, or attempting to assume, responsibilities normally asso-  
6 ciated with parenthood, including but not limited to:

7 (i) Residing with the child or ward;

8 (ii) Contributing to the financial support of the child or ward; or

9 (iii) Establishing psychological ties with the child or ward;

10 (D) The state;

11 (E) The juvenile department;

12 [(F) A court appointed special advocate, if appointed;]

13 [(G)] (F) The Department of Human Services or other child-caring agency if the agency has  
14 temporary custody of the child or ward; and

15 [(H)] (G) The tribe in cases subject to the Indian Child Welfare Act if the tribe has intervened  
16 pursuant to the Indian Child Welfare Act.

17 (b) An intervenor who is granted intervention under ORS 419B.116 is a party to a proceeding  
18 under ORS 419B.100. An intervenor under this paragraph is not a party to a proceeding under ORS  
19 419B.500.

20 (2) The rights of the parties include, but are not limited to:

21 (a) The right to notice of the proceeding and copies of the petitions, answers, motions and other  
22 papers;

23 (b) The right to appear with counsel and, except for intervenors under subsection (1)(b) of this  
24 section, to have counsel appointed as otherwise provided by law;

25 (c) The right to call witnesses, cross-examine witnesses and participate in hearings;

26 (d) The right of appeal; and

27 (e) The right to request a hearing.

28 (3) A putative father who satisfies the criteria set out in subsection (1)(a)(C) of this section shall  
29 be treated as a parent, as that term is used in this chapter and ORS chapters 419A and 419C, until  
30 the court confirms his paternity or finds that he is not the legal or biological father of the child or  
31 ward.

32 (4) If no appeal from the judgment or order is pending, a putative father whom a court of com-  
33 petent jurisdiction has found not to be the child or ward's legal or biological father or who has filed  
34 a petition for filiation that was dismissed is not a party under subsection (1) of this section.

35 (5)(a) A person granted rights of limited participation under ORS 419B.116 is not a party to a  
36 proceeding under ORS 419B.100 or 419B.500 but has only those rights specified in the order granting  
37 rights of limited participation.

38 (b) Persons moving for or granted rights of limited participation are not entitled to appointed  
39 counsel but may appear with retained counsel.

40 (6) If a foster parent, preadoptive parent or relative is currently providing care for a child or  
41 ward, the Department of Human Services shall give the foster parent, preadoptive parent or relative  
42 notice of a proceeding concerning the child or ward. A foster parent, preadoptive parent or relative  
43 providing care for a child or ward has the right to be heard at the proceeding. Except when allowed  
44 to intervene, the foster parent, preadoptive parent or relative providing care for the child or ward  
45 is not considered a party to the juvenile court proceeding solely because of notice and the right to

1 be heard at the proceeding.

2 (7) When a legal grandparent of a child or ward requests in writing and provides a mailing ad-  
 3 dress, the Department of Human Services shall give the legal grandparent notice of a hearing con-  
 4 cerning the child or ward and the court shall give the legal grandparent an opportunity to be heard.  
 5 Except when allowed to intervene, a legal grandparent is not considered a party to the juvenile  
 6 court proceeding solely because of notice and an opportunity to be heard.

7 (8) Interpreters for parties and persons granted rights of limited participation shall be appointed  
 8 in the manner specified by ORS 45.275 and 45.285.

9 **SECTION 47.** ORS 419C.285 is amended to read:

10 419C.285. (1) At the adjudication stage of a delinquency proceeding, the parties to the proceed-  
 11 ing are the youth and the state, represented by the district attorney or the juvenile department. At  
 12 the dispositional stage of a delinquency proceeding, the following are also parties:

13 (a) The parents or guardian of the youth;

14 *[(b) A court appointed special advocate, if appointed;]*

15 *[(c)]* (b) The Oregon Youth Authority or other child care agency, if the youth is temporarily  
 16 committed to the agency; and

17 *[(d)]* (c) An intervenor who petitions or files a motion on the basis of a child-parent relationship  
 18 under ORS 109.119.

19 (2) The rights of the parties include, but are not limited to:

20 (a) The right to notice of the proceeding and copies of the pleadings;

21 (b) The right to appear with counsel and to have counsel appointed if otherwise provided by law;

22 (c) The right to call witnesses, cross-examine witnesses and participate in hearings;

23 (d) The right to appeal;

24 (e) The right to request a hearing; and

25 (f) The right to notice of any proceeding before the Psychiatric Security Review Board.

26 (3)(a) Persons who are not parties under subsection (1) of this section may petition the court for  
 27 rights of limited participation. The petition must be filed and served on all parties no later than two  
 28 weeks before a proceeding in the case in which participation is sought. The petition must state:

29 (A) The reason the participation is sought;

30 (B) How the person's involvement is in the best interest of the youth or the administration of  
 31 justice;

32 (C) Why the parties cannot adequately present the case; and

33 (D) What specific relief is being sought.

34 (b) If the court finds that the petition is well founded, the court may grant rights of limited  
 35 participation as specified by the court.

36 (c) Persons petitioning for rights of limited participation are not entitled to appointed counsel.

37 (4) In all delinquency proceedings, interpreters shall be appointed in the manner specified by  
 38 ORS 45.275 and 45.285 for the parties to the proceeding, any person granted rights of limited par-  
 39 ticipation, and any parent or guardian of the youth without regard to whether the parent or  
 40 guardian is a party to the proceeding.

41 **SECTION 48.** ORS 419C.626 is amended to read:

42 419C.626. (1) Upon receiving a report required by ORS 419C.620:

43 (a) The court may hold a hearing to review the youth offender's condition and circumstances  
 44 and to determine if the court should continue jurisdiction over the youth offender or order modifi-  
 45 cations in the custody, placement and supervision of the youth offender.

1 (b) And if requested by the youth offender, the attorney for the youth offender, if any, the par-  
 2 ents of the youth offender if parental rights have not been terminated, [*a court appointed special*  
 3 *advocate,*] a local citizen review board, the Oregon Youth Authority, a district attorney or a private  
 4 agency having guardianship or legal custody of the youth offender, the court shall hold a hearing  
 5 within 30 days of receipt of the request.

6 (2) The court, on its own motion, may hold a review hearing at any time. Unless good cause  
 7 otherwise is shown, the court shall hold a review hearing at any time upon the request of the youth  
 8 offender, the attorney for the youth offender, if any, the parents of the youth offender if parental  
 9 rights have not been terminated, [*a court appointed special advocate,*] a local citizen review board,  
 10 the youth authority, a district attorney or a private agency having guardianship or legal custody  
 11 of the youth offender.

12 (3) A hearing under subsection (1) or (2) of this section shall be conducted in the manner pro-  
 13 vided in ORS 419C.400 (1), 419C.405 and 419C.408, except that the court may receive testimony and  
 14 reports as provided in ORS 419C.400 (4). At the conclusion of the hearing, the court shall enter  
 15 findings of fact if the decision is to continue the youth offender in an out-of-home placement in the  
 16 legal custody of the youth authority or a private agency. The findings shall specifically state:

17 (a) Why continued out-of-home placement is necessary as opposed to returning the youth  
 18 offender to the youth offender's home or promptly securing another placement;

19 (b) The expected timetable for return home; and

20 (c) Whether the youth offender's reformation plan or case plan should be modified.

21 (4) The court may direct the local citizen review board to review the status of the youth  
 22 offender prior to the court's next review under ORS 419A.106, 419A.108, 419A.110, 419A.112,  
 23 419A.116 and 419A.118.

24 (5) Any final decision of the court made pursuant to a hearing under subsection (1) or (2) of this  
 25 section is appealable under ORS 419A.200.

26 **SECTION 49.** ORS 458.558, as amended by section 6 of this 2012 Act, is amended to read:

27 458.558. (1) The members of the Oregon Volunteers Commission for Voluntary Action and Ser-  
 28 vice must be citizens of this state who have a proven commitment to community service and who  
 29 have a demonstrated interest in fostering and nurturing citizen involvement as a strategy for  
 30 strengthening communities and promoting the ethic of service in all sectors of this state.

31 (2) The Governor shall appoint as members of the commission at least one of each of the fol-  
 32 lowing:

33 (a) An individual with experience in educational, training and development needs of youth, par-  
 34 ticularly disadvantaged youth.

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

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

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

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

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

41 (g) A representative of business.

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

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

45 (3) In addition to appointing members under subsection (2) of this section, the Governor may

1 appoint as members individuals from the following groups:

2 (a) Educators.

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

5 (c) Members of Native American tribes.

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

7 (e) Entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C.  
8 4950 et seq.).

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

10 *[(g) A court appointed special advocate.]*

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

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

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

15 **SECTION 50.** ORS 458.568, as amended by section 7 of this 2012 Act, is amended to read:

16 458.568. The Oregon Volunteers Commission for Voluntary Action and Service shall:

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

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

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

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

27 (5) To engage citizens in service and to strengthen communities, create statewide access for all  
28 Oregon citizens to a variety of volunteer opportunities by:

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

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

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

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

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

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

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

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

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

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

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

2        *[(9)]* (8) Biennially submit a report to the Governor and the Legislative Assembly as provided  
 3 under ORS 192.230 to 192.245:

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

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

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

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

11        **SECTION 51.** ORS 609.652 is amended to read:

12        609.652. As used in ORS 609.654:

13        (1)(a) “Aggravated animal abuse” means any animal abuse as described in ORS 167.322.

14        (b) “Aggravated animal abuse” does not include:

15        (A) Good animal husbandry, as defined in ORS 167.310; or

16        (B) Any exemption listed in ORS 167.335.

17        (2) “Law enforcement agency” means:

18        (a) Any city or municipal police department.

19        (b) A police department established by a university under ORS 352.383.

20        (c) Any county sheriff’s office.

21        (d) The Oregon State Police.

22        (e) A law enforcement division of a county or municipal animal control agency that employs  
 23 sworn officers.

24        (3) “Public or private official” means:

25        (a) A physician, including any intern or resident.

26        (b) A dentist.

27        (c) A school employee.

28        (d) A licensed practical nurse or registered nurse.

29        (e) An employee of the Department of Human Services, Oregon Health Authority, State Com-  
 30 mission on Children and Families, Child Care Division of the Employment Department, the Oregon  
 31 Youth Authority, a county health department, a community mental health program, a community  
 32 developmental disabilities program, a county juvenile department, a licensed child-caring agency or  
 33 an alcohol and drug treatment program.

34        (f) A peace officer.

35        (g) A psychologist.

36        (h) A member of the clergy.

37        (i) A regulated social worker.

38        (j) An optometrist.

39        (k) A chiropractor.

40        (L) A certified provider of foster care, or an employee thereof.

41        (m) An attorney.

42        (n) A naturopathic physician.

43        (o) A licensed professional counselor.

44        (p) A licensed marriage and family therapist.

45        (q) A firefighter or emergency medical services provider.

1        *[(r) A court appointed special advocate, as defined in ORS 419A.004.]*

2        *[(s)] (r)* A child care provider registered or certified under ORS 657A.030 and 657A.250 to  
3 657A.450.

4        *[(t)] (s)* A member of the Legislative Assembly.

5

6

**OPERATIVE DATE RELATING TO  
REPEAL OF CASA PROVISIONS**

7

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9        **SECTION 52. The amendments to ORS 131A.360, 342.176, 418.517, 418.575, 418.580,**  
10 **419A.004, 419A.098, 419A.255, 419A.256, 419B.005, 419B.015, 419B.035, 419B.395, 419B.470,**  
11 **419B.875, 419C.285, 419C.626, 458.558, 458.568 and 609.652 by sections 32 to 51 of this 2012 Act**  
12 **become operative on January 2, 2016.**

13

14

**CAPTIONS**

15

16        **SECTION 53. The unit captions used in this 2012 Act are provided only for the conven-**  
17 **ience of the reader and do not become part of the statutory law of this state or express any**  
18 **legislative intent in the enactment of this 2012 Act.**

19

20

**EMERGENCY CLAUSE**

21

22        **SECTION 54. This 2012 Act being necessary for the immediate preservation of the public**  
23 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**  
24 **on its passage.**

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