

SENATE AMENDMENTS TO SENATE BILL 181

By JOINT COMMITTEE ON WAYS AND MEANS

June 5

1 On page 1 of the printed bill, line 2, delete “and 418.210” and insert “, 418.210, 419C.620,
2 419C.623 and 419C.626”.

3 On page 3, after line 15, insert:

4 “**SECTION 3.** ORS 419C.620 is amended to read:

5 “419C.620. (1) When required by the court, the Oregon Youth Authority or a private agency
6 having guardianship or legal custody of a youth offender pursuant to court order shall file reports
7 on the youth offender with the juvenile court that entered the original order concerning the youth
8 offender.

9 “(2) **A county juvenile department shall file a report with the juvenile court under this**
10 **section if a youth offender remains under juvenile department care for six consecutive**
11 **months from the date of initial placement and:**

12 “(a) **The county juvenile department is a county program, as defined in ORS 418.205;**

13 “(b) **The county juvenile department is participating in programs related to Title IV-E**
14 **of the Social Security Act;**

15 “(c) **The county juvenile department has responsibility for the care and placement of the**
16 **youth offender; and**

17 “(d) **The placement is not a detention facility.**

18 “**SECTION 4.** ORS 419C.623 is amended to read:

19 “419C.623. (1) The Oregon Youth Authority, **a county juvenile department** or a private agency
20 shall file the reports required by ORS 419C.620 at times required by the court, required by the youth
21 offender’s reformation plan or case plan and as determined necessary by the youth authority or
22 agency. The youth authority or agency shall file reports more frequently if the court so orders. The
23 reports shall include, but need not be limited to:

24 “(a) A description of the offenses that necessitated the placement of the youth offender with the
25 youth authority, **juvenile department** or agency;

26 “(b) A description of the youth offender’s risk to reoffend and an analysis of the need for ser-
27 vices and assistance; and

28 “(c) A proposed reformation plan or case plan, or proposed continuation or modification of an
29 existing reformation plan or case plan, including, where applicable, a description of services to be
30 provided in furtherance of the youth offender’s reformation and safe return to the community.

31 “(2) **A report under ORS 419C.620 (2) by a county juvenile department must also include:**

32 “(a) **A description of the efforts to return the youth offender to the parental home, in-**
33 **cluding, when applicable, efforts to assist the parents in remedying factors that contributed**
34 **to the removal of the youth offender from the home.**

35 “(b) **A description of the care, treatment and supervision that have been provided for the**

1 **youth offender, including:**

2 **“(A) The safety of the placement;**

3 **“(B) A description of whether the placement is the least restrictive and most appropriate**
4 **setting available and in close proximity to the youth offender’s home, and is consistent with**
5 **the best interest and the special needs of the youth offender; and**

6 **“(C) An analysis of the effectiveness of the care, treatment and supervision.**

7 **“(c) A description of the progress that has been made toward alleviating or mitigating**
8 **the causes necessitating the youth offender’s placement.**

9 **“(d) If continued substitute care is recommended, a proposed timetable for the youth**
10 **offender’s return home or other permanent placement or a justification of why continued**
11 **substitute care is necessary.**

12 “[2] (3) Notwithstanding the requirements of [subsection (1)] **subsections (1) and (2)** of this
13 section, reports following the first report that is required by [subsection (1) of] this section need not
14 contain information contained in prior reports.

15 “[3] (4) Notwithstanding the requirements under ORS 419C.620 that reports be filed with the
16 court, any report after the first report that is required by [subsection (1)] **subsections (1) and (2)**
17 of this section on a youth offender whose case is being regularly reviewed by a local citizen review
18 board shall be filed with that local citizen review board rather than with the court.

19 **“SECTION 5.** ORS 419C.626 is amended to read:

20 **“419C.626. (1)** Upon receiving a report required by ORS 419C.620:

21 **“(a)** The court may hold a hearing to review the youth offender’s condition and circumstances
22 and to determine if the court should continue jurisdiction over the youth offender or order modifi-
23 cations in the custody, placement and supervision of the youth offender.

24 **“(b)** And if requested by the youth offender, the attorney for the youth offender, if any, the
25 parents of the youth offender if parental rights have not been terminated, a court appointed special
26 advocate, a local citizen review board, the Oregon Youth Authority, **a county juvenile department,**
27 a district attorney or a private agency having guardianship or legal custody of the youth offender,
28 the court shall hold a hearing within 30 days of receipt of the request.

29 **“(2)** The court, on its own motion, may hold a review hearing at any time. Unless good cause
30 otherwise is shown, the court shall hold a review hearing at any time upon the request of the youth
31 offender, the attorney for the youth offender, if any, the parents of the youth offender if parental
32 rights have not been terminated, a court appointed special advocate, a local citizen review board,
33 the youth authority, **a county juvenile department,** a district attorney or a private agency having
34 guardianship or legal custody of the youth offender.

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

41 **“(a)** Why continued out-of-home placement is necessary as opposed to returning the youth
42 offender to the youth offender’s home or promptly securing another placement;

43 **“(b)** The expected timetable for return home; and

44 **“(c)** Whether the youth offender’s reformation plan or case plan should be modified.

45 **“(4) After receiving a report required by ORS 419C.620 (2), if requested by the county**

1 juvenile department, the court's findings under subsection (3) of this section must specif-
2 ically state:

3 “(a) Whether the county juvenile department has made reasonable efforts or, if the In-
4 dian Child Welfare Act applies, active efforts to make it possible for the youth offender to
5 safely return home. In making this finding, the court shall consider the youth offender's
6 health and safety the paramount concerns.

7 “(b) The appropriateness of the youth offender's placement.

8 “(c) The extent of compliance with the youth offender's case plan.

9 “(d) The extent of progress that has been made toward alleviating or mitigating the
10 causes necessitating the youth offender's placement in substitute care.

11 “[(4)] (5) The court may direct the local citizen review board to review the status of the youth
12 offender prior to the court's next review under ORS 419A.106, 419A.108, 419A.110, 419A.112,
13 419A.116 and 419A.118.

14 “[(5)] (6) Any final decision of the court made pursuant to a hearing under subsection (1) or (2)
15 of this section is appealable under ORS 419A.200.”.

16 In line 16, delete “3” and insert “6”.

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