

B-Engrossed
House Bill 2738

Ordered by the House June 15
Including House Amendments dated April 16 and June 15

Sponsored by Representatives LEIF, NERON, NOBLE, POST, SMITH G, STARK; Representatives BYNUM, DRAZAN, GOMBERG, HUDSON, LEWIS, MOORE-GREEN, MORGAN, NEARMAN, OWENS, PHAM, RESCHKE, REYNOLDS, SCHOUTEN, SMITH DB, SOLLMAN, WEBER, WILDE, WITT, WRIGHT (Presession filed.)

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.

Modifies CASA Volunteer Programs to direct Oregon Department of Administrative Services to contract with nongovernmental entity to serve as statewide coordinating entity for provision of court appointed special advocate services.

[Appropriates moneys to Court Appointed Special Advocate Fund for CASA Volunteer Program and for distribution to Oregon CASA Network for court appointed special advocate training programs.]

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to court appointed special advocates; amending ORS 184.489, 184.492, 184.495 and 419A.004;
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 184.489 is amended to read:

6 184.489. As used in ORS 184.489 to 184.498 and 419B.112:

7 (1) "CASA Volunteer Program" means a program that is approved or sanctioned by a juvenile
8 court, has received accreditation from the National CASA Association and has entered into a con-
9 tract with the **statewide coordinating entity contracted with by the** Oregon Department of Ad-
10 ministrative Services under ORS 184.492 to recruit, train and supervise **diverse and culturally**
11 **responsive** volunteers to serve as court appointed special advocates.

12 (2) "Court appointed special advocate" means a person in a CASA Volunteer Program who is
13 appointed by the court to act as a court appointed special advocate pursuant to ORS 419B.112.

14 **SECTION 2.** ORS 184.492 is amended to read:

15 184.492. (1) The Oregon Department of Administrative Services shall:

16 *[(a) Contract with all CASA Volunteer Programs in this state to recruit, train and supervise court*
17 *appointed special advocates. The department may delegate authority to contract under this paragraph*
18 *to the statewide coordinating entity contracted with under paragraph (b) of this subsection.]*

19 *[(b)]* (a) Contract with a nongovernmental entity to serve as the statewide coordinating entity
20 for the provision of court appointed special advocate services throughout this state. The nongov-
21 ernmental entity must be a member of the National CASA Association and have a board or other
22 membership structure that contains directors from the CASA Volunteer Programs in this state. At
23 a minimum, the contract must include authority for the statewide coordinating entity to:

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 (A) Contract with CASA Volunteer Programs; **and**

2 (B) Disburse and expend moneys in the Court Appointed Special Advocate Fund established in
3 ORS 184.498 to CASA Volunteer Programs in this state.[: and]

4 [(C) *Execute the standards described in paragraph (c) of this subsection.*]

5 [(c) *Oversee and monitor CASA Volunteer Program standards, with assistance from the statewide
6 coordinating entity contracted with by the department under paragraph (b) of this subsection, to recruit,
7 train and supervise court appointed special advocates.*]

8 [(d)] **(b) Disburse and expend moneys in the Court Appointed Special Advocate Fund established
9 under ORS 184.498 for the purposes set forth in this section and ORS 419B.112. The department
10 [may] shall disburse and expend moneys from the fund to the statewide coordinating entity con-
11 tracted with pursuant to paragraph [(b)] (a) of this subsection for the purposes set forth in this
12 section and ORS 419B.112. No moneys may be distributed to a CASA Volunteer Program until
13 the program has submitted to the statewide coordinating entity the program's annual di-
14 versity, equity, inclusion and accountability plan.**

15 [(e)] **(c) [With the assistance of] Contract with the statewide coordinating entity contracted with
16 pursuant to paragraph [(b)] (a) of this subsection[, oversee] for oversight of the provision of court
17 appointed special advocate services throughout this state in a uniform, equitable, consistent and
18 cost-efficient manner [by ensuring] and to ensure that CASA Volunteer Programs[:] comply with
19 the state standards and practices and with the National CASA Association's standards and
20 practices and perform the duties and functions under ORS 419B.112.**

21 [(A) *Adopt policies, procedures, standards and guidelines regarding the provision of court ap-
22 pointed special advocate services as directed by the department; and]*

23 [(B) *Develop and provide training and education for court appointed special advocates and em-
24 ployees and other volunteers in CASA Volunteer Programs as directed by the department.*]

25 [(f) *Identify statewide outcome or performance measures for CASA Volunteer Programs.*]

26 [(g) *Collect, evaluate and summarize data regarding CASA Volunteer Programs and court ap-
27 pointed special advocate services in this state.*]

28 [(h)] **(d) Require the statewide coordinating entity contracted with pursuant to paragraph
29 (a) of this subsection to oversee the CASA Volunteer Programs to ensure that each program:**

30 **(A) Uses metrics to track volunteer demographics and develops a detailed diversity
31 recruitment plan that reflects the demographics of children in foster care in the counties
32 served by the program;**

33 **(B) Adopts a mission and values statement;**

34 **(C) Regularly reviews and updates its plans and policies consistent with the National
35 CASA Association's standards, including an annual review and update of the program's di-
36 versity, equity, inclusion and accountability plans;**

37 **(D) Conducts an annual financial audit or review; and**

38 **(E) Has a sustainable growth plan, if applicable.**

39 **(e) Require the statewide coordinating entity contracted with pursuant to paragraph (a)
40 of this section to develop and provide training and education for court appointed special ad-
41 vocates and employees and other volunteers in CASA Volunteer Programs. The training and
42 education must be consistent with the National CASA Association's standards and include
43 culturally specific and community-responsive training components. The training and educa-
44 tion for each program must be tailored to the program's identified equity and outreach
45 needs. The statewide coordinating entity shall make available additional training opportu-**

1 **nities regarding cultural responsiveness and skill building, as needed and as resources allow.**

2 (f) Adopt rules for carrying out the department's responsibilities, duties and functions under this
3 section and ORS 419B.112.

4 (2) The department may:

5 [(a) Delegate to a statewide coordinating entity contracted with under subsection (1)(b) of this sec-
6 tion the responsibility to:]

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

8 [(B) Develop and provide training for court appointed special advocates and employees and volun-
9 teers of CASA Volunteer Programs.]

10 [(b)] (a) Consult with [public agencies or private nonprofit organizations] **the statewide coordi-**
11 **nating entity contracted with under subsection (1)(a) of this section** for the purpose of devel-
12 oping:

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

15 (B) Policies, procedures, standards and guidelines regarding the provision of court appointed
16 special advocate services in this state **taking into consideration the National CASA**
17 **Association's standards.**

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

20 (3) The statewide coordinating entity with which the department has contracted under sub-
21 section [(1)(b)] **(1)(a)** of this section[, or to which the department has delegated responsibilities under
22 subsection (2)(a) of this section,] shall provide biannual reports to the department regarding:

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

24 (b) [When applicable to responsibilities contracted for or delegated,] The achievement of the ob-
25 jectives in subsection [(1)(d) to (g)] **(1)(b) and (c)** of this section.

26 [(4) The department shall report annually to committees of the Legislative Assembly related to the
27 provision of court appointed special advocate services regarding the disbursement of moneys in the
28 Court Appointed Special Advocate Fund established under ORS 184.498. The report must summarize
29 the extent to which the statewide outcome or performance measures identified by the department under
30 this section are being met and include an analysis of the effectiveness of court appointed special advo-
31 cate services provided in this state.]

32 **SECTION 3.** ORS 184.495 is amended to read:

33 184.495. Each CASA Volunteer Program [shall] **may** report biannually to committees of the
34 Legislative Assembly related to the provision of court appointed special advocate services. **The re-**
35 **port may include information regarding the program's efforts to improve culturally specific**
36 **and equitable services, partnerships with community-based organizations, volunteer recruit-**
37 **ment efforts, percentage of need for CASA Volunteer Program services met by the program**
38 **and demographic information relative to volunteers and children in foster care.** The statewide
39 coordinating entity contracted with by the Oregon Department of Administrative Services under
40 ORS 184.492 may present the biannual reports required under this section on behalf of the CASA
41 Volunteer Programs in this state. [The report must include each program's status with respect to the
42 statewide outcome or performance measures identified by the department under ORS 184.492.]

43 **SECTION 4.** ORS 419A.004, as amended by section 26, chapter 14, Oregon Laws 2020 (first
44 special session), and sections 17a and 17b, chapter 19, Oregon Laws 2020 (first special session), is
45 amended to read:

1 419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires
2 otherwise:

3 (1) “Age-appropriate or developmentally appropriate activities” means:

4 (a) Activities or items that are generally accepted as suitable for children of the same chrono-
5 logical age or level of maturity or that are determined to be developmentally appropriate for a child,
6 based on the development of cognitive, emotional, physical and behavioral capacities that are typical
7 for an age or age group; and

8 (b) In the case of a specific child, activities or items that are suitable for the child based on the
9 developmental stages attained by the child with respect to the cognitive, emotional, physical and
10 behavioral capacities of the child.

11 (2) “Another planned permanent living arrangement” means an out-of-home placement for a ward
12 16 years of age or older that is consistent with the case plan and in the best interests of the ward
13 other than placement:

14 (a) By adoption;

15 (b) With a legal guardian; or

16 (c) With a fit and willing relative.

17 (3) “CASA Volunteer Program” means a program that is approved or sanctioned by a juvenile
18 court, has received accreditation from the National CASA Association and has entered into a con-
19 tract with the **statewide coordinating entity contracted with by the** Oregon Department of Ad-
20 ministrative Services under ORS 184.492 to recruit, train and supervise **diverse and culturally**
21 **responsive** volunteers to serve as court appointed special advocates.

22 (4) “Child care center” means a residential facility for wards or youth offenders that is licensed,
23 certified or otherwise authorized as a child-caring agency as that term is defined in ORS 418.205.

24 (5) “Community service” has the meaning given that term in ORS 137.126.

25 (6) “Conflict of interest” means a person appointed to a local citizen review board who has a
26 personal or pecuniary interest in a case being reviewed by that board.

27 (7) “Counselor” means a juvenile department counselor or a county juvenile probation officer.

28 (8) “Court” means the juvenile court.

29 (9) “Court appointed special advocate” means a person in a CASA Volunteer Program who is
30 appointed by the court to act as a court appointed special advocate pursuant to ORS 419B.112.

31 (10) “Court facility” has the meaning given that term in ORS 166.360.

32 (11) “Current caretaker” means a foster parent:

33 (a) Who is currently caring for a ward who is in the legal custody of the Department of Human
34 Services and who has a permanency plan or concurrent permanent plan of adoption; and

35 (b) Who has cared for the ward, or at least one sibling of the ward, for at least 12 cumulative
36 months or for one-half of the ward’s or sibling’s life where the ward or sibling is younger than two
37 years of age, calculated cumulatively.

38 (12) “Department” means the Department of Human Services.

39 (13) “Detention” or “detention facility” means a facility established under ORS 419A.010 to
40 419A.020 and 419A.050 to 419A.063 for the detention of youths or youth offenders pursuant to a ju-
41 dicial commitment or order.

42 (14) “Director” means the director of a juvenile department established under ORS 419A.010 to
43 419A.020 and 419A.050 to 419A.063.

44 (15) “Guardian” means guardian of the person and not guardian of the estate.

45 (16) “Indian child” has the meaning given that term in section 2, chapter 14, Oregon Laws 2020

1 (first special session).

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

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

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

7 (a) A person who has adopted the child, ward, youth or youth offender or whose parentage has
8 been established or declared under ORS 25.501 to 25.556 or 109.065 or by a juvenile court; and

9 (b) If the child is an Indian child, a man whose parentage has been established as described in
10 section 4, chapter 14, Oregon Laws 2020 (first special session).

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

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

16 (22) "Proctor foster home" has the meaning given that term in ORS 418.205.

17 (23) "Qualified residential treatment program" means a program described in section 12b, chap-
18 ter 19, Oregon Laws 2020 (first special session).

19 (24) "Reasonable and prudent parent standard" means the standard, characterized by careful and
20 sensible parental decisions that maintain the health, safety and best interests of a child or ward
21 while encouraging the emotional and developmental growth of the child or ward, that a substitute
22 care provider shall use when determining whether to allow a child or ward in substitute care to
23 participate in extracurricular, enrichment, cultural and social activities.

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

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

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

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

32 (29) "Serious physical injury" means:

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

34 (b) A physical injury that:

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

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

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

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

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

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

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

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

45 (33)(a) "Substitute care" means an out-of-home placement directly supervised by the department

1 or other agency, including placement in a foster family home, group home, child-caring agency as
2 defined in ORS 418.205 or other child caring institution or facility.

3 (b) "Substitute care" does not include care in:

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

5 (B) A family home that the court has approved as a ward's permanent placement, when a
6 child-caring agency as defined in ORS 418.205 has been appointed guardian of the ward and when
7 the ward's care is entirely privately financed;

8 (C) In-home placement subject to conditions or limitations;

9 (D) A facility or other entity that houses or provides services only to youth offenders committed
10 to the custody of the Oregon Youth Authority by the juvenile court; or

11 (E) A youth offender foster home as that term is defined in ORS 420.888.

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

15 (35) "Tribal court" has the meaning given that term in section 2, chapter 14, Oregon Laws 2020
16 (first special session).

17 (36) "Victim" means any person determined by the district attorney, the juvenile department or
18 the court to have suffered direct financial, psychological or physical harm as a result of the act that
19 has brought the youth or youth offender before the juvenile court. When the victim is a minor,
20 "victim" includes the legal guardian of the minor. The youth or youth offender may not be consid-
21 ered the victim. When the victim of the crime cannot be determined, the people of Oregon, as re-
22 presented by the district attorney, are considered the victims.

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

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

26 (b) Is a sexual offense. As used in this paragraph, "sexual offense" has the meaning given the
27 term "sex crime" in ORS 163A.005.

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

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

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

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

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

37 **SECTION 5. This 2021 Act being necessary for the immediate preservation of the public**
38 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
39 **on its passage.**

40