

House Bill 2582

Sponsored by Representative NERON (Pre-session 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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act takes out the term National CASA Association from the laws. (Flesch Readability Score: 67.7).

Removes references to the National CASA Association.

A BILL FOR AN ACT

1 Relating to CASA programs; amending ORS 184.489, 184.492 and 419A.004.

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

3 **SECTION 1.** ORS 184.492 is amended to read:

4 184.492. (1) The Oregon Department of Administrative Services shall:

5 (a) Contract with a nongovernmental entity to serve as the statewide coordinating entity for the
6 provision of court appointed special advocate services throughout this state. The nongovernmental
7 entity must *[be a member of the National CASA Association]* **follow nationally recognized CASA**
8 **standards** and have a board or other membership structure that *[contains]* **includes** directors from
9 the CASA Volunteer Programs in this state. At a minimum, the contract must include authority for
10 the statewide coordinating entity to:

11 (A) Contract with CASA Volunteer Programs; and

12 (B) Disburse and expend moneys in the Court Appointed Special Advocate Fund established in
13 ORS 184.498 to CASA Volunteer Programs in this state.

14 (b) Disburse and expend moneys in the Court Appointed Special Advocate Fund established un-
15 der ORS 184.498 for the purposes set forth in this section and ORS 419B.112. The department shall
16 disburse and expend moneys from the fund to the statewide coordinating entity contracted with
17 pursuant to paragraph (a) of this subsection for the purposes set forth in this section and ORS
18 419B.112. No moneys may be distributed to a CASA Volunteer Program until the program has sub-
19 mitted to the statewide coordinating entity the program's annual diversity, equity, inclusion and
20 accountability plan.

21 (c) Contract with the statewide coordinating entity contracted with pursuant to paragraph (a)
22 of this subsection for oversight of the provision of court appointed special advocate services
23 throughout this state in a uniform, equitable, consistent and cost-efficient manner and to ensure that
24 CASA Volunteer Programs comply with the state **and national** standards and practices *[and with*
25 *the National CASA Association's standards and practices]* and perform the duties and functions under
26 ORS 419B.112.

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

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

2 (B) Adopts a mission and values statement;

3 (C) Regularly reviews and updates its plans and policies consistent with the [*National CASA*
4 *Association's*] **nationally recognized CASA** standards, including an annual review and update of the
5 program's diversity, equity, inclusion and accountability plans;

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

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

8 (e) Require the statewide coordinating entity contracted with pursuant to paragraph (a) of this
9 subsection to develop and provide training and education for court appointed special advocates and
10 employees and other volunteers in CASA Volunteer Programs. The training and education must be
11 consistent with [*the National CASA Association's*] **nationally recognized CASA** standards and in-
12 clude culturally specific and community-responsive training components. The training and education
13 for each program must be tailored to the program's identified equity and outreach needs. The
14 statewide coordinating entity shall make available additional training opportunities regarding cul-
15 tural responsiveness and skill building, as needed and as resources allow.

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

18 (2) The department may:

19 (a) Consult with the statewide coordinating entity contracted with under subsection (1)(a) of this
20 section for the purpose of developing:

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

23 (B) Policies, procedures, standards and guidelines regarding the provision of court appointed
24 special advocate services in this state taking into consideration [*the National CASA Association's*]
25 **nationally recognized CASA** standards.

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

28 (3) The statewide coordinating entity with which the department has contracted under sub-
29 section (1)(a) of this section shall provide biannual reports to the department regarding:

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

31 (b) The achievement of the objectives in subsection (1)(b) and (c) of this section.

32 **SECTION 2.** ORS 419A.004 is amended to read:

33 419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires
34 otherwise:

35 (1) "Adjudicated youth" 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 (2) "Age-appropriate or developmentally appropriate activities" means:

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

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

45 (3) "Another planned permanent living arrangement" means an out-of-home placement for a ward

1 16 years of age or older that is consistent with the case plan and in the best interests of the ward
 2 other than placement:

- 3 (a) By adoption;
- 4 (b) With a legal guardian; or
- 5 (c) With a fit and willing relative.

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

11 (5) "Child care center" means a residential facility for wards or adjudicated youths that is li-
 12 censed, certified or otherwise authorized as a child-caring agency as that term is defined in ORS
 13 418.205.

14 (6) "Community service" has the meaning given that term in ORS 137.126.

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

17 (8) "Counselor" means a juvenile department counselor or a county juvenile probation officer.

18 (9) "Court" means the juvenile court.

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

21 (11) "Court facility" has the meaning given that term in ORS 166.360.

22 (12) "Current caretaker" means a foster parent:

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

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

28 (13) "Department" means the Department of Human Services.

29 (14) "Detention" or "detention facility" means a facility established under ORS 419A.010 to
 30 419A.020 and 419A.050 to 419A.063 for the detention of youths or adjudicated youths pursuant to a
 31 judicial commitment or order.

32 (15) "Director" means the director of a juvenile department established under ORS 419A.010 to
 33 419A.020 and 419A.050 to 419A.063.

34 (16) "Guardian" means guardian of the person and not guardian of the estate.

35 (17) "Indian child" has the meaning given that term in ORS 419B.603.

36 (18) "Juvenile court" means the court having jurisdiction of juvenile matters in the several
 37 counties of this state.

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

39 (20) "Parent" means the biological or adoptive mother and the legal parent of the child, ward,
 40 youth or adjudicated youth. As used in this subsection, "legal parent" means:

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

43 (b) If the child is an Indian child, a man whose parentage has been established as described in
 44 ORS 419B.609.

45 (21) "Permanent foster care" means an out-of-home placement in which there is a long-term

1 contractual foster care agreement between the foster parents and the department that is approved
 2 by the juvenile court and in which the foster parents commit to raise a ward in substitute care or
 3 adjudicated youth until the age of majority.

4 (22) "Public building" has the meaning given that term in ORS 166.360.

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

6 (24) "Qualified residential treatment program" means a program described in ORS 418.323.

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

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

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

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

19 (29) "Restitution" has the meaning given that term in ORS 137.103.

20 (30) "Serious physical injury" means:

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

22 (b) A physical injury that:

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

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

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

26 (31) "Shelter care" means a home or other facility suitable for the safekeeping of a child, ward,
 27 youth or adjudicated youth who is taken into temporary custody pending investigation and disposi-
 28 tion.

29 (32) "Short-term detention facility" means a facility established under ORS 419A.050 (3) for
 30 holding youths and adjudicated youths pending further placement.

31 (33) "Sibling" means one of two or more children or wards related:

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

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

34 (34)(a) "Substitute care" means an out-of-home placement directly supervised by the department
 35 or other agency, including placement in a foster family home, group home, child-caring agency as
 36 defined in ORS 418.205 or other child caring institution or facility.

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

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

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

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

43 (D) A facility or other entity that houses or provides services only to adjudicated youths com-
 44 mitted to the custody of the Oregon Youth Authority by the juvenile court; or

45 (E) An adjudicated youth foster home as that term is defined in ORS 420.888.

1 (35) "Surrogate" means a person appointed by the court to protect the right of the child, ward,
2 youth or adjudicated youth to receive procedural safeguards with respect to the provision of free
3 appropriate public education.

4 (36) "Tribal court" has the meaning given that term in ORS 419B.603.

5 (37) "Victim" means any person determined by the district attorney, the juvenile department or
6 the court to have suffered direct financial, psychological or physical harm as a result of the act that
7 has brought the youth or adjudicated youth before the juvenile court. When the victim is a minor,
8 "victim" includes the legal guardian of the minor. The youth or adjudicated youth may not be con-
9 sidered the victim. When the victim of the crime cannot be determined, the people of Oregon, as
10 represented by the district attorney, are considered the victims.

11 (38) "Violent felony" means any offense that, if committed by an adult, would constitute a felony
12 and:

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

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

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

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

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

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

23 **SECTION 3.** ORS 184.489 is amended to read:

24 184.489. As used in ORS 184.489 to 184.498 and 419B.112:

25 (1) "CASA Volunteer Program" means a program that is approved or sanctioned by a juvenile
26 court[, *has received accreditation from the National CASA Association*] and has entered into a con-
27 tract with the statewide coordinating entity contracted with by the Oregon Department of Admin-
28 istrative Services under ORS 184.492 to recruit, train and supervise diverse and culturally
29 responsive volunteers to serve as court appointed special advocates.

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

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