

**A-Engrossed**  
**House Bill 4082**

Ordered by the House February 7  
Including House Amendments dated February 7

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.

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.

**Requires each CASA Volunteer Program to report biannually to standing and interim committees of Legislative Assembly on court appointed special advocate services.**

*[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,  
3 409.185, 417.707, 417.710, 417.720, 417.725, 417.735, 417.775, 417.780, 417.785, 418.575, 418.580,  
4 419A.004, 458.558 and 458.568; repealing ORS 419A.170; appropriating money; and declaring an  
5 emergency.

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

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 ORS 419A.170 is repealed.**

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

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

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

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

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

4 (d) Monitor all court orders to ensure compliance and to bring to the court's attention  
5 any change in circumstances that may require a modification of an order of the court.

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

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

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

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

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

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

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

38 **SECTION 3.** As used in ORS 458.558 and sections 2, 4 and 9 of this 2012 Act:

39 (1) "CASA Volunteer Program" means a program that is approved or sanctioned by a  
40 juvenile court, has received accreditation from the National CASA Association and has en-  
41 tered into a contract with the Oregon Volunteers Commission for Voluntary Action and  
42 Service under section 4 of this 2012 Act to recruit, train and supervise volunteers to serve  
43 as court appointed special advocates.

44 (2) "Court appointed special advocate" means a person in a CASA Volunteer Program  
45 who is appointed by the court to act as a court appointed special advocate pursuant to sec-

1 **tion 2 of this 2012 Act.**

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

4 (a) **Contract with all CASA Volunteer Programs in this state to recruit, train and su-**  
5 **perwise court appointed special advocates.**

6 (b) **Disburse and expend moneys in the Court Appointed Special Advocate Fund estab-**  
7 **lished under section 5 of this 2012 Act for the purposes set forth in this section and section**  
8 **2 of this 2012 Act.**

9 (c) **Oversee the provision of court appointed special advocate services throughout this**  
10 **state in a uniform, consistent and cost-efficient manner by ensuring that CASA Volunteer**  
11 **Programs:**

12 (A) **Adopt policies, procedures, standards and guidelines regarding the provision of court**  
13 **appointed special advocate services as directed by the commission; and**

14 (B) **Develop and provide training and education for court appointed special advocates and**  
15 **employees and other volunteers in CASA Volunteer Programs as directed by the commission.**

16 (d) **Identify statewide outcome or performance measures for CASA Volunteer Programs.**

17 (e) **Collect, evaluate and summarize data regarding CASA Volunteer Programs and court**  
18 **appointed special advocate services in this state.**

19 (f) **Adopt rules for carrying out the commission's responsibilities, duties and functions**  
20 **under this section and section 2 of this 2012 Act.**

21 (2) **The commission may:**

22 (a) **Delegate to public agencies or private nonprofit organizations the responsibility to,**  
23 **or contract with public agencies or private nonprofit organizations to:**

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

25 (B) **Develop and provide training for court appointed special advocates and employees and**  
26 **volunteers of CASA Volunteer Programs.**

27 (b) **Consult with public agencies or private nonprofit organizations for the purpose of**  
28 **developing:**

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

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

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

35 (3) **Public agencies or private nonprofit organizations to whom the commission has de-**  
36 **legated responsibilities, or with whom the commission has contracted, under this section**  
37 **shall provide biannual reports to the commission regarding:**

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

39 (b) **When applicable to responsibilities delegated or contracted for, the achievement of**  
40 **the objectives in subsection (1)(c) to (f) of this section.**

41 (4) **The commission shall report annually to committees or interim committees of the**  
42 **Legislative Assembly related to the provision of court appointed special advocate services**  
43 **regarding the disbursement of moneys in the Court Appointed Special Advocate Fund estab-**  
44 **lished under section 5 of this 2012 Act, the extent to which statewide outcome or perform-**  
45 **ance measures identified under subsection (1)(d) of this section are being met and the**

1 **current status of court appointed special advocate services provided in this state.**

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

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

6 **(a) Amounts appropriated or otherwise transferred to the fund by the Legislative As-**  
7 **sembly;**

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

9 **(c) Amounts donated to the fund; and**

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

11 **(3) Moneys in the fund are continuously appropriated to the Housing and Community**  
12 **Services Department for the Oregon Volunteers Commission for Voluntary Action and Ser-**  
13 **vice established under ORS 458.555 for the purpose of carrying out the provisions of sections**  
14 **2 and 4 of this 2012 Act.**

15 **(4) The department may use moneys in the fund to pay the administrative costs of the**  
16 **commission associated with the fund and with carrying out the provisions of sections 2 and**  
17 **4 of this 2012 Act.**

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

19 458.558. (1) The members of the Oregon Volunteers Commission for Voluntary Action and Ser-  
20 vice must be citizens of this state who have a proven commitment to community service and who  
21 have a demonstrated interest in fostering and nurturing citizen involvement as a strategy for  
22 strengthening communities and promoting the ethic of service in all sectors of this state.

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

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

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

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

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

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

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

33 (g) A representative of business.

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

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

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

39 (a) Educators.

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

42 (c) Members of Native American tribes.

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

44 (e) Entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C.  
45 4950 et seq.).

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

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

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

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

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

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

8       458.568. The Oregon Volunteers Commission for Voluntary Action and Service shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39       [(8)] **(9)** Biennially submit a report to the Governor and the Legislative Assembly as provided  
40 under ORS 192.230 to 192.245:

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

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

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

45       (d) Containing specific recommendations for any additional legislation the commission deems

1 necessary to carry out the purpose of the Oregon Volunteer and Community Service Act or to im-  
2 prove the effectiveness or efficiency of the commission.

3 **SECTION 8.** In addition to and not in lieu of any other appropriation, there is appropri-  
4 ated to the Housing and Community Services Department, for the biennium beginning July  
5 1, 2011, out of the General Fund, the amount of \$\_\_\_\_\_, for distribution to the Oregon  
6 Volunteers Commission for Voluntary Action and Service for the purpose of implementing  
7 the provisions of sections 2 and 4 of this 2012 Act.

8 **SECTION 9.** Each CASA Volunteer Program shall report biannually to standing and in-  
9 terim committees of the Legislative Assembly related to the provision of court appointed  
10 special advocate services. The report must include each program's status with respect to the  
11 statewide outcome or performance measures identified by the Oregon Volunteers Commis-  
12 sion for Voluntary Action and Service under section 4 of this 2012 Act.

13 **SECTION 10.** The Judicial Department, the Housing and Community Services Department  
14 and the Oregon Volunteers Commission for Voluntary Action and Service shall study the  
15 appropriate structure and operation for funding and administration of the CASA Volunteer  
16 Programs in this state and make recommendations to standing and interim committees of  
17 the Legislative Assembly related to the provision of court appointed special advocate services  
18 no later than September 30, 2014.

19  
20 **TRANSFER OF AUTHORITY FROM**  
21 **STATE COMMISSION ON CHILDREN AND FAMILIES**  
22 **TO OREGON VOLUNTEERS COMMISSION**  
23 **FOR VOLUNTARY ACTION AND SERVICE**  
24

25 **SECTION 11.** All the duties, functions and powers of the State Commission on Children  
26 and Families relating to the creation, supervision and operation of CASA Volunteer Pro-  
27 grams under ORS 419A.170, as that statute was in effect before the operative date of this  
28 section, are imposed upon, transferred to and vested in the Oregon Volunteers Commission  
29 for Voluntary Action and Service established under ORS 458.555.

30  
31 **RECORDS AND PROPERTY**  
32

33 **SECTION 12.** The staff director of the State Commission on Children and Families shall  
34 deliver to the director of the Oregon Volunteers Commission for Voluntary Action and Ser-  
35 vice all records and property within the jurisdiction of the staff director that relate to the  
36 duties, functions and powers transferred by section 11 of this 2012 Act, and the director of  
37 the Oregon Volunteers Commission for Voluntary Action and Service shall take possession  
38 of the records and property transferred under this section.

39  
40 **UNEXPENDED REVENUES**  
41

42 **SECTION 13.** (1) The unexpended balances of amounts authorized to be expended by the  
43 State Commission on Children and Families for the biennium beginning July 1, 2011, from  
44 revenues dedicated, continuously appropriated, appropriated or otherwise made available for  
45 the purpose of administering and enforcing the duties, functions and powers transferred by

1 section 11 of this 2012 Act are transferred to and are available for expenditure by the Hous-  
2 ing and Community Services Department for the Oregon Volunteers Commission for Volun-  
3 tary Action and Service for the biennium beginning July 1, 2011, for the purpose of  
4 administering and enforcing the duties, functions and powers of the department and the  
5 Oregon Volunteers Commission for Voluntary Action and Service under sections 2, 4 and 5  
6 of this 2012 Act.

7 (2) The expenditure classifications, if any, established by Acts authorizing or limiting  
8 expenditures by the State Commission on Children and Families remain applicable to expen-  
9 ditures by the Housing and Community Services Department for the Oregon Volunteers  
10 Commission for Voluntary Action and Service under this section.

11  
12 **ACTIONS, PROCEEDINGS, PROSECUTIONS**

13  
14 **SECTION 14.** The transfer of duties, functions and powers to the Oregon Volunteers  
15 Commission for Voluntary Action and Service by section 11 of this 2012 Act does not affect  
16 any action, proceeding or prosecution involving or with respect to such duties, functions and  
17 powers begun before and pending at the time of the transfer, except that the Oregon Vol-  
18 unteers Commission for Voluntary Action and Service is substituted for the State Commis-  
19 sion on Children and Families in the action, proceeding or prosecution.

20  
21 **LIABILITIES, DUTIES, OBLIGATIONS**

22  
23 **SECTION 15.** (1) Nothing in sections 11 to 17 of this 2012 Act relieves a person of a li-  
24 ability, duty or obligation accruing under or with respect to the duties, functions and powers  
25 transferred by section 11 of this 2012 Act. The Oregon Volunteers Commission for Voluntary  
26 Action and Service may undertake the collection or enforcement of any such liability, duty  
27 or obligation.

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

35  
36 **RULES**

37  
38 **SECTION 16.** Notwithstanding the transfer of duties, functions and powers by section 11  
39 of this 2012 Act, the rules of the State Commission on Children and Families with respect  
40 to such duties, functions or powers that are in effect on the operative date of section 11 of  
41 this 2012 Act continue in effect until superseded or repealed by rules of the Oregon Volun-  
42 teers Commission for Voluntary Action and Service. References in such rules of the State  
43 Commission on Children and Families to the State Commission on Children and Families or  
44 an officer or employee of the State Commission on Children and Families are considered to  
45 be references to the Oregon Volunteers Commission for Voluntary Action and Service or an

1 **officer or employee of the Oregon Volunteers Commission for Voluntary Action and Service.**

2 **SECTION 17. Whenever, in any uncodified law or resolution of the Legislative Assembly**  
3 **or in any rule, document, record or proceeding authorized by the Legislative Assembly, in**  
4 **the context of the duties, functions and powers transferred by section 11 of this 2012 Act,**  
5 **reference is made to the State Commission on Children and Families or an officer or em-**  
6 **ployee of the State Commission on Children and Families whose duties, functions or powers**  
7 **are transferred by section 11 of this 2012 Act, the reference is considered to be a reference**  
8 **to the Oregon Volunteers Commission for Voluntary Action and Service or an officer or**  
9 **employee of the Oregon Volunteers Commission for Voluntary Action and Service who by**  
10 **this 2012 Act is charged with carrying out such duties, functions and powers.**

11  
12 **CONFORMING AMENDMENTS RELATING TO**  
13 **TRANSFER OF AUTHORITY**  
14 **(Operative May 1, 2012)**  
15

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

17 131A.360. (1) The provisions of this section apply only to a forfeiting agency other than the  
18 state, and apply only to forfeiture proceeds arising out of prohibited conduct as defined by ORS  
19 131A.005 (12)(a).

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

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

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

31 (a) Deduct an amount equal to five percent of the forfeiture proceeds and deposit that amount  
32 in the Illegal Drug Cleanup Fund established by ORS 475.495 for the purposes specified in ORS  
33 475.495 (5) and (6);

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

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

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

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



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

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

7 (b) Currency for undercover law enforcement operations;

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

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

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

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

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

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

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

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

26 409.185. (1) The Director of Human Services shall oversee the development of standards and  
27 procedures for assessment, investigation and enforcement of child protective services.

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

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

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

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

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

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

1 (g) Nothing in this subsection is intended to be inconsistent with ORS 418.702, 418.747 and  
2 418.748 and ORS chapter 419B.

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

7 (3) Upon receipt of a recommendation of the Children's Advocate under ORS 417.815 (2)(e), the  
8 department shall implement the recommendation or give the Children's Advocate written notice of  
9 an intent not to implement the recommendation.

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

11 417.707. The purpose of ORS 417.705 to 417.800 [and 419A.170], as described in ORS 417.708 to  
12 417.725, shall be implemented by all state agencies providing services for children and families to  
13 guide the providing of those services.

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

15 417.710. Subject to the availability of funds therefor and the specific provisions of ORS 417.705  
16 to 417.800 [and 419A.170], it is the purpose of ORS 417.705 to 417.800 [and 419A.170] to:

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

20 (2) Vest in local commissions on children and families the authority to distribute state and fed-  
21 eral funds allocated to the local commissions to supervise services or to purchase services for chil-  
22 dren and families in the local area and to supervise the development of the local coordinated  
23 comprehensive plan;

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

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

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

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

32 417.720. The characteristics of the service system developed and implemented under ORS 417.705  
33 to 417.800 [and 419A.170] are that the system:

34 (1) Is nonstigmatizing;

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

38 (3) Is outcome-oriented;

39 (4) Is integrated;

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

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

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

45 (8) Provides services locally in a process that encourages partnerships, alliances and efficient

1 use of resources; and

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

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

5 417.725. (1) Key elements of the service system developed and implemented under ORS 417.705  
6 to 417.800 [and 419A.170] are:

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

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

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

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

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

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

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

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

24 (e) Shall incorporate the requirements specified for community learning centers under ORS  
25 329.156.

26 **SECTION 24.** ORS 417.735 is amended to read:

27 417.735. (1) The State Commission on Children and Families shall promote the wellness of chil-  
28 dren and families at the state level and shall act in accordance with the principles, characteristics  
29 and values identified in ORS 417.708 to 417.725. The state commission shall provide no direct ser-  
30 vices.

31 (2)(a) Funds for local commissions shall consist of payments from moneys appropriated for local  
32 commissions to the State Commission on Children and Families by the Legislative Assembly. The  
33 state commission shall develop an equitable formula for the distribution of funds to counties or re-  
34 gions for services for children and families, and a minimum annual grant shall be provided to each  
35 county or region.

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

39 (c) The state commission may withhold funds from a local commission if services and programs  
40 funded through the local commission do not meet appropriate performance measures and outcomes.

41 (3) The state commission shall:

42 (a) Set guidelines for the planning, coordination and delivery of services by local commissions  
43 in partnership with other planning bodies and agencies providing services for children and families.  
44 The guidelines shall be consistent with the key elements of the service system developed and im-  
45 plemented under ORS 417.705 to 417.800. In conjunction with other planning bodies and agencies

1 providing social supports, the state commission shall use the local coordinated comprehensive plans  
2 to advise agencies, the Legislative Assembly and the Governor;

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

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

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

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

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

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

16 (h) Provide a process whereby the Department of Human Services, Oregon Health Authority,  
17 Juvenile Crime Prevention Advisory Committee, Oregon Youth Authority, Department of Education,  
18 Department of Community Colleges and Workforce Development, Employment Department, Housing  
19 and Community Services Department and Oregon Business Development Department review all  
20 findings from data collected by the local commissions through the local coordinated comprehensive  
21 plans. The information gathered in this review shall be considered by those agencies in designing  
22 future economic resources and services and in the coordination of services;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (B) Facilitation;

11 (C) Planning;

12 (D) Policy development;

13 (E) Proven practices of effectiveness;

14 (F) Local systems development;

15 (G) Community problem solving and mobilization; and

16 (H) Other services, as appropriate;

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

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

19 (f) Develop a process for reviewing requests for waivers from requirements of the state com-  
20 mission. Requests for waivers shall be granted or denied as a part of the approval process for a local  
21 coordinated comprehensive plan. The state commission shall not grant a request for waiver that al-  
22 lows funds to be used for any purpose other than early childhood prevention, intervention and  
23 treatment programs.

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

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

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

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

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

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

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

45 (10) The programs shall be funded as fully as possible by Title XX of the federal Social Security

1 Act, consistent with the terms and conditions of the block grant program and the local coordinated  
2 comprehensive plans that reflect community priorities established by the local planning process.

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

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

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

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

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

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

20 (e) Proposed solutions to barriers identified under paragraph (d) of this subsection, including  
21 proven, effective and innovative strategies; and

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

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

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

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

33 (14) The state commission shall:

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

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

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

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

43 417.775. (1) Under the direction of the board or boards of county commissioners, and in con-  
44 junction with the guidelines set by the State Commission on Children and Families, the local com-  
45 mission on children and families shall promote wellness for children of all ages and their families

1 in the county or region, if the families have given their express written consent, mobilize commu-  
2 nities and develop policy and oversee the implementation of a local coordinated comprehensive plan  
3 described in this section. A local commission shall:

4 (a) Inform and involve citizens;

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

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

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

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

10 (f) Prioritize the use of nondedicated resources;

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

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

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

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

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

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

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

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

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

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

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

- 1 (6) Subject to the availability of funds:
- 2 (a) The local coordinated comprehensive plan shall include:
- 3 (A) Identification of ways to connect all state and local planning processes related to services
- 4 for children and their families into the local coordinated comprehensive plan to create positive
- 5 outcomes for children and their families; and
- 6 (B) Provisions for a continuum of social supports at the community level for children from the
- 7 prenatal stage through 18 years of age, and their families, that takes into account areas of need,
- 8 service overlap, asset building and community strengths as outlined in ORS 417.305 (2).
- 9 (b) The local coordinated comprehensive plan shall reference:
- 10 (A) A voluntary local early childhood system plan created pursuant to ORS 417.777;
- 11 (B) Local alcohol and other drug prevention and treatment plans developed pursuant to ORS
- 12 430.242;
- 13 (C) Local service plans, developed pursuant to ORS 430.630, for the delivery of mental health
- 14 services for children and their families;
- 15 (D) Local public health plans, developed pursuant to ORS 431.385, that include public health
- 16 issues such as prenatal care, immunizations, well-child checkups, tobacco use, nutrition, teen preg-
- 17 nancy, maternal and child health care and suicide prevention; and
- 18 (E) The local high-risk juvenile crime prevention plan developed pursuant to ORS 417.855.
- 19 (7) The local coordinated comprehensive plan shall include a list of staff positions budgeted to
- 20 support the local commission on children and families. The list shall indicate the status of each po-
- 21 sition as a percentage of full-time equivalency dedicated to the implementation of the local coordi-
- 22 nated comprehensive plan. The county board or boards of commissioners shall be responsible for
- 23 providing the level of staff support detailed in the local plan and shall ensure that funds provided
- 24 for these purposes are used to carry out the local plan.
- 25 (8) The local coordinated comprehensive plan shall:
- 26 (a) Improve results by addressing the needs, strengths and assets of all children, their families
- 27 and communities in the county or region, including those children and their families at highest risk;
- 28 (b) Improve results by identifying the methods that work best at the state and local levels to
- 29 coordinate resources, reduce paperwork and simplify processes, including data gathering and plan-
- 30 ning;
- 31 (c) Be based on local, state and federal resources;
- 32 (d) Be based on proven practices of effectiveness for the specific community;
- 33 (e) Contribute to a voluntary statewide system of formal and informal services and supports that
- 34 is provided at the community level, that is integrated in local communities and that promotes im-
- 35 proved outcomes for Oregon's children;
- 36 (f) Be presented to the citizens in each county for public review, comment and adjustment;
- 37 (g) Be designed to achieve outcomes based on research-identified proven practices of effective-
- 38 ness; and
- 39 (h) Address other issues, local needs or children and family support areas as determined by the
- 40 local commission pursuant to ORS 417.735.
- 41 (9) In developing the local coordinated comprehensive plan, the local commission shall:
- 42 (a) Secure active participation pursuant to subsection (3) of this section;
- 43 (b) Provide for community participation in the planning process, including media notification;
- 44 (c) Conduct an assessment of the community that identifies needs and strengths;
- 45 (d) Identify opportunities for service integration; and



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

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

6 (11)(a) The state commission may disapprove the planning process and the voluntary local early  
7 childhood system plan only upon making specific findings that the local plan substantially fails to  
8 conform to the principles, characteristics and values identified in ORS 417.708 to 417.725 and 417.735  
9 (4) or that the local plan fails to conform with the planning process requirements of this section.  
10 The staff of the state commission shall assist the local commission in remedying the deficiencies in  
11 the planning process or the voluntary local early childhood system plan. The state commission shall  
12 set a date by which any deficient portions of the planning process or the voluntary local early  
13 childhood system plan must be revised and resubmitted to the state commission by the local com-  
14 mission.

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

17 (A) The local alcohol and other drug prevention and treatment plans developed pursuant to ORS  
18 430.242;

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

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

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

23 (12) The state commission, the Department of Human Services and the Juvenile Crime Pre-  
24 vention Advisory Committee may jointly approve the community plan that is part of the local coord-  
25 inated comprehensive plan, but may not jointly approve the service plans that are referenced in the  
26 local plan. If the community plan is disapproved in whole, the agencies shall identify with  
27 particularity the manner in which the community plan is deficient and the service plans may be  
28 implemented. If only part of the community plan is disapproved, the remainder of the community  
29 plan and the service plans may be implemented. The staff of the agencies shall assist the local  
30 commission in remedying the disapproved portions of the community plan. The agencies shall jointly  
31 set a date by which the deficient portions of the community plan shall be revised and resubmitted  
32 to the agencies by the local commission. In reviewing the community plan, the agencies shall con-  
33 sider the impact of state and local budget reductions on the community plan.

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

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

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

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

8 (17) Alcohol and drug prevention and treatment services included in the local coordinated com-  
9 prehensive plan must meet minimum standards adopted by the Oregon Health Authority under ORS  
10 430.357.

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

12 417.780. Funds received by a county or counties from the state to implement ORS 417.705 to  
13 417.800 [and 419A.170] shall not be used to replace county general fund moneys, other than federal  
14 or state funds, currently being used by the county for existing programs for children and youth.  
15 However, in case of severe financial hardship demonstrated by a county or counties, the State  
16 Commission on Children and Families may waive the requirements of this section in approving the  
17 local coordinated comprehensive plan.

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

19 417.785. A local commission is the recommended local structure for implementation of ORS  
20 417.705 to 417.800 [and 419A.170]. However, a county or counties may elect to offer another struc-  
21 ture but shall submit only one local coordinated comprehensive plan. The alternative structure must  
22 be approved by the State Commission on Children and Families.

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

24 418.575. As used in ORS 418.575 to 418.598:

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

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

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

35 (4) "Family" means, at a minimum but not to the exclusion of siblings as defined in ORS  
36 419A.004 or other persons living in the same household with a child, the child and:

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

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

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

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

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

45 (a) Requires a program to demonstrate successful child-driven outcomes when compared to al-

1 ternative placement options and long-term cost savings; and

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

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

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

7 418.580. (1) By October 1, 2012, and to the extent practicable using available resources, the  
8 Department of Human Services and county partners shall implement Strengthening, Preserving and  
9 Reunifying Families programs as described in this section. County partners are encouraged to form  
10 collaborations with programs to design, oversee and participate in program development and imple-  
11 mentation as appropriate. The department shall be the lead agency in efforts undertaken pursuant  
12 to this section, but all officers, boards, commissions and other agencies of the State of Oregon shall  
13 cooperate with the department to accomplish the duties imposed on the department by ORS 418.575  
14 to 418.598 and to allocate services provided by programs as described in this section.

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

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

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

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

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

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

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

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

45 (e) Intensive in-home services while the child and family engage in family strengthening activ-

1 ities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires  
38 otherwise:

39 (1) "CASA Volunteer Program" means a program [*approved or sanctioned by the juvenile court*]  
40 **that is approved or sanctioned by a juvenile court, has received accreditation from the Na-**  
41 **tional CASA Association and has entered into a contract with the Oregon Volunteers Com-**  
42 **mission for Voluntary Action and Service under section 4 of this 2012 Act** to recruit, train and  
43 supervise [*volunteer persons*] **volunteers** to serve as court appointed special advocates.

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

- 1 (3) "Community service" has the meaning given that term in ORS 137.126.
- 2 (4) "Conflict of interest" means a person appointed to a local citizen review board who has a  
3 personal or pecuniary interest in a case being reviewed by that board.
- 4 (5) "Counselor" means a juvenile department counselor or a county juvenile probation officer.
- 5 (6) "Court" means the juvenile court.
- 6 (7) "Court appointed special advocate" [or "CASA"] means a person **in a CASA Volunteer**  
7 **Program who is** appointed by the court [*pursuant to a CASA Volunteer Program to act as special*  
8 *advocate pursuant to ORS 419A.170*] **to act as a court appointed special advocate pursuant to**  
9 **section 2 of this 2012 Act.**
- 10 (8) "Court facility" has the meaning given that term in ORS 166.360.
- 11 (9) "Department" means the Department of Human Services.
- 12 (10) "Detention" or "detention facility" means a facility established under ORS 419A.010 to  
13 419A.020 and 419A.050 to 419A.063 for the detention of children, wards, youths or youth offenders  
14 pursuant to a judicial commitment or order.
- 15 (11) "Director" means the director of a juvenile department established under ORS 419A.010 to  
16 419A.020 and 419A.050 to 419A.063.
- 17 (12) "Guardian" means guardian of the person and not guardian of the estate.
- 18 (13) "Indian child" means any unmarried person less than 18 years of age who is:
- 19 (a) A member of an Indian tribe; or
- 20 (b) Eligible for membership in an Indian tribe and is the biological child of a member of an In-  
21 dian tribe.
- 22 (14) "Juvenile court" means the court having jurisdiction of juvenile matters in the several  
23 counties of this state.
- 24 (15) "Local citizen review board" means the board specified by ORS 419A.090 and 419A.092.
- 25 (16) "Parent" means the biological or adoptive mother and the legal father of the child, ward,  
26 youth or youth offender. As used in this subsection, "legal father" means:
- 27 (a) A man who has adopted the child, ward, youth or youth offender or whose paternity has been  
28 established or declared under ORS 109.070 or 416.400 to 416.465 or by a juvenile court; and
- 29 (b) In cases in which the Indian Child Welfare Act applies, a man who is a father under appli-  
30 cable tribal law.
- 31 (17) "Permanent foster care" means an out-of-home placement in which there is a long-term  
32 contractual foster care agreement between the foster parents and the department that is approved  
33 by the juvenile court and in which the foster parents commit to raise a ward in substitute care or  
34 youth offender until the age of majority.
- 35 (18) "Planned permanent living arrangement" means an out-of-home placement other than by  
36 adoption, placement with a relative or placement with a legal guardian that is consistent with the  
37 case plan and in the best interests of the ward.
- 38 (19) "Public building" has the meaning given that term in ORS 166.360.
- 39 (20) "Reasonable time" means a period of time that is reasonable given a child or ward's emo-  
40 tional and developmental needs and ability to form and maintain lasting attachments.
- 41 (21) "Records" means any information in written form, pictures, photographs, charts, graphs,  
42 recordings or documents pertaining to a case.
- 43 (22) "Resides" or "residence," when used in reference to the residence of a child, ward, youth  
44 or youth offender, means the place where the child, ward, youth or youth offender is actually living  
45 or the jurisdiction in which wardship or jurisdiction has been established.

- 1 (23) "Restitution" has the meaning given that term in ORS 137.103.
- 2 (24) "Serious physical injury" means:
- 3 (a) A serious physical injury as defined in ORS 161.015; or
- 4 (b) A physical injury that:
- 5 (A) Has a permanent or protracted significant effect on a child's daily activities;
- 6 (B) Results in substantial and recurring pain; or
- 7 (C) In the case of a child under 10 years of age, is a broken bone.
- 8 (25) "Shelter care" means a home or other facility suitable for the safekeeping of a child, ward,
- 9 youth or youth offender who is taken into temporary custody pending investigation and disposition.
- 10 (26) "Short-term detention facility" means a facility established under ORS 419A.050 (3) for
- 11 holding children, youths and youth offenders pending further placement.
- 12 (27) "Sibling" means one of two or more children or wards related:
- 13 (a) By blood or adoption through a common legal parent; or
- 14 (b) Through the marriage of the children's or wards' legal or biological parents.
- 15 (28) "Substitute care" means an out-of-home placement directly supervised by the department
- 16 or other agency, including placement in a foster family home, group home or other child caring in-
- 17 stitution or facility. "Substitute care" does not include care in:
- 18 (a) A detention facility, forestry camp or youth correction facility;
- 19 (b) A family home that the court has approved as a ward's permanent placement, when a private
- 20 child caring agency has been appointed guardian of the ward and when the ward's care is entirely
- 21 privately financed; or
- 22 (c) In-home placement subject to conditions or limitations.
- 23 (29) "Surrogate" means a person appointed by the court to protect the right of the child, ward,
- 24 youth or youth offender to receive procedural safeguards with respect to the provision of free ap-
- 25 propriate public education.
- 26 (30) "Tribal court" means a court with jurisdiction over child custody proceedings and that is
- 27 either a Court of Indian Offenses, a court established and operated under the code of custom of an
- 28 Indian tribe or any other administrative body of a tribe that is vested with authority over child
- 29 custody proceedings.
- 30 (31) "Victim" means any person determined by the district attorney, the juvenile department or
- 31 the court to have suffered direct financial, psychological or physical harm as a result of the act that
- 32 has brought the youth or youth offender before the juvenile court. When the victim is a minor,
- 33 "victim" includes the legal guardian of the minor. The youth or youth offender may not be consid-
- 34 ered the victim. When the victim of the crime cannot be determined, the people of Oregon, as re-
- 35 presented by the district attorney, are considered the victims.
- 36 (32) "Violent felony" means any offense that, if committed by an adult, would constitute a felony
- 37 and:
- 38 (a) Involves actual or threatened serious physical injury to a victim; or
- 39 (b) Is a sexual offense. As used in this paragraph, "sexual offense" has the meaning given the
- 40 term "sex crime" in ORS 181.594.
- 41 (33) "Ward" means a person within the jurisdiction of the juvenile court under ORS 419B.100.
- 42 (34) "Young person" means a person who has been found responsible except for insanity under
- 43 ORS 419C.411 and placed under the jurisdiction of the Psychiatric Security Review Board.
- 44 (35) "Youth" means a person under 18 years of age who is alleged to have committed an act that
- 45 is a violation, or, if done by an adult would constitute a violation, of a law or ordinance of the

1 United States or a state, county or city.

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

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

5  
6 **OPERATIVE DATE RELATING TO**  
7 **TRANSFER OF AUTHORITY**

8  
9 **SECTION 31. Sections 2 to 5 and 11 to 17 of this 2012 Act, the amendments to ORS**  
10 **131A.360, 409.185, 417.707, 417.710, 417.720, 417.725, 417.735, 417.775, 417.780, 417.785, 418.575,**  
11 **418.580, 419A.004, 458.558 and 458.568 by sections 6, 7 and 18 to 30 of this 2012 Act and the**  
12 **repeal of ORS 419A.170 by section 1 of this 2012 Act become operative on May 1, 2012.**

13  
14 **CAPTIONS**

15  
16 **SECTION 32. 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 33. 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.**

25  
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