

Requested by Representative OLSON

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2600**

1 On page 1 of the printed bill, line 3, delete “137.656,”.

2 Delete lines 6 through 24 and delete pages 2 through 20 and insert:

3 **“SECTION 1. ORS 458.580, 458.581, 458.582 and 458.584 are repealed.**

4 **“SECTION 1a. Sections 2 to 5 of this 2017 Act are added to and made  
5 a part of ORS chapter 458.**

6 **“SECTION 2. As used in ORS 419B.112 and sections 2 to 5 of this 2017  
7 Act:**

8 **“(1) ‘CASA Volunteer Program’ means a program that is approved  
9 or sanctioned by a juvenile court, has received accreditation from the  
10 National CASA Association and has entered into a contract with the  
11 Housing and Community Services Department under section 3 of this  
12 2017 Act to recruit, train and supervise volunteers to serve as court  
13 appointed special advocates.**

14 **“(2) ‘Court appointed special advocate’ means a person in a CASA  
15 Volunteer Program who is appointed by the court to act as a court  
16 appointed special advocate pursuant to ORS 419B.112.**

17 **“SECTION 3. (1) The Housing and Community Services Department  
18 shall:**

19 **“(a) Contract with all CASA Volunteer Programs in this state to  
20 recruit, train and supervise court appointed special advocates. The  
21 department may delegate authority to contract under this paragraph**

1 to the statewide coordinating entity contracted with under paragraph  
2 (b) of this subsection.

3 “(b) Contract with a nongovernmental entity to serve as the state-  
4 wide coordinating entity for the provision of court appointed special  
5 advocate services throughout this state. The nongovernmental entity  
6 must be a member of the National CASA Association and have a board  
7 or other membership structure that contains directors from the CASA  
8 Volunteer Programs in this state. At a minimum, the contract must  
9 include authority for the statewide coordinating entity to:

10 “(A) Contract with CASA Volunteer Programs;

11 “(B) Disburse and expend moneys in the Court Appointed Special  
12 Advocate Fund established in section 5 of this 2017 Act to CASA Vol-  
13 unteer Programs in this state; and

14 “(C) Execute the standards described in paragraph (c) of this sub-  
15 section.

16 “(c) Oversee and monitor CASA Volunteer Program standards, with  
17 assistance from the statewide coordinating entity contracted with by  
18 the department under paragraph (b) of this subsection, to recruit,  
19 train and supervise court appointed special advocates.

20 “(d) Disburse and expend moneys in the Court Appointed Special  
21 Advocate Fund established under section 5 of this 2017 Act for the  
22 purposes set forth in this section and ORS 419B.112. The department  
23 may disburse and expend moneys from the fund to the statewide co-  
24 ordinating entity contracted with pursuant to paragraph (b) of this  
25 subsection for the purposes set forth in this section and ORS 419B.112.

26 “(e) With the assistance of the statewide coordinating entity con-  
27 tracted with pursuant to paragraph (b) of this subsection, oversee the  
28 provision of court appointed special advocate services throughout this  
29 state in a uniform, consistent and cost-efficient manner by ensuring  
30 that CASA Volunteer Programs:

1       “(A) Adopt policies, procedures, standards and guidelines regarding  
2 the provision of court appointed special advocate services as directed  
3 by the department; and

4       “(B) Develop and provide training and education for court appointed  
5 special advocates and employees and other volunteers in CASA Vol-  
6 unteer Programs as directed by the department.

7       “(f) Identify statewide outcome or performance measures for CASA  
8 Volunteer Programs.

9       “(g) Collect, evaluate and summarize data regarding CASA Volun-  
10 teer Programs and court appointed special advocate services in this  
11 state.

12       “(h) Adopt rules for carrying out the department’s responsibilities,  
13 duties and functions under this section and ORS 419B.112.

14       “(2) The department may:

15       “(a) Delegate to a statewide coordinating entity contracted with  
16 under subsection (1)(b) of this section the responsibility to:

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

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

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

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

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

27       “(c) Apply for and receive funds from state, federal and private  
28 sources for CASA Volunteer Programs and the provision of court ap-  
29 pointed special advocate services in this state.

30       “(3) The statewide coordinating entity with which the department

1 has contracted under subsection (1)(b) of this section, or to which the  
2 department has delegated responsibilities under subsection (2)(a) of  
3 this section, shall provide biannual reports to the department regard-  
4 ing:

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

7 “(b) When applicable to responsibilities contracted for or delegated,  
8 the achievement of the objectives in subsection (1)(d) to (g) of this  
9 section.

10 “(4) The department shall report annually to committees of the  
11 Legislative Assembly related to the provision of court appointed spe-  
12 cial advocate services regarding the disbursement of moneys in the  
13 Court Appointed Special Advocate Fund established under section 5  
14 of this 2017 Act. The report must summarize the extent to which the  
15 statewide outcome or performance measures identified by the depart-  
16 ment under section 3 of this 2017 Act are being met and include an  
17 analysis of the effectiveness of court appointed special advocate ser-  
18 vices provided in this state.

19 **“SECTION 4.** Each CASA Volunteer Program shall report  
20 biannually to committees of the Legislative Assembly related to the  
21 provision of court appointed special advocate services. The statewide  
22 coordinating entity contracted with by the Housing and Community  
23 Services Department under section 3 of this 2017 Act may present the  
24 biannual reports required under this section on behalf of the CASA  
25 Volunteer Programs in this state. The report must include each  
26 program’s status with respect to the statewide outcome or perform-  
27 ance measures identified by the department under section 3 of this 2017  
28 Act.

29 **“SECTION 5.** (1) The Court Appointed Special Advocate Fund is  
30 established within the State Treasury, separate and distinct from the

1 **General Fund. Interest earned by the Court Appointed Special Advo-**  
2 **cate Fund shall be credited to the fund.**

3 **“(2) Moneys in the fund shall consist of:**

4 **“(a) Amounts appropriated or otherwise transferred to the fund by**  
5 **the Legislative Assembly;**

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

7 **“(c) Amounts donated to the fund; and**

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

9 **“(3) Moneys in the fund are continuously appropriated to the**  
10 **Housing and Community Services Department for the purpose of car-**  
11 **rying out the provisions of ORS 419B.112 and section 3 of this 2017 Act.**

12 **“(4) The department may use moneys in the fund to pay the**  
13 **department’s administrative costs associated with the fund and with**  
14 **carrying out the provisions of ORS 419B.112 and section 3 of this 2017**  
15 **Act.**

16 **“SECTION 5a. The Oregon Department of Administrative Services**  
17 **shall submit the first report required under section 3 of this 2017 Act**  
18 **no later than September 1, 2018.**

19

20 **“CONFORMING AMENDMENTS**

21

22 **“SECTION 6. ORS 131A.360 is amended to read:**

23 **“131A.360. (1) The provisions of this section apply only to a forfeiting**  
24 **agency other than the state, and apply only to forfeiture proceeds arising out**  
25 **of prohibited conduct as defined by ORS 131A.005 (12)(a).**

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

30 **“(3) After entry of a judgment of forfeiture, a forfeiting agency shall first**

1 pay from the forfeiture proceeds the costs incurred by seizing and forfeiting  
2 agencies in investigating and prosecuting the case, including costs, dis-  
3 bursements and attorney fees as defined in ORCP 68 A, special expenses such  
4 as the provision of currency for undercover law enforcement operations, the  
5 cost of disabling a hidden compartment in a motor vehicle and the expenses  
6 of maintaining the seized property. The forfeiting agency may not pay ex-  
7 penditures made in connection with the ordinary maintenance and operation  
8 of a seizing or forfeiting agency under this subsection.

9 “(4) After payment of costs under subsection (3) of this section, the for-  
10 feiting agency shall:

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

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

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

20 “(d) Deduct an amount equal to 10 percent of the forfeiture proceeds and  
21 deposit that amount in the Early Learning Division Fund established in ORS  
22 326.435 for disbursement to relief nurseries as described in ORS 417.788.

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

28 “(6) After making all payments and deductions required by subsections (3),  
29 (4) and (5) of this section, the forfeiting agency may use the remaining  
30 forfeiture proceeds, including amounts received by a county under subsection

1 (5) of this section or by any other public body under an intergovernmental  
2 agreement entered into under ORS 131A.355, only for:

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

6 “(b) Currency for undercover law enforcement operations;

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

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

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

17 “(f) Drug treatment and programs that support drug treatment; and

18 “(g) A CASA Volunteer Program as defined in [ORS 458.580] **section 2**  
19 **of this 2017 Act.**

20 “(7) Notwithstanding subsection (6) of this section, growing equipment  
21 and laboratory equipment seized by a forfeiting agency that was used, or  
22 intended for use, in the manufacturing of controlled substances may be do-  
23 nated to a public school, community college or institution of higher educa-  
24 tion.

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

30 **SECTION 7.** ORS 419A.255, as amended by section 11, chapter 417,

1 Oregon Laws 2013, section 8, chapter 439, Oregon Laws 2013, section 3,  
2 chapter 71, Oregon Laws 2014, section 2, chapter 293, Oregon Laws 2015, and  
3 section 7, chapter 95, Oregon Laws 2016, is amended to read:

4 “419A.255. (1)(a) The clerk of the court shall maintain a record of each  
5 case and a supplemental confidential file for each case, except as otherwise  
6 provided in ORS 7.120.

7 “(b) The record of the case shall be withheld from public inspection but  
8 is open to inspection by the following:

9 “(A) The judge of the juvenile court and those acting under the judge’s  
10 direction;

11 “(B) The child;

12 “(C) The ward;

13 “(D) The youth;

14 “(E) The youth offender;

15 “(F) The parent or guardian of the child, ward, youth or youth offender;

16 “(G) The guardian ad litem for the parent;

17 “(H) A person allowed to intervene in a proceeding involving the child,  
18 ward, youth or youth offender;

19 “(I) The court appointed special advocate, and a representative of a CASA  
20 Volunteer Program as defined in [*ORS 458.580*] **section 2 of this 2017 Act**,  
21 when reasonably necessary for the appointment or supervision of court ap-  
22 pointed special advocates;

23 “(J) The attorneys or prospective appellate attorneys for any of the per-  
24 sons listed in subparagraphs (B) to (I) of this paragraph;

25 “(K) The surrogate;

26 “(L) Service providers in the case;

27 “(M) The district attorney or assistant attorney general representing a  
28 party in the case;

29 “(N) The juvenile department;

30 “(O) The Department of Human Services;



1 “(P) The Oregon Youth Authority; and  
2 “(Q) Any other person or entity allowed by the court pursuant to section  
3 9, chapter 95, Oregon Laws 2016.

4 “(c) The following are entitled to copies of the record of the case:

5 “(A) The judge of the juvenile court and those acting under the judge’s  
6 direction;

7 “(B) A party to the extent permitted under ORS 419B.875 (2) or 419C.285  
8 (2);

9 “(C) A guardian ad litem for a parent to the same extent the parent is  
10 permitted to copies under ORS 419B.875 (2) or 419C.285 (2);

11 “(D) Persons listed in paragraph (b)(J) to (P) of this subsection; and

12 “(E) Any other person or entity allowed by the court pursuant to section  
13 9, chapter 95, Oregon Laws 2016.

14 “(2)(a) Reports and other material relating to the child, ward, youth or  
15 youth offender’s history and prognosis in the record of the case or the sup-  
16 plemental confidential file are privileged and, except at the request of the  
17 child, ward, youth or youth offender, shall be withheld from public inspection  
18 except that inspection is permitted as set forth in subsection (1)(b) of this  
19 section and paragraph (b) of this subsection. The offer or admission of re-  
20 ports and other material in the record of the case or the supplemental con-  
21 fidential file as exhibits in a hearing or trial does not waive or otherwise  
22 change the privileged status of the reports and other material, except for  
23 purposes of the hearing or trial in which the reports and other material are  
24 offered or admitted. Once offered as an exhibit, reports and other material  
25 relating to the child, ward, youth or youth offender’s history and prognosis  
26 that were maintained in the supplemental confidential file become part of the  
27 record of the case but are subject to paragraph (e) of this subsection.

28 “(b) A supplemental confidential file is open to inspection by the follow-  
29 ing:

30 “(A) The judge of the juvenile court and those acting under the judge’s

1 direction;

2 “(B) The parent or guardian of the child or ward in a dependency case;

3 “(C) The guardian ad litem for the parent of a child or ward in a de-  
4 pendency case;

5 “(D) The parent or guardian of the youth or youth offender in a delin-  
6 quency case if the youth or youth offender consents to, or the court author-  
7 izes, inspection;

8 “(E) The guardian ad litem for the parent of a youth or youth offender  
9 in a delinquency case if the youth or youth offender consents to, or the court  
10 authorizes, inspection;

11 “(F) A person allowed to intervene in a proceeding involving the child,  
12 ward, youth or youth offender;

13 “(G) The court appointed special advocate, and a representative of a  
14 CASA Volunteer Program as defined in [ORS 458.580] **section 2 of this 2017**  
15 **Act**, when reasonably necessary for the appointment or supervision of court  
16 appointed special advocates;

17 “(H) The surrogate;

18 “(I) Service providers in the case;

19 “(J) The attorneys or prospective appellate attorneys for:

20 “(i) The child;

21 “(ii) The ward;

22 “(iii) The youth;

23 “(iv) The youth offender;

24 “(v) The parent or guardian of the child, ward, youth or youth offender;

25 “(vi) The guardian ad litem for the parent;

26 “(vii) A person allowed to intervene in a proceeding involving the child  
27 or ward in a dependency case; or

28 “(viii) The court appointed special advocate and a representative of a  
29 CASA Volunteer Program as defined in [ORS 458.580] **section 2 of this 2017**  
30 **Act**;

1 “(K) The district attorney or assistant attorney general representing a  
2 party in the case;

3 “(L) The juvenile department;

4 “(M) The Department of Human Services;

5 “(N) The Oregon Youth Authority; and

6 “(O) Any other person or entity allowed by the court pursuant to section  
7 9, chapter 95, Oregon Laws 2016.

8 “(c) The supplemental confidential file in cases under ORS 419C.005 may  
9 be disclosed to the superintendent of the school district in which the youth  
10 offender resides or the superintendent’s designee.

11 “(d) The following are entitled to copies of material maintained in the  
12 supplemental confidential file:

13 “(A) The judge of the juvenile court and those acting under the judge’s  
14 direction;

15 “(B) Service providers in the case;

16 “(C) School superintendents and their designees in cases under ORS  
17 419C.005;

18 “(D) Attorneys designated under subsection (2)(b)(J) of this section;

19 “(E) The district attorney or assistant attorney general representing a  
20 party in the case;

21 “(F) The juvenile department;

22 “(G) The Department of Human Services;

23 “(H) The Oregon Youth Authority;

24 “(I) The court appointed special advocate, and a representative of a CASA  
25 Volunteer Program as defined in [ORS 458.580] **section 2 of this 2017 Act**,  
26 when reasonably necessary for the appointment or supervision of court ap-  
27 pointed special advocates; and

28 “(J) Any other person or entity allowed by the court pursuant to section  
29 9, chapter 95, Oregon Laws 2016.

30 “(e) A person that obtains copies of material in the supplemental confi-

1   dential file pursuant to paragraph (d) of this subsection is responsible for  
2   preserving the confidentiality of the material in the supplemental confiden-  
3   tial file. A service provider, school superintendent or superintendent's  
4   designee who obtains copies of such material shall destroy the copies upon  
5   the conclusion of involvement in the case.

6       “(3) Except as otherwise provided in subsection (5) of this section, no in-  
7   formation appearing in the record of the case or in the supplemental confi-  
8   dential file may be disclosed to any person not described in subsections (1)(b)  
9   and (2)(b) of this section, respectively, without the consent of the court, ex-  
10   cept for purposes of evaluating the child, ward, youth or youth offender's  
11   eligibility for special education as provided in ORS chapter 343, and no such  
12   information may be used in evidence in any proceeding to establish criminal  
13   or civil liability against the child, ward, youth or youth offender, whether  
14   such proceeding occurs after the child, ward, youth or youth offender has  
15   reached 18 years of age or otherwise, except for the following purposes:

16       “(a) In connection with a presentence investigation after guilt has been  
17   admitted or established in a criminal court.

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

20       “(4)(a) When a person described in subsection (1)(b)(M), (N), (O) or (P)  
21   of this section inspects or obtains copies of reports, materials or documents  
22   under this subsection or under subsection (1) or (2) of this section, the person  
23   may not use or disclose the reports, materials or documents, except:

24       “(A) As provided in this subsection or under subsection (1) or (2) of this  
25   section;

26       “(B) In the juvenile court proceeding for which the reports, materials or  
27   documents were sought or disclosed;

28       “(C) With the consent of the court; or

29       “(D) As provided in ORS 419A.253.

30       “(b) Nothing in this section prohibits the district attorney or assistant

1 attorney general representing a party in a juvenile court proceeding, the  
2 juvenile department, the Department of Human Services, the Oregon Youth  
3 Authority or other parties in the proceeding or their attorneys from dis-  
4 closing to each other reports, materials or documents described in sub-  
5 sections (1) and (2) of this section if the disclosure is reasonably necessary  
6 to perform official duties related to the involvement of the child, ward, youth  
7 or youth offender with the juvenile court or the juvenile department. A  
8 person to whom reports, materials or documents are disclosed under this  
9 subsection is subject to subsection (3) of this section.

10 “(5)(a) Information contained in the supplemental confidential file that,  
11 in the professional judgment of the juvenile counselor, caseworker, school  
12 superintendent or superintendent’s designee, teacher or detention worker to  
13 whom the information in the supplemental confidential file has been pro-  
14 vided, indicates a clear and immediate danger to another person or to society  
15 shall be disclosed to the appropriate authority and the person who is in  
16 danger from the child, ward, youth or youth offender.

17 “(b) A person that discloses information under paragraph (a) of this sub-  
18 section has immunity from any liability, civil or criminal, that might other-  
19 wise be incurred or imposed for making the disclosure.

20 “(c) Nothing in this subsection affects the provisions of ORS 146.750,  
21 146.760, 419B.035, 419B.040 and 419B.045. The disclosure of information under  
22 this subsection does not make the information admissible in any court or  
23 administrative proceeding if it is not otherwise admissible.

24 “(6) Notwithstanding any other provision of law, and subject to sub-  
25 section (8) of this section, the following are not confidential and not exempt  
26 from disclosure:

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

28 “(b) The basis for the juvenile court’s jurisdiction over the youth or youth  
29 offender;

30 “(c) The date, time and place of any juvenile court proceeding in which

1 the youth or youth offender is involved;

2 “(d) The act alleged in the petition that if committed by an adult would  
3 constitute a crime if jurisdiction is based on ORS 419C.005;

4 “(e) That portion of the juvenile court order providing for the legal dis-  
5 position of the youth or youth offender when jurisdiction is based on ORS  
6 419C.005;

7 “(f) The names and addresses of the youth or youth offender’s parents or  
8 guardians; and

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

11 “(7) Notwithstanding any other provision of law, and subject to sub-  
12 section (8) of this section, when a youth has been taken into custody under  
13 ORS 419C.080, the following information shall be disclosed unless, and only  
14 for so long as, there is a clear need to delay disclosure in the course of a  
15 specific investigation, including the need to protect the complaining party  
16 or the victim:

17 “(a) The youth’s name and age and whether the youth is employed or in  
18 school;

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

20 “(c) The name and age of the adult complaining party and the adult vic-  
21 tim, unless the disclosure of such information is otherwise prohibited or re-  
22 stricted;

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

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

27 “(8) Except as provided in ORS 419A.300 and unless otherwise directed  
28 by the court, only the juvenile court, the county juvenile department and the  
29 Oregon Youth Authority may disclose the information under subsections (6)  
30 and (7) of this section if the information is subject to disclosure. The youth

1 authority may disclose only information relating to youth offenders commit-  
2 ted to the youth authority by order of the juvenile court if the information  
3 is subject to disclosure under subsection (6) or (7) of this section.

4 “(9) Nothing in this section limits access to any juvenile court records  
5 by an appellate court reviewing a juvenile court order or judgment. Appel-  
6 late court rules may establish procedures for appellate court access to juve-  
7 nile records.

8 “(10) Nothing in this section prohibits the court from providing to the  
9 administrator as defined in ORS 25.010 the date of entry of a judgment ter-  
10 minating parental rights or the date of entry of a judgment terminating  
11 wardship following entry of a judgment of adoption together with the names  
12 and dates of birth of the parents and children subject to the judgment.

13 “(11) In addition to any other provision in this section, the Judicial De-  
14 partment may permit county or statewide access to juvenile court records  
15 or information by county juvenile departments, the Department of Human  
16 Services, the Oregon Youth Authority, district attorney offices, the office of  
17 the Attorney General, the office of public defense services, prospective ap-  
18 pellate attorneys or public defense providers subject to the following re-  
19 strictions:

20 “(a) A prospective appellate attorney or public defense provider granted  
21 access under this subsection must agree, pursuant to a written agreement  
22 with the Judicial Department, to access:

23 “(A) Party information only for purposes of conflicts screening proce-  
24 dures; and

25 “(B) Other records or information about a client only as reasonably nec-  
26 essary for the representation of that client in any juvenile case in which the  
27 client is a party, subject to applicable state and federal confidentiality laws.

28 “(b) Any other person or entity granted access under this subsection must  
29 agree, pursuant to a written agreement with the department, to access re-  
30 cords or information only as authorized and allowed by this section, subject

1 to applicable state and federal confidentiality laws.

2 “(c) The State Court Administrator shall prescribe standards and proce-  
3 dures to implement the provisions of this subsection.

4 “(d) Any person or entity granted access to juvenile court records or in-  
5 formation under this subsection must preserve the confidentiality of that  
6 information as required under this section.

7 “(12) A petition filed under ORS 419B.851 alleging that a child who is a  
8 foreign national is within the jurisdiction of the court, or a motion request-  
9 ing an implementation plan other than return of a ward to the ward’s parent,  
10 is subject to disclosure to the consulate for the child or ward’s country as  
11 provided under ORS 419B.851 (3).

12 “(13) Nothing in this section prohibits a guardian appointed under ORS  
13 419B.365 or 419B.366 from disclosing or providing copies of letters of  
14 guardianship when so required to fulfill the duties of a guardian.

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

17 “(15) Nothing in this section prohibits the Chief Justice of the Supreme  
18 Court, the Chief Judge of the Court of Appeals or a presiding judge from  
19 permitting access to juvenile court records, including the record of the case  
20 and the supplemental confidential file in a juvenile court proceeding, or au-  
21 dio or video recordings of a juvenile court proceeding, by researchers or  
22 evaluators for the purposes of developing statistics and performing analyses  
23 or audits on the effectiveness, cost and other areas of public interest re-  
24 garding juvenile court programs and activities in accordance with child  
25 welfare and juvenile justice state plans and programs related to Title IV-B  
26 and IV-E of the Social Security Act and to the Child Abuse Prevention and  
27 Treatment Act (42 U.S.C. 5101 et seq). The Chief Justice shall, by rule or  
28 order, establish standards and guidelines for the release of juvenile court  
29 information for research and evaluation purposes to ensure confidentiality  
30 consistent with state and federal law and to promote consistent statewide



1 application of this subsection. Statistics and analyses released by research-  
2 ers and evaluators under this subsection may not contain any information  
3 that identifies any individual person involved in a juvenile court proceeding.

4 “(16) Subject to subsection (11) of this section, the office of public defense  
5 services shall be permitted access to juvenile court records for the purposes  
6 of performing the office’s duties as set forth in ORS 151.219 to audit or in-  
7 vestigate attorney appointment or representation of a party in a juvenile  
8 court proceeding in order to ensure adequate representation of parties in  
9 juvenile court proceedings consistent with the child welfare state plan re-  
10 lated to Title IV-E of the Social Security Act.

11 “(17) Subject to subsection (11) of this section, the Oregon State Bar shall  
12 be permitted access to juvenile court records maintained in the record of the  
13 case for the purpose of performing the bar’s duties as set forth in ORS 9.005  
14 to 9.757 to investigate attorney representation of a party in a juvenile court  
15 proceeding and in order to ensure adequate representation of parties in ju-  
16 venile court proceedings consistent with the child welfare state plan related  
17 to Title IV-E of the Social Security Act.

18 “(18)(a) A child, ward, youth or youth offender, or the parent or guardian  
19 of a child, ward, youth or youth offender who is a party to the juvenile court  
20 proceeding, who is entitled to inspect or copy the record of the case under  
21 subsection (1)(b) and (c) of this section maintains the right to inspect or copy  
22 the record of the case after jurisdiction of the court over the child, ward,  
23 youth or youth offender terminates and after the child, ward, youth or youth  
24 offender has reached the age of majority.

25 “(b) Notwithstanding ORS 419B.524, a parent of a child, ward, youth or  
26 youth offender whose parental rights have been terminated maintains the  
27 right that existed under subsection (1)(b) and (c) of this section to inspect  
28 or copy the record of the case as the record of the case existed up until the  
29 time of entry of the judgment terminating the parent’s parental rights and  
30 may obtain a copy of the judgment terminating the parent’s parental rights.

1 “(19) When inspection or copying of the record of the case or of the sup-  
2 plemental confidential file is allowed pursuant to this section, and unless  
3 otherwise required by law, the court that maintains the record of the case  
4 or the supplemental confidential file is not required to redact the names of,  
5 or information about, siblings or other persons contained in the record of the  
6 case or the supplemental confidential file.

7 **“SECTION 8.** ORS 419A.004, as amended by section 46, chapter 106,  
8 Oregon Laws 2016, is amended to read:

9 “419A.004. As used in this chapter and ORS chapters 419B and 419C, un-  
10 less the context requires otherwise:

11 “(1) ‘Age-appropriate or developmentally appropriate activities’ means:

12 “(a) Activities or items that are generally accepted as suitable for chil-  
13 dren of the same chronological age or level of maturity or that are deter-  
14 mined to be developmentally appropriate for a child, based on the  
15 development of cognitive, emotional, physical and behavioral capacities that  
16 are typical for an age or age group; and

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

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

24 “(a) By adoption;

25 “(b) With a legal guardian; or

26 “(c) With a fit and willing relative.

27 “(3) ‘CASA Volunteer Program’ means a program that is approved or  
28 sanctioned by a juvenile court, has received accreditation from the National  
29 CASA Association and has entered into a contract with the [*Oregon Volun-*  
30 *teers Commission for Voluntary Action and Service under ORS 458.581*]

1 **Housing and Community Services Department under section 3 of this**  
2 **2017 Act** to recruit, train and supervise volunteers to serve as court ap-  
3 pointed special advocates.

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

7 “(5) ‘Community service’ has the meaning given that term in ORS 137.126.

8 “(6) ‘Conflict of interest’ means a person appointed to a local citizen re-  
9 view board who has a personal or pecuniary interest in a case being reviewed  
10 by that board.

11 “(7) ‘Counselor’ means a juvenile department counselor or a county juve-  
12 nile probation officer.

13 “(8) ‘Court’ means the juvenile court.

14 “(9) ‘Court appointed special advocate’ means a person in a CASA Vol-  
15 unteer Program who is appointed by the court to act as a court appointed  
16 special advocate pursuant to ORS 419B.112.

17 “(10) ‘Court facility’ has the meaning given that term in ORS 166.360.

18 “(11) ‘Current caretaker’ means a foster parent who:

19 “(a) Is currently caring for a ward who is in the legal custody of the  
20 Department of Human Services and who has a permanency plan or concur-  
21 rent permanent plan of adoption; and

22 “(b) Who has cared for the ward, or at least one sibling of the ward, for  
23 at least the immediately prior 12 consecutive months or for one-half of the  
24 ward’s or sibling’s life where the ward or sibling is younger than two years  
25 of age.

26 “(12) ‘Department’ means the Department of Human Services.

27 “(13) ‘Detention’ or ‘detention facility’ means a facility established under  
28 ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 for the detention of  
29 children, wards, youths or youth offenders pursuant to a judicial commitment  
30 or order.

1 “(14) ‘Director’ means the director of a juvenile department established  
2 under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063.

3 “(15) ‘Guardian’ means guardian of the person and not guardian of the  
4 estate.

5 “(16) ‘Indian child’ means any unmarried person less than 18 years of age  
6 who is:

7 “(a) A member of an Indian tribe; or

8 “(b) Eligible for membership in an Indian tribe and is the biological child  
9 of a member of an Indian tribe.

10 “(17) ‘Juvenile court’ means the court having jurisdiction of juvenile  
11 matters in the several counties of this state.

12 “(18) ‘Local citizen review board’ means the board specified by ORS  
13 419A.090 and 419A.092.

14 “(19) ‘Parent’ means the biological or adoptive mother and the legal fa-  
15 ther of the child, ward, youth or youth offender. As used in this subsection,  
16 ‘legal father’ means:

17 “(a) A man who has adopted the child, ward, youth or youth offender or  
18 whose paternity has been established or declared under ORS 109.070 or  
19 416.400 to 416.465 or by a juvenile court; and

20 “(b) In cases in which the Indian Child Welfare Act applies, a man who  
21 is a father under applicable tribal law.

22 “(20) ‘Permanent foster care’ means an out-of-home placement in which  
23 there is a long-term contractual foster care agreement between the foster  
24 parents and the department that is approved by the juvenile court and in  
25 which the foster parents commit to raise a ward in substitute care or youth  
26 offender until the age of majority.

27 “(21) ‘Public building’ has the meaning given that term in ORS 166.360.

28 “(22) ‘Reasonable and prudent parent standard’ means the standard,  
29 characterized by careful and sensible parental decisions that maintain the  
30 health, safety and best interests of a child or ward while encouraging the

1 emotional and developmental growth of the child or ward, that a substitute  
2 care provider shall use when determining whether to allow a child or ward  
3 in substitute care to participate in extracurricular, enrichment, cultural and  
4 social activities.

5 “(23) ‘Reasonable time’ means a period of time that is reasonable given  
6 a child or ward’s emotional and developmental needs and ability to form and  
7 maintain lasting attachments.

8 “(24) ‘Records’ means any information in written form, pictures, photo-  
9 graphs, charts, graphs, recordings or documents pertaining to a case.

10 “(25) ‘Resides’ or ‘residence,’ when used in reference to the residence of  
11 a child, ward, youth or youth offender, means the place where the child,  
12 ward, youth or youth offender is actually living or the jurisdiction in which  
13 wardship or jurisdiction has been established.

14 “(26) ‘Restitution’ has the meaning given that term in ORS 137.103.

15 “(27) ‘Serious physical injury’ means:

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

17 “(b) A physical injury that:

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

20 “(B) Results in substantial and recurring pain; or

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

22 “(28) ‘Shelter care’ means a home or other facility suitable for the safe-  
23 keeping of a child, ward, youth or youth offender who is taken into tempo-  
24 rary custody pending investigation and disposition.

25 “(29) ‘Short-term detention facility’ means a facility established under  
26 ORS 419A.050 (3) for holding children, youths and youth offenders pending  
27 further placement.

28 “(30) ‘Sibling’ means one of two or more children or wards related:

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

30 “(b) Through the marriage of the children’s or wards’ legal or biological

1 parents.

2 “(31) ‘Substitute care’ means an out-of-home placement directly supervised  
3 by the department or other agency, including placement in a foster family  
4 home, group home, child-caring agency as defined in ORS 418.205 or other  
5 child caring institution or facility. ‘Substitute care’ does not include care in:

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

7 “(b) A family home that the court has approved as a ward’s permanent  
8 placement, when a child-caring agency as defined in ORS 418.205 has been  
9 appointed guardian of the ward and when the ward’s care is entirely pri-  
10 vately financed; or

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

12 “(32) ‘Surrogate’ means a person appointed by the court to protect the  
13 right of the child, ward, youth or youth offender to receive procedural safe-  
14 guards with respect to the provision of free appropriate public education.

15 “(33) ‘Tribal court’ means a court with jurisdiction over child custody  
16 proceedings and that is either a Court of Indian Offenses, a court established  
17 and operated under the code of custom of an Indian tribe or any other ad-  
18 ministrative body of a tribe that is vested with authority over child custody  
19 proceedings.

20 “(34) ‘Victim’ means any person determined by the district attorney, the  
21 juvenile department or the court to have suffered direct financial, psycho-  
22 logical or physical harm as a result of the act that has brought the youth  
23 or youth offender before the juvenile court. When the victim is a minor,  
24 ‘victim’ includes the legal guardian of the minor. The youth or youth  
25 offender may not be considered the victim. When the victim of the crime  
26 cannot be determined, the people of Oregon, as represented by the district  
27 attorney, are considered the victims.

28 “(35) ‘Violent felony’ means any offense that, if committed by an adult,  
29 would constitute a felony and:

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

1 “(b) Is a sexual offense. As used in this paragraph, ‘sexual offense’ has  
2 the meaning given the term ‘sex crime’ in ORS 163A.005.

3 “(36) ‘Ward’ means a person within the jurisdiction of the juvenile court  
4 under ORS 419B.100.

5 “(37) ‘Young person’ means a person who has been found responsible ex-  
6 cept for insanity under ORS 419C.411 and placed under the jurisdiction of  
7 the Psychiatric Security Review Board.

8 “(38) ‘Youth’ means a person under 18 years of age who is alleged to have  
9 committed an act that is a violation, or, if done by an adult would constitute  
10 a violation, of a law or ordinance of the United States or a state, county or  
11 city.

12 “(39) ‘Youth care center’ has the meaning given that term in ORS 420.855.

13 “(40) ‘Youth offender’ means a person who has been found to be within  
14 the jurisdiction of the juvenile court under ORS 419C.005 for an act com-  
15 mitted when the person was under 18 years of age.

16 “**SECTION 9.** ORS 419B.112 is amended to read:

17 “419B.112. (1) In every case under ORS chapter 419B, the court shall ap-  
18 point a court appointed special advocate. The court appointed special advo-  
19 cate is deemed a party in these proceedings and may be represented by  
20 counsel, file pleadings and request hearings and may subpoena, examine and  
21 cross-examine witnesses. If the court appointed special advocate is repres-  
22 ented by counsel, counsel shall be paid from funds in the Court Appointed  
23 Special Advocate Fund established under [*ORS 458.584*] **section 5 of this**  
24 **2017 Act.** Counsel representing a court appointed special advocate may not  
25 be paid from moneys in the Public Defense Services Account established by  
26 ORS 151.225, from moneys appropriated to the Public Defense Services Com-  
27 mission or from Judicial Department operating funds.

28 “(2) Subject to the direction of the court, the duties of the court appointed  
29 special advocate are to:

30 “(a) Investigate all relevant information about the case;

1       “(b) Advocate for the child or ward, ensuring that all relevant facts are  
2 brought before the court;

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

6       “(d) Monitor all court orders to ensure compliance and to bring to the  
7 court’s attention any change in circumstances that may require a modifica-  
8 tion of an order of the court.

9       “(3) If a juvenile court does not have a sufficient number of qualified  
10 court appointed special advocates available to it, the court may, in fulfill-  
11 ment of the requirements of this section, appoint a juvenile department em-  
12 ployee or other suitable person to represent the child or ward’s interest in  
13 court pursuant to ORS 419A.012 or 419B.195.

14       “(4) Any person appointed as a court appointed special advocate in any  
15 judicial proceeding on behalf of the child or ward is immune from any li-  
16 ability for defamation or statements made in good faith by that person, orally  
17 or in writing, in the course of the case review or judicial proceeding.

18       “(5) Any person appointed as a court appointed special advocate, CASA  
19 Volunteer Program director, CASA Volunteer Program employee or member  
20 of the board of directors or trustees of any CASA Volunteer Program is im-  
21 mune from any liability for acts or omissions or errors in judgment made in  
22 good faith in the course or scope of that person’s duties or employment as  
23 part of a CASA Volunteer Program.

24       “(6) Whenever the court appoints a court appointed special advocate or  
25 other person under subsections (1) to (3) of this section to represent the child  
26 or ward, the court may require a parent, if able, or guardian of the estate,  
27 if the estate is able, to pay, in whole or in part, the reasonable costs of court  
28 appointed special advocate services, including reasonable attorney fees. The  
29 court’s order of payment is enforceable in the same manner as an order of  
30 support under ORS 419B.408.



1 “(7) Upon presentation of the order of appointment by the court appointed  
2 special advocate, any agency, hospital, school organization, division, office  
3 or department of the state, doctor, nurse or other health care provider, psy-  
4 chologist, psychiatrist, police department or mental health clinic shall permit  
5 the court appointed special advocate to inspect and copy, and may consult  
6 with the court appointed special advocate regarding, any records relating to  
7 the child or ward involved in the case, without the consent of the child, ward  
8 or parents.

9 “(8) All records and information acquired or reviewed by a court ap-  
10 pointed special advocate during the course of official duties are deemed  
11 confidential under ORS 419A.255.

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

18 **“SECTION 10.** ORS 458.558 is amended to read:

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

24 “(2) The Governor shall appoint as members of the commission at least  
25 one of each of the following:

26 “(a) An individual with experience in educational, training and develop-  
27 ment needs of youth, particularly disadvantaged youth.

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

30 “(c) A representative of community-based agencies or organizations within

1 this state.

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

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

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

5 “(g) A representative of business.

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

8 “(i) A representative of a national service program described in 42 U.S.C.  
9 12572(a).

10 “(3) In addition to appointing members under subsection (2) of this sec-  
11 tion, the Governor may appoint as members individuals from the following  
12 groups:

13 “(a) Educators.

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

16 “(c) Members of Native American tribes.

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

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

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

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

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

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

26 “(b) No more than 25 percent of the appointed members are state em-  
27 ployees.

28 “**SECTION 11.** ORS 458.568 is amended to read:

29 “458.568. The Oregon Volunteers Commission for Voluntary Action and  
30 Service shall:

1 “(1) Develop programs and provide oversight and administration of pro-  
2 grams granted to this state by the Corporation for National and Community  
3 Service under the National and Community Service Trust Act of 1993, as  
4 amended, (P.L. 103-82).

5 “(2) Prepare state applications to the Corporation for National and Com-  
6 munity Service for financial assistance for state-based service programs.

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

9 “(4) Develop projects, training methods, curriculum materials and other  
10 materials and activities related to state service programs that receive as-  
11 sistance directly from the Corporation for National and Community Service.

12 “(5) To engage citizens in service and to strengthen communities, create  
13 statewide access for all Oregon citizens to a variety of volunteer opportu-  
14 nities by:

15 “(a) Evaluating the status of volunteerism in the public, private and  
16 nonprofit sectors of this state;

17 “(b) Examining methods to strengthen the capacity of volunteer organ-  
18 izations to support citizen involvement; and

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

21 “(6) Encourage youth and young adults to engage in their communities  
22 through voluntary action by:

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

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

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

29 “(7) Promote recognition of volunteerism and service into the daily oper-  
30 ation of public, private and nonprofit sectors throughout the state by:

1 “(a) Promoting a statewide volunteer recognition plan open to all sectors;  
2 and

3 “(b) Assisting efforts by Oregon communities to encourage citizen in-  
4 volvement in volunteerism.

5 “[~~(8)~~ *Implement the provisions of ORS 419B.112 and 458.581.*]

6 “[~~(9)~~] **(8)** Biennially submit a report to the Governor and the Legislative  
7 Assembly as provided under ORS 192.230 to 192.245:

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

9 “(b) Reviewing and summarizing, to the extent the commission deems  
10 relevant, the content of reports accepted by the commission on behalf of the  
11 Governor;

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

13 “(d) Containing specific recommendations for any additional legislation  
14 the commission deems necessary to carry out the purpose of the Oregon  
15 Volunteer and Community Service Act or to improve the effectiveness or ef-  
16 ficiency of the commission.

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**“TRANSFER OF AUTHORITY FROM  
OREGON VOLUNTEERS COMMISSION  
FOR VOLUNTARY ACTION AND SERVICE  
TO HOUSING AND COMMUNITY SERVICES DEPARTMENT**

**“SECTION 12. All the duties, functions and powers of the Oregon  
Volunteers Commission for Voluntary Action and Service relating to  
the creation, supervision and operation of CASA Volunteer Programs  
under ORS 458.581 as that statute was in effect before the effective  
date of this 2017 Act, are imposed upon, transferred to and vested in  
the Housing and Community Services Department.**

**“RECORDS AND PROPERTY**

1       **“SECTION 13. The director of the Oregon Volunteers Commission**  
2 **for Voluntary Action and Service shall deliver to the Director of the**  
3 **Housing and Community Services Department all records and property**  
4 **within the jurisdiction of the director of the Oregon Volunteers Com-**  
5 **mission for Voluntary Action and Service that relate to the duties,**  
6 **functions and powers transferred by section 12 of this 2017 Act, and the**  
7 **Director of the Housing and Community Services Department shall**  
8 **take possession of the records and property transferred under this**  
9 **section.**

10  
11                               **“UNEXPENDED REVENUES**

12  
13       **“SECTION 14. (1) The unexpended balances of amounts authorized**  
14 **to be expended by the Oregon Volunteers Commission for Voluntary**  
15 **Action and Service for the biennium beginning July 1, 2017, from rev-**  
16 **enues dedicated, continuously appropriated, appropriated or otherwise**  
17 **made available for the purpose of administering and enforcing the**  
18 **duties, functions and powers transferred by section 12 of this 2017 Act**  
19 **are transferred to and are available for expenditure by the Housing**  
20 **and Community Services Department for the biennium beginning July**  
21 **1, 2017, for the purpose of administering and enforcing the duties,**  
22 **functions and powers transferred by section 12 of this 2017 Act and**  
23 **under section 3 of this 2017 Act.**

24       **“(2) Any balance in the Court Appointed Special Advocate Fund**  
25 **established under ORS 458.584 as that statute was in effect before the**  
26 **effective date of this 2017 Act that exists in the fund on the effective**  
27 **date of this 2017 Act is transferred to the Court Appointed Special**  
28 **Advocate Fund established under section 5 of this 2017 Act.**

29       **“(3) The expenditure classifications, if any, established by Acts au-**  
30 **thorizing or limiting expenditures by the Oregon Volunteers Commis-**

1 sion for Voluntary Action and Service remain applicable to  
2 expenditures by the Housing and Community Services Department  
3 under this section.

4  
5 **“ACTIONS, PROCEEDINGS, PROSECUTIONS**

6  
7 **“SECTION 15. The transfer of duties, functions and powers to the**  
8 **Housing and Community Services Department by section 12 of this 2017**  
9 **Act does not affect any action, proceeding or prosecution involving or**  
10 **with respect to such duties, functions and powers begun before and**  
11 **pending at the time of the transfer, except that the Housing and**  
12 **Community Services Department is substituted for the Oregon Vol-**  
13 **unteers Commission for Voluntary Action and Service in the action,**  
14 **proceeding or prosecution.**

15  
16 **“LIABILITIES, DUTIES, OBLIGATIONS**

17  
18 **“SECTION 16. (1) Nothing in sections 12 to 18 of this 2017 Act re-**  
19 **lieves a person of a liability, duty or obligation accruing under or with**  
20 **respect to the duties, functions and powers transferred by section 12**  
21 **of this 2017 Act. The Housing and Community Services Department**  
22 **may undertake the collection or enforcement of any such liability,**  
23 **duty or obligation.**

24 **“(2) The rights and obligations of the Oregon Volunteers Commis-**  
25 **sion for Voluntary Action and Service legally incurred under con-**  
26 **tracts, leases and business transactions executed, entered into or**  
27 **begun before the effective date of this 2017 Act and accruing under or**  
28 **with respect to the duties, functions and powers transferred by section**  
29 **12 of this 2017 Act are transferred to the Housing and Community**  
30 **Services Department. For the purpose of succession to these rights**

1 and obligations, the Housing and Community Services Department is  
2 a continuation of the Oregon Volunteers Commission for Voluntary  
3 Action and Service and not a new authority.

4  
5 **“RULES**

6  
7 **“SECTION 17. Notwithstanding the transfer of duties, functions and**  
8 **powers by section 12 of this 2017 Act, the rules of the Oregon Volun-**  
9 **teers Commission for Voluntary Action and Service with respect to**  
10 **such duties, functions or powers that are in effect on the effective date**  
11 **of this 2017 Act continue in effect until superseded or repealed by rules**  
12 **of the Housing and Community Services Department. References in**  
13 **such rules of the Oregon Volunteers Commission for Voluntary Action**  
14 **and Service to the Oregon Volunteers Commission for Voluntary**  
15 **Action and Service or an officer or employee of the Oregon Volunteers**  
16 **Commission for Voluntary Action and Service are considered to be**  
17 **references to the Housing and Community Services Department or an**  
18 **officer or employee of the Housing and Community Services Depart-**  
19 **ment.**

20 **“SECTION 18. Whenever, in any uncodified law or resolution of the**  
21 **Legislative Assembly or in any rule, document, record or proceeding**  
22 **authorized by the Legislative Assembly, in the context of the duties,**  
23 **functions and powers transferred by section 12 of this 2017 Act, refer-**  
24 **ence is made to the Oregon Volunteers Commission for Voluntary**  
25 **Action and Service or an officer or employee of the Oregon Volunteers**  
26 **Commission for Voluntary Action and Service whose duties, functions**  
27 **or powers are transferred by section 12 of this 2017 Act, the reference**  
28 **is considered to be a reference to the Housing and Community Services**  
29 **Department or an officer or employee of the Housing and Community**  
30 **Services Department who by this 2017 Act is charged with carrying out**

1 such duties, functions and powers.

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**“CAPTIONS**

4

5 **“SECTION 19. The unit captions used in this 2017 Act are provided**  
6 **only for the convenience of the reader and do not become part of the**  
7 **statutory law of this state or express any legislative intent in the**  
8 **enactment of this 2017 Act.**

9

10

**“EMERGENCY CLAUSE**

11

12 **“SECTION 20. This 2017 Act being necessary for the immediate**  
13 **preservation of the public peace, health and safety, an emergency is**  
14 **declared to exist, and this 2017 Act takes effect on July 1, 2017.”.**

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\_\_\_\_\_