

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 181**

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

3 On page 3, after line 15, insert:

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

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

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

13 **“(a) The county juvenile department is a county program, as de-
14 fined in ORS 418.205;**

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

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

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

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

21 “419C.623. (1) The Oregon Youth Authority, **a county juvenile depart-**

1 **ment** or a private agency shall file the reports required by ORS 419C.620
2 at times required by the court, required by the youth offender’s reformation
3 plan or case plan and as determined necessary by the youth authority or
4 agency. The youth authority or agency shall file reports more frequently if
5 the court so orders. The reports shall include, but need not be limited to:

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

8 “(b) A description of the youth offender’s risk to reoffend and an analysis
9 of the need for services and assistance; and

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

14 “(2) A report under ORS 419C.620 (2) by a county juvenile depart-
15 **ment must also include:**

16 “(a) A description of the efforts to return the youth offender to the
17 **parental home, including, when applicable, efforts to assist the parents**
18 **in remedying factors that contributed to the removal of the youth**
19 **offender from the home.**

20 “(b) A description of the care, treatment and supervision that have
21 **been provided for the youth offender, including:**

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

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

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

29 “(c) **A description of the progress that has been made toward alle-**
30 **viating or mitigating the causes necessitating the youth offender’s**

1 **placement.**

2 **“(d) If continued substitute care is recommended, a proposed time-**
3 **table for the youth offender’s return home or other permanent place-**
4 **ment or a justification of why continued substitute care is necessary.**

5 “[2] (3) Notwithstanding the requirements of [subsection (1)] **sub-**
6 **sections (1) and (2)** of this section, reports following the first report that
7 is required by [subsection (1) of] this section need not contain information
8 contained in prior reports.

9 “[3] (4) Notwithstanding the requirements under ORS 419C.620 that re-
10 ports be filed with the court, any report after the first report that is required
11 by [subsection (1)] **subsections (1) and (2)** of this section on a youth
12 offender whose case is being regularly reviewed by a local citizen review
13 board shall be filed with that local citizen review board rather than with the
14 court.

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

16 “419C.626. (1) Upon receiving a report required by ORS 419C.620:

17 “(a) The court may hold a hearing to review the youth offender’s condi-
18 tion and circumstances and to determine if the court should continue juris-
19 diction over the youth offender or order modifications in the custody,
20 placement and supervision of the youth offender.

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

28 “(2) The court, on its own motion, may hold a review hearing at any time.
29 Unless good cause otherwise is shown, the court shall hold a review hearing
30 at any time upon the request of the youth offender, the attorney for the

1 youth offender, if any, the parents of the youth offender if parental rights
2 have not been terminated, a court appointed special advocate, a local citizen
3 review board, the youth authority, **a county juvenile department**, a dis-
4 trict attorney or a private agency having guardianship or legal custody of
5 the youth offender.

6 “(3) A hearing under subsection (1) or (2) of this section shall be con-
7 ducted in the manner provided in ORS 419C.400 (1), 419C.405 and 419C.408,
8 except that the court may receive testimony and reports as provided in ORS
9 419C.400 (4). At the conclusion of the hearing, the court shall enter findings
10 of fact if the decision is to continue the youth offender in an out-of-home
11 placement in the legal custody of the youth authority, **a county juvenile**
12 **department** or a private agency. The findings shall specifically state:

13 “(a) Why continued out-of-home placement is necessary as opposed to re-
14 turning the youth offender to the youth offender’s home or promptly securing
15 another placement;

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

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

19 “(4) **After receiving a report required by ORS 419C.620 (2), if re-**
20 **quested by the county juvenile department, the court’s findings under**
21 **subsection (3) of this section must specifically state:**

22 “(a) **Whether the county juvenile department has made reasonable**
23 **efforts or, if the Indian Child Welfare Act applies, active efforts to**
24 **make it possible for the youth offender to safely return home. In**
25 **making this finding, the court shall consider the youth offender’s**
26 **health and safety the paramount concerns.**

27 “(b) **The appropriateness of the youth offender’s placement.**

28 “(c) **The extent of compliance with the youth offender’s case plan.**

29 “(d) **The extent of progress that has been made toward alleviating**
30 **or mitigating the causes necessitating the youth offender’s placement**

1 **in substitute care.**

2 “[4] (5) The court may direct the local citizen review board to review
3 the status of the youth offender prior to the court’s next review under ORS
4 419A.106, 419A.108, 419A.110, 419A.112, 419A.116 and 419A.118.

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

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

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