

HB 2104-2  
(LC 368)  
4/6/21 (LAS/ps)

Requested by Representative WILLIAMS

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2104**

1 On page 1 of the printed bill, line 2, after “419A.004” delete the rest of  
2 the line and insert a period.

3 Delete lines 4 through 30 and delete pages 2 through 6 and insert:

4 **“SECTION 1.** ORS 419A.004, as amended by section 26, chapter 14,  
5 Oregon Laws 2020 (first special session), and sections 17a and 17b, chapter  
6 19, Oregon Laws 2020 (first special session), is amended to read:

7 “419A.004. As used in this chapter and ORS chapters 419B and 419C, un-  
8 less the context requires otherwise:

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

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

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

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

1       “(a) By adoption;

2       “(b) With a legal guardian; or

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

4       “(3) ‘CASA Volunteer Program’ means a program that is approved or  
5 sanctioned by a juvenile court, has received accreditation from the National  
6 CASA Association and has entered into a contract with the Oregon Depart-  
7 ment of Administrative Services under ORS 184.492 to recruit, train and su-  
8 pervise volunteers to serve as court appointed special advocates.

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

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

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

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

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

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

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

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

24       “(a) Who is currently caring for a ward who is in the legal custody of the  
25 Department of Human Services and who has a permanency plan [*or concur-*  
26 *rent permanent plan*] of adoption; and

27       “(b) Who has cared for the ward, or at least one sibling of the ward, for  
28 at least 12 cumulative months or for one-half of the ward’s or sibling’s life  
29 where the ward or sibling is younger than two years of age, calculated cu-  
30 mulatively **from the date the ward entered substitute care.**

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

2 “(13) ‘Detention’ or ‘detention facility’ means a facility established under  
3 ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 for the detention of  
4 youths or youth offenders pursuant to a judicial commitment or order.

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

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

9 “(16) ‘Indian child’ has the meaning given that term in section 2, chapter  
10 14, Oregon Laws 2020 (first special session).

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

13 “(18) ‘Local citizen review board’ means the board specified by ORS  
14 419A.090 and 419A.092.

15 “(19) ‘Parent’ means the biological or adoptive mother and the legal par-  
16 ent of the child, ward, youth or youth offender. As used in this subsection,  
17 ‘legal parent’ means:

18 “(a) A person who has adopted the child, ward, youth or youth offender  
19 or whose parentage has been established or declared under ORS 25.501 to  
20 25.556 or 109.065 or by a juvenile court; and

21 “(b) If the child is an Indian child, a man whose parentage has been es-  
22 tablished as described in section 4, chapter 14, Oregon Laws 2020 (first spe-  
23 cial session).

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

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

30 “(22) ‘Proctor foster home’ has the meaning given that term in ORS

1 418.205.

2 “(23) ‘Qualified residential treatment program’ means a program described  
3 in section 12b, chapter 19, Oregon Laws 2020 (first special session).

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

11 “(25) ‘Reasonable time’ means a period of time that is reasonable given  
12 a child or ward’s emotional and developmental needs and ability to form and  
13 maintain lasting attachments.

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

16 “(27) ‘Resides’ or ‘residence,’ when used in reference to the residence of  
17 a child, ward, youth or youth offender, means the place where the child,  
18 ward, youth or youth offender is actually living or the jurisdiction in which  
19 wardship or jurisdiction has been established.

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

21 “(29) ‘Serious physical injury’ means:

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

23 “(b) A physical injury that:

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

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

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

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

1 “(31) ‘Short-term detention facility’ means a facility established under  
2 ORS 419A.050 (3) for holding youths and youth offenders pending further  
3 placement.

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

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

6 “(b) Through the marriage of the children’s or wards’ legal or biological  
7 parents.

8 “(33)(a) ‘Substitute care’ means an out-of-home placement directly super-  
9 vised by the department or other agency, including placement in a foster  
10 family home, group home, child-caring agency as defined in ORS 418.205 or  
11 other child caring institution or facility.

12 “(b) ‘Substitute care’ does not include care in:

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

14 “(B) A family home that the court has approved as a ward’s permanent  
15 placement, when a child-caring agency as defined in ORS 418.205 has been  
16 appointed guardian of the ward and when the ward’s care is entirely pri-  
17 vately financed;

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

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

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

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

26 “(35) ‘Tribal court’ has the meaning given that term in section 2, chapter  
27 14, Oregon Laws 2020 (first special session).

28 “(36) ‘Victim’ means any person determined by the district attorney, the  
29 juvenile department or the court to have suffered direct financial, psycho-  
30 logical or physical harm as a result of the act that has brought the youth

1 or youth offender before the juvenile court. When the victim is a minor,  
2 ‘victim’ includes the legal guardian of the minor. The youth or youth  
3 offender may not be considered the victim. When the victim of the crime  
4 cannot be determined, the people of Oregon, as represented by the district  
5 attorney, are considered the victims.

6 “(37) ‘Violent felony’ means any offense that, if committed by an adult,  
7 would constitute a felony and:

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

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

11 “(38) ‘Ward’ means a person within the jurisdiction of the juvenile court  
12 under ORS 419B.100.

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

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

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

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

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