

## HOUSE AMENDMENTS TO HOUSE BILL 2833

By COMMITTEE ON JUDICIARY

May 27

- 1 On page 1 of the printed bill, line 2, after “amending” insert “ORS 419A.004 and 419A.015  
2 and”.
- 3 In line 6, delete “A county or group of counties” and insert “Deschutes County”.
- 4 In line 8, delete “or counties have” and insert “has”.
- 5 In line 15, after “of” insert “a” and delete “requests” and insert “request”.
- 6 In line 21, delete “a” and insert “the”.
- 7 In line 23, delete “a county or group of counties” and insert “the county”.
- 8 In line 24, delete “or group of counties”.
- 9 On page 2, line 20, after “county” delete the rest of the line.
- 10 In line 21, delete the first “waiver”.
- 11 After line 21, insert:
- 12 “**SECTION 2.** ORS 419A.004 is amended to read:
- 13 “419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires  
14 otherwise:
- 15 “(1) ‘CASA Volunteer Program’ means a program approved or sanctioned by the juvenile court  
16 to recruit, train and supervise volunteer persons to serve as court appointed special advocates.
- 17 “(2) ‘Child care center’ means a residential facility for wards or youth offenders that is licensed  
18 under the provisions of ORS 418.240.
- 19 “(3) ‘Community service’ has the meaning given that term in ORS 137.126.
- 20 “(4) ‘Conflict of interest’ means a person appointed to a local citizen review board who has a  
21 personal or pecuniary interest in a case being reviewed by that board.
- 22 “(5) ‘Counselor’ means a juvenile department counselor **or a county juvenile probation**  
23 **officer.**
- 24 “(6) ‘Court’ means the juvenile court.
- 25 “(7) ‘Court appointed special advocate’ or ‘CASA’ means a person appointed by the court pur-  
26 suant to a CASA Volunteer Program to act as special advocate pursuant to ORS 419A.170.
- 27 “(8) ‘Court facility’ has the meaning given that term in ORS 166.360.
- 28 “(9) ‘Department’ means the Department of Human Services.
- 29 “(10) ‘Detention’ or ‘detention facility’ means a facility established under ORS 419A.010 to  
30 419A.020 and 419A.050 to 419A.063 for the detention of children, wards, youths or youth offenders  
31 pursuant to a judicial commitment or order.
- 32 “(11) ‘Director’ means the director of a juvenile department established under ORS 419A.010 to  
33 419A.020 and 419A.050 to 419A.063.
- 34 “(12) ‘Guardian’ means guardian of the person and not guardian of the estate.
- 35 “(13) ‘Indian child’ means any unmarried person less than 18 years of age who is:

1           “(a) A member of an Indian tribe; or  
2           “(b) Eligible for membership in an Indian tribe and is the biological child of a member of an  
3 Indian tribe.  
4           “(14) ‘Juvenile court’ means the court having jurisdiction of juvenile matters in the several  
5 counties of this state.  
6           “(15) ‘Local citizen review board’ means the board specified by ORS 419A.090 and 419A.092.  
7           “(16) ‘Parent’ means the biological or adoptive mother and the legal or adoptive father of the  
8 child, ward, youth or youth offender. A legal father includes:  
9           “(a) A nonimpotent, nonsterile man who was cohabiting with his wife, who is the mother of the  
10 child, ward, youth or youth offender, at the time of conception;  
11           “(b) A man married to the mother of the child, ward, youth or youth offender at the time of  
12 birth, when there is no judgment of separation and the presumption of paternity has not been dis-  
13 puted;  
14           “(c) A biological father who marries the mother of the child, ward, youth or youth offender after  
15 the birth of the child, ward, youth or youth offender;  
16           “(d) A biological father who has established or declared paternity through filiation proceedings  
17 or under ORS 416.400 to 416.470; and  
18           “(e) A biological father who has, with the mother, established paternity through a voluntary  
19 acknowledgment of paternity under ORS 109.070.  
20           “(17) ‘Permanent foster care’ means an out-of-home placement in which there is a long-term  
21 contractual foster care agreement between the foster parents and the department that is approved  
22 by the juvenile court and in which the foster parents commit to raise a ward in substitute care or  
23 youth offender until the age of majority.  
24           “(18) ‘Planned permanent living arrangement’ means an out-of-home placement other than by  
25 adoption, placement with a relative or placement with a legal guardian that is consistent with the  
26 case plan and in the best interests of the ward.  
27           “(19) ‘Public building’ has the meaning given that term in ORS 166.360.  
28           “(20) ‘Reasonable time’ means a period of time that is reasonable given a child or ward’s emo-  
29 tional and developmental needs and ability to form and maintain lasting attachments.  
30           “(21) ‘Records’ means any information in written form, pictures, photographs, charts, graphs,  
31 recordings or documents pertaining to a case.  
32           “(22) ‘Resides’ or ‘residence,’ when used in reference to the residence of a child, ward, youth or  
33 youth offender, means the place where the child, ward, youth or youth offender is actually living  
34 or the jurisdiction in which wardship or jurisdiction has been established.  
35           “(23) ‘Restitution’ has the meaning given that term in ORS 137.103.  
36           “(24) ‘Serious physical injury’ means:  
37           “(a) A serious physical injury as defined in ORS 161.015; or  
38           “(b) A physical injury that:  
39           “(A) Has a permanent or protracted significant effect on a child’s daily activities;  
40           “(B) Results in substantial and recurring pain; or  
41           “(C) In the case of a child under 10 years of age, is a broken bone.  
42           “(25) ‘Shelter care’ means a home or other facility suitable for the safekeeping of a child, ward,  
43 youth or youth offender who is taken into temporary custody pending investigation and disposition.  
44           “(26) ‘Short-term detention facility’ means a facility established under ORS 419A.050 (3) for  
45 holding children, youths and youth offenders pending further placement.

1 “(27) ‘Substitute care’ means an out-of-home placement directly supervised by the department  
2 or other agency, including placement in a foster family home, group home or other child caring in-  
3 stitution or facility. ‘Substitute care’ does not include care in:

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

5 “(b) A family home that the court has approved as a ward’s permanent placement, when a pri-  
6 vate child caring agency has been appointed guardian of the ward and when the ward’s care is en-  
7 tirely privately financed; or

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

9 “(28) ‘Surrogate’ means a person appointed by the court to protect the right of the child, ward,  
10 youth or youth offender to receive procedural safeguards with respect to the provision of free ap-  
11 propriate public education.

12 “(29) ‘Tribal court’ means a court with jurisdiction over child custody proceedings and that is  
13 either a Court of Indian Offenses, a court established and operated under the code of custom of an  
14 Indian tribe or any other administrative body of a tribe that is vested with authority over child  
15 custody proceedings.

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

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

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

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

23 “**SECTION 3.** ORS 419A.015 is amended to read:

24 “419A.015. (1)(a) Once each month, a county juvenile department shall provide to each school  
25 district in the county a list of all youth offenders enrolled in a school in the school district who are  
26 on probation by order of the juvenile court in the county. The department shall include in the list  
27 the name and business telephone number of the juvenile counselor [*or probation officer*] assigned to  
28 each case.

29 “(b) When a youth offender who is on probation transfers from one school district to a different  
30 school district, the juvenile counselor [*or probation officer*] assigned to the case shall notify the su-  
31 perintendent of the school district to which the youth offender has transferred of the youth  
32 offender’s probation status. The juvenile counselor [*or probation officer*] shall make the notification  
33 no later than 72 hours after the juvenile counselor [*or probation officer*] knows of the transfer.

34 “(2) Upon request by the school district, the juvenile department shall provide additional infor-  
35 mation, including the offense that brought the youth offender within the jurisdiction of the juvenile  
36 court and such other information that is subject to disclosure under ORS 419A.255 (5).

37 “(3) In addition to the general notification required by subsection (1) of this section, the juvenile  
38 department:

39 “(a) Shall notify the school district of the specific offense if the act bringing the youth offender  
40 within the jurisdiction of the juvenile court involved a firearm or delivery of a controlled substance.

41 “(b) May notify the school district of the specific offense if the act bringing the youth offender  
42 within the jurisdiction of the juvenile court involved a violation of ORS 163.355 to 163.445 or 163.465  
43 or any other offense if the juvenile department believes the youth offender represents a risk to other  
44 students or school staff.

45 “(4) When a school district receives notice under this section, the school district may disclose

1 the information only to those school employees the district determines need the information in order  
2 to safeguard the safety and security of the school, students and staff. A person to whom personally  
3 identifiable information is disclosed under this subsection may not disclose the information to an-  
4 other person except to carry out the provisions of this subsection.

5 “(5) Except as otherwise provided in ORS 192.490, a juvenile department, school district or  
6 anyone employed or acting on behalf of a juvenile department or school district who sends or re-  
7 ceives records under this section is not liable civilly or criminally for failing to disclose the infor-  
8 mation under this section.”.

9 In line 22, delete “2” and insert “4”.

10 In line 23, delete “3” and insert “5”.

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