

SENATE AMENDMENTS TO SENATE BILL 233

By COMMITTEE ON JUDICIARY

March 16

1 On page 1 of the printed bill, line 2, delete “and 419C.486” and insert “, 419C.478, 419C.486,
2 419C.620, 419C.623, 419C.626, 419C.629 and 419C.653; and repealing ORS 419C.650 and 419C.656”.

3 In line 12, after “family” insert “; and” and delete the rest of the line and lines 13 through 15.

4 In line 16, delete “obli-”.

5 In line 17, delete “gated to provide” and insert “responsible for providing”.

6 On page 2, after line 16, insert:

7 “**SECTION 4.** ORS 419C.478 is amended to read:

8 “419C.478. (1) The court may, in addition to probation or any other dispositional order, place a
9 youth offender who is at least 12 years of age in the legal custody of the Oregon Youth Authority
10 for care, placement and supervision or, when authorized under subsection (3) of this section, place
11 a youth offender in the legal custody of the Department of Human Services for care, placement and
12 supervision. In any order issued under this section, the court shall include written findings de-
13 scribing why it is in the best interests of the youth offender to be placed with the youth authority
14 or the department.

15 “(2) If the court places a youth offender under subsection (1) of this section, the court may
16 specify the type of care, supervision or services to be provided by the youth authority or the de-
17 partment to youth offenders placed in the youth authority’s or department’s custody and to the
18 parents or guardians of the youth offenders, but the actual planning and provision of the care,
19 supervision, security or services is the responsibility of the youth authority or the department. The
20 youth authority or the department may place the youth offender in a youth care center or other
21 facility authorized to accept the youth offender.

22 “(3) The court may place a youth offender in the legal custody of the department under sub-
23 section (1) of this section if:

24 “(a) The court has determined that a period of out-of-home placement and supervision should be
25 part of the disposition in the case;

26 “(b) The court finds that, because of the youth offender’s age or mental or emotional condition,
27 the youth offender:

28 “(A) Is not amenable to reform and rehabilitation through participation in the programs pro-
29 vided and administered by the youth authority; and

30 “(B) Is amenable to reform and rehabilitation through participation in the programs provided
31 and administered by the department;

32 “(c) The court finds that the department can provide adequate security to protect the community
33 and the youth offender;

34 “(d) The court provides for periodic review of the placement; and

35 “(e) The court, in making the findings and determinations required by this subsection, has con-

1 sidered the relevant facts and circumstances of the case, as provided in ORS 419C.411.

2 “(4) Uniform commitment blanks, in a form approved by the director of the youth authority, or
3 by the Director of Human Services for placements under subsection (3) of this section, shall be used
4 by all courts for placing youth offenders in the legal custody of the youth authority or the depart-
5 ment.

6 “(5) If the youth offender has been placed in the custody of the youth authority or the depart-
7 ment, the court may not make a commitment directly to any residential facility, but shall cause the
8 youth offender to be delivered into the custody of the youth authority or the department at the time
9 and place fixed by rules of the youth authority or the department. A youth offender committed under
10 this subsection may not be placed in a Department of Corrections institution.

11 “(6) **When the court places a youth offender in the legal custody of the department under**
12 **subsection (1) of this section, ORS 419B.440, 419B.443, 419B.446, 419B.449, 419B.452, 419B.470,**
13 **419B.473 and 419B.476 apply as if the youth offender were a ward.**

14 “**SECTION 5.** ORS 419C.620 is amended to read:

15 “419C.620. [*Any public*] **When required by the court, the Oregon Youth Authority or a pri-**
16 **ivate agency having guardianship or legal custody of a youth offender pursuant to court order shall**
17 **file reports on the youth offender with the juvenile court that entered the original order concerning**
18 **the youth offender. [*or, when no such order exists, with the juvenile court of the county of the youth***
19 ***offender’s residence in the following circumstances:*]**

20 “[*(1) When the youth offender has been placed with the agency as a result of a court order and*
21 *before or as soon as practicable after the agency places the youth offender in any placement including,*
22 *but not limited to, the youth offender’s home, shelter care, substitute care or a youth care center, unless*
23 *the court has previously received a report or treatment plan indicating the actual physical placement*
24 *of the youth offender; or]*

25 “[*(2) When the youth offender has been placed with the agency as the result of a court order and*
26 *remains under agency care for six consecutive months from the date of initial placement except for a*
27 *youth offender who has been committed to a state youth correction facility.*]

28 “**SECTION 6.** ORS 419C.623 is amended to read:

29 “419C.623. (1) The **Oregon Youth Authority or private** agency shall file the reports required
30 by ORS 419C.620 [*(2) at the end of the initial six-month period and no less frequently than each six*
31 *months thereafter]* **at times required by the court, required by the youth offender’s reformation**
32 **plan or case plan and as determined necessary by the youth authority or agency.** The youth
33 **authority or** agency shall file reports more frequently if the court so orders. The reports shall
34 include, but **need** not be limited to:

35 “(a) A description of the offenses that necessitated the placement of the youth offender with the
36 **youth authority or** agency;

37 “(b) A description of the [*type and an analysis of the effectiveness of the care, treatment and*
38 *supervision that the agency has provided for the youth offender, together with a list of all placements*
39 *made since the youth offender has been in the guardianship or legal custody of an agency and the*
40 *length of time the youth offender has spent in each placement]* **youth offender’s risk to reoffend and**
41 **an analysis of the need for services and assistance;** and

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

45 “(2) Notwithstanding the requirements of subsection (1) of this section, reports following the

1 [initial] first report that is required by subsection (1) of this section need not contain informa-
2 tion contained in prior reports.

3 “(3) Notwithstanding the requirements under ORS 419C.620 that reports be filed with the court,
4 any report after the [initial] first report that is required by subsection (1) of this section on a youth
5 offender whose case is being regularly reviewed by a local citizen review board shall be filed with
6 that local citizen review board rather than with the court.

7 “**SECTION 7.** ORS 419C.626 is amended to read:

8 “419C.626. (1) Upon receiving [any] a report required by ORS 419C.620:[,]

9 “(a) The court may hold a hearing to review the youth offender’s condition and circumstances
10 and to determine if the court should continue jurisdiction over the youth offender or order modifi-
11 cations in the [care] custody, placement and supervision of the youth offender.

12 “(b) [The court shall hold a hearing] **And** if requested by the youth offender, the attorney for
13 the youth offender, if any, the parents of the youth offender if parental rights have not been
14 terminated, a court appointed special advocate, a local citizen review board, the Oregon
15 Youth Authority, a district attorney or [the public or] a private agency having guardianship or
16 legal custody of the youth offender, the court shall hold a hearing within 30 days of receipt of the
17 [notice provided in ORS 419C.629] request.

18 “(2) The court, on its own motion, may hold a review hearing at any time. Unless good
19 cause otherwise is shown, the court shall hold a review hearing at any time upon the request
20 of the youth offender, the attorney for the youth offender, if any, the parents of the youth
21 offender if parental rights have not been terminated, a court appointed special advocate, a
22 local citizen review board, the youth authority, a district attorney or a private agency having
23 guardianship or legal custody of the youth offender.

24 “[2] (3) [The hearing provided in] **A hearing under** subsection (1) or (2) of this section shall
25 be conducted in the manner provided in ORS 419C.400 (1), 419C.405 and 419C.408, except that the
26 court may receive testimony and reports as provided in ORS 419C.400 (3). At the conclusion of the
27 hearing, the court shall enter findings of fact if the decision is to continue the youth offender in
28 [substitute care] **an out-of-home placement in the legal custody of the youth authority or a**
29 **private agency.** [Such] The findings shall specifically state:

30 “(a) Why continued [care] **out-of-home placement** is necessary as opposed to returning the
31 youth offender to the youth offender’s home or [prompt action to secure another permanent] **promptly**
32 **securing another** placement; [or]

33 “(b) The expected timetable for return [or other permanent placement] **home; and**

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

35 “(4) **The court may direct the local citizen review board to review the status of the youth**
36 **offender prior to the court’s next review under ORS 419A.106, 419A.108, 419A.110, 419A.112,**
37 **419A.116 and 419A.118.**

38 “[3] (5) Any final decision of the court made pursuant to [the hearing provided in] **a hearing**
39 **under** subsection (1) or (2) of this section is appealable under ORS 419A.200.

40 “**SECTION 8.** ORS 419C.629 is amended to read:

41 “419C.629. Except [where] **when** a youth offender has been surrendered for adoption or the
42 parents’ rights have been terminated, the court shall send a copy of [the] a report required by ORS
43 419C.620 to the parents of the youth offender and shall notify the parents either that a hearing will
44 be held or that the parents may request a hearing at which time they may ask for modifications in
45 the [care, treatment] **custody, placement** and supervision of the youth offender. If the court finds

1 that informing the parents of the identity and location of the foster parents of the youth offender
2 **or providing other information in the youth offender’s reformation plan or case plan** is not
3 in the best interest of the youth offender, the court may order [*such*] **the** information deleted from
4 the report before sending the report to the parents.

5 “**SECTION 9.** ORS 419C.653 is amended to read:

6 “419C.653. (1) The court may order that the youth offender or any other person be present
7 during [*the*] **a** hearing under ORS [*419C.650*] **419C.626**.

8 “(2) The court shall notify the parties listed in ORS [*419C.650*] **419C.626** and any other interested
9 parties of the hearing. The notice shall state the time and place of the hearing. Upon request of
10 the court, the Oregon Youth Authority or other legal custodian of the youth offender shall provide
11 the court with information concerning the whereabouts and identity of such parties.

12 “**SECTION 10. ORS 419C.650 and 419C.656 are repealed.**”.