

**JUVENILE CODE REVISION:
Word Usage Revision**

**REPORT
(SB 69)**

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From
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Juvenile Code Revision Work Group

Word Usage Revision Report

1. Introductory Summary

This project of the Word Usage Sub-Work Group of the Juvenile Code Revision Work Group is an attempt to finish work that was begun when the Juvenile Code was revised in the wake of Senate Bill 1 in 1995. Senate Bill 1 provided landmark legislation that revised the delinquency system as the result of the passage of Ballot Measure 11 in 1994 (see Measure 11 codified at ORS 137.700 (2001)). At that time, a new system was adopted for referring to various people under the age of 18 who are subject to the chapters of the ORS that make up the “juvenile code.” Not all such references were conformed to this new scheme in Chapter 419A, the so-called “introductory” or “administrative” chapter (the other two chapters, ORS 419B and ORS 419C, respectively, deal separately with dependent and delinquent persons under the age of 18). The proposed bill (SB 69) remedies these defects in word usage.

2. History of the Project

This particular project of the Word Usage Sub-Work Group was undertaken this interim because it was considered to be among the most straightforward of the word usage projects that should be undertaken. The Sub-Work Group was staffed by Timothy Travis of the Oregon Judicial Department and Virginia Vanderbilt from the Office of Legislative Counsel. The Sub-Work Group included Linda Guss and Jean Fogarty, both of the Department of Justice, Mickey Serice from the Department of Human Services, Lisa Kay from the Juvenile Rights Project, Inc., Bradd Swank from the Oregon Judicial Department, Cindy Booth from the Oregon Youth Authority, Kent Fisher from the Umatilla County District Attorney’s Office, and Tim Loewen from the Juvenile Director’s Association. This project was first approved by the Sub-Work Group, and later by the Juvenile Code Revision Work Group, on November 15, 2002.

3. Statement of Problem Area

Like so many of the problems that exist with the language of the ORS that comprise what is called the “juvenile code,” the problem addressed by this proposal is the potential for applying policy deemed appropriate for one group of persons under the age of 18 to a different inappropriate group. Most common with ORS Chapter 419 was the use of the word “child” when the proper term should have been “youth” or “youth offender,” or when all three terms should have been used.

The problems with wording that are fixed in this bill stem from an artifact of the time when all people found to be within the jurisdiction of the court were called “children.” Now, however, a “child” is defined as a person within the jurisdiction of the court pursuant to the child abuse and neglect statutes. (ORS 419A.004(2)). A “youth” is a person under the age of 18 who is alleged to be within the jurisdiction of the court pursuant to a juvenile delinquency action. (ORS 419A.004(31)). And, a “youth offender” is a person at least 12 years of age who has been

found to be within the jurisdiction of the court pursuant to a juvenile delinquency action. (ORS 419A.004(32)).

As currently written, many provisions of ORS Chapter 419A appear to not apply to youth or youth offenders because the statutes containing those provisions do not refer to youth or youth offenders.

4. Objective of Proposal

The proposal inserts the proper terms where appropriate, ensuring that when a statute applies to only one category of person that only the term of art denoting that person is used, and that when a statute applies to more than one of them each is listed.