

OREGON YOUTH AUTHORITY

Policy Summary



Information on Delegation of Legal Custodian and Guardianship Authority

The following is only a summary of OYA policy [I-A-8.0 Delegation of Legal Custody Guardianship](#). Please refer to the policy for full details and as the official policy record. For other policies, visit <https://www.oregon.gov/oya/aboutoya/pages/policies.aspx>.

Oregon Youth Authority (OYA) is responsible for making certain decisions about the care and well-being of youth in its custody. The authority to make these decisions depends on the youth's legal status, physical custody, and guardianship. The authority is granted by Oregon laws. This guide explains who can make these decisions and under what circumstances.

Key Terms to Know

- **Legal Custodian:** A person or agency given legal authority by a court to care for a youth. This includes decisions about housing, education, routine medical care, and basic needs. This also includes the authority to apply for any Social Security benefits or public assistance to which the youth is entitled and to use the benefits or assistance to pay for the care of the youth.
- **Guardian:** A person or agency appointed by a court to make major legal decisions for a youth, such as consenting to surgery or marriage.
- **Physical Custody:** Daily care and supervision of a youth, including providing food, shelter, and safety.
- **DOC Youth:** Youth who are in the legal custody of the Department of Corrections but physically in the care of an OYA facility.
- **Substitute Care Providers:** People or organizations authorized by OYA to care for youth in the community, like foster parents or residential treatment providers.

Who Can Make Decisions for Youth?

1. Substitute Care Providers

Substitute care providers can consent to:

- School registration and schedule changes.
- Participation in school activities and meal programs.
- Routine medical and dental care (like check-ups and vaccinations).

2. Juvenile Parole/Probation Officer (JPPO)

The JPPO can consent to everything a substitute care provider can, plus:

- Application for worker's permits or releases.
- School testing, outdoor school participation, and access to academic records.

- Outpatient mental health or psychological treatment.
- In-state travel.

3. **Field Supervisor**

The field supervisor can consent to everything a JPPO can, plus:

- Emergency surgery or other urgent medical care.
- Applying for Social Security benefits or public assistance for the youth.
- Interstate travel.

Guardianship Authority

When the court grants guardianship to OYA, the following rules apply:

1. **Field Supervisor, or Facility Superintendent, or Camp Director**

These officials can consent to:

- Emergency and routine surgeries.
- Major medical procedures (e.g., treating broken bones or appendicitis).
- Admission to a state mental health facilities.
- Driver's training and licenses.
- Enlistment in the Armed Forces or Job Corps.
- Examination by a law enforcement agency (e.g. polygraphs, interrogation)

2. **Assistant Director or Director**

Only these high-level officials can consent to:

- Abortions (except when a youth 15 or older consents themselves).
- Controversial or high-risk medical procedures (like organ transplants).
- Marriage and international travel.

What is Not Allowed?

OYA staff cannot:

- Make decisions about educational plans for special education students (this is the role of an educational surrogate).
- Consent to a youth buying or owning a car.
- Co-sign any contracts for youth purchases.
- Manage or be responsible for a youth's property or estate.

Special Rules for DOC Youth in OYA Custody

- The Department of Corrections (DOC) keeps legal custody of these youth, but OYA provides daily care.
- DOC must approve any status changes, releases, or warrants for DOC youth.
- OYA staff must follow DOC rules for reporting youth incidents and youth major behavior violations, and transporting youth to court.

Why is This Important?

This policy helps ensure that decisions made for youth are in their best interest while maintaining clear lines of legal authority and responsibility. If you have questions about who can make decisions for your youth, contact their Juvenile Parole/Probation Officer or facility superintendent or camp director.