



OREGON YOUTH AUTHORITY
Policy Statement
Part II – Youth Services (Facilities)



Subject:

Youth Legal Materials and Assistance

Section – Policy Number:

F: Justice – 3.6

Supersedes:

II-F-3.6 (10/11)
II-F-3.6 (11/07)
II-F-3.6 (05/04)

Effective Date:

12/21/2018

Date of Last

Revision/Review:
None

Related Standards and References:

- [ORS 419C.200 \(Court-appointed Counsel\)](#)
- [ORS Chapter 151](#) (Public Defenders; Counsel for Financially Eligible Persons)
- [OAR 416-150-0020 \(Attorney Interview\)](#)
- [OAR Chapter 416, Division 440 \(Offender Mail\)](#)
- [Office of Public Defense Services](#)
- Performance-based Standards (PbS), *Juvenile Correction and Detention Facilities: Justice*
- American Correctional Association, *Standards for Juvenile Correctional Facilities*; 4-JCF-3A-01 (Access to Counsel and Courts); 4-JCF-3A-09 (Uncensored Mail); 4-JCF-3A-11 (Privileged Mail)
- [FastCase contents](#)
- [OYA policies](#): II-F-1.0 (Youth Rights - Facilities)
 II-F-3.0 (Youth Mail in OYA Facilities)
 II-F-3.4 (Youth Use of Telephones)
- [OYA forms](#): Youth Law Library Request Form (YA 4520)
 Youth Legal Clinic Request Form (YA 4521)

Related Procedures:

- Local operating protocols required

Policy Owner:

Facility Services Assistant Director

Approved:



 Joseph O'Leary, Director

I. PURPOSE:

This policy provides general standards for addressing youth legal matters in OYA facilities, including legal correspondence, communication, meetings, and access to the courts.

II. POLICY DEFINITIONS:

Youth Legal Clinic: An OYA-provided clinic that helps youth with legal information about their rights to access the courts and assists in completing and filing the initial necessary legal paperwork for proceedings after a conviction (e.g., direct appeals, post-conviction relief, and federal habeas corpus).

III. POLICY:

OYA recognizes youth committed to facilities have the right to consult privately with legal counsel and have legal materials and assistance in accessing the courts, without obstruction or interference by staff.

OYA provides youth access to legal material through an electronic web portal (FastCase) that assists youth with access to the courts. OYA also maintains a contract to provide assistance for youth who want access to the court for direct appeals, post-conviction relief, and habeas corpus initial filings. Youth may also obtain an attorney licensed to practice in Oregon at their own expense. Youth determined to be indigent by the court may obtain a court-appointed attorney to assist in certain post-dispositional or probation violation hearings.

IV. GENERAL STANDARDS:

- A. All correspondence and communication between a youth and the youth's attorney or the attorney's authorized representative is confidential.
- B. Correspondence received from or sent to a youth's attorney is considered official correspondence and must follow OYA policy II-F-3.0 (Youth Mail in OYA Facilities).
- C. Staff must allow youth to retain confidential legal documents and correspondence.
- D. Correspondence received from or sent to providers in the Youth Legal Clinic is considered official correspondence and must follow OYA policy II-F-3.0 (Youth Mail in OYA Facilities).
- E. Staff must treat all communication between youth and Youth Legal Clinic providers as confidential and provide private areas for providers and youth to meet.
- F. Staff must ensure youth are free from harassment, intimidation, punishment and retaliation for accessing the law library, accessing the Youth Legal Clinic, presenting complaints to the courts, participating in litigation, or communicating with their attorneys.
- G. Living unit managers or facility administrative staff must coordinate legal visits in advance when an attorney wishes to consult with a youth who is a client or who has requested consultation.
- H. Youth's attorney telephone calls [other than Youth Legal Clinic providers]

Staff must give a youth as much privacy as possible within the limitations of the facility's physical design while making or receiving a youth's attorney's telephone call.

- 1. When a youth requests to telephone their attorney, the staff receiving the request must note the request in the unit living log.

2. A supervisor/manager, or designee, must arrange the call within 24 hours of the youth's request, excluding holidays and weekends.
3. All calls must be made within normal business hours, except in emergencies. In an emergency, the call must be arranged as soon as practicable, including weekends or holidays.
4. Staff must not screen or inquire into the reason for or purpose of the call except to determine if an emergency exists.
5. Staff must not deliberately listen to the youth's conversation.
6. Staff may visually monitor the youth for safety and security reasons while the youth is on the telephone.
7. The successful or unsuccessful completion of the attorney telephone call must be noted in the youth's JJIS "Visits/Phone Calls" tab.
8. Incoming attorney telephone calls

When an attorney calls a youth, the staff receiving the call must verify the attorney is on the youth's contact list prior to allowing the youth to speak to the attorney. If the youth is not available, staff must arrange for a return call as soon as practicable, as described above.

I. Youth legal materials

1. Each facility must ensure youth have access to a current directory of attorneys in Oregon (online or in print).
2. Each facility must provide youth access to the FastCase web portal as a legal resource or law library.
 - a) Each facility must maintain a dedicated computer with secure access to the FastCase web portal.
 - b) Staff must provide youth access to Youth Law Library Request forms (YA 4520). Forms must be available in youth common areas.
 - c) Each facility must designate a law library coordinator to -
 - (1) Receive and respond to youth requests to use the legal resource or law library within seven days of the request; and
 - (2) Ensure youth access is tracked by retaining completed Youth Law Library Request forms in youth case files.

d) Law library access must be available for youth for any legal reason. Priority must be given to youth seeking court access for direct appeals, post-conviction relief, habeas corpus, or youth with approaching deadlines.

3. Living unit managers must ensure instructions on how youth may access the law library are posted in their living units.

J. OYA-provided access to the courts

1. Each facility must provide youth access to the Youth Legal Clinic upon request in order to meet OYA's legal obligations to provide youth access, and assistance in accessing, the courts.

a) Staff must provide youth access to Youth Legal Clinic Request forms (YA 4521). Forms must be available in youth common areas.

b) Each facility must designate a youth legal assistance coordinator to ensure youth are granted access in a timely manner.

c) The facility legal assistance coordinator must ensure youth access is tracked by retaining completed Youth Legal Clinic Request forms in youth case files.

d) Youth access may be in person, by phone, or by other electronic communication.

2. Living unit managers must ensure instructions on how youth may access the Youth Legal Clinic are posted in their living units.

V. LOCAL OPERATING PROTOCOL REQUIRED: YES

Each facility must develop a local operating protocol that address the following:

A. Designation of local law library coordinator and Youth Law Library Request form process;

B. Designation of local youth legal assistance coordinator and Youth Legal Clinic Request form process; and

C. Designation of the FastCase computer terminal, area, and rules.

Fast Case Contents

Federal	Court Opinions	Statutes	Regulations
Supreme Court	1754 - Present	United States Code	Code of Federal Regulations
Federal Circuits	1924 - Present		
Bd. Tax Appeals	Vols.1-47		
Tax Ct. Mem. Decisions	Vol.1 to59		
U.S. Customs Court	Vols.1-70		
Bd. of Immig. App.	1996 - Present		
Federal District Courts	1922 - Present		
Federal Bankruptcy Courts	1 B.R.1- Present		
State	Court Opinions	Statutes (current & archived)	Regulations
Alabama	1950- Present	Code of Alabama	Alabama Administrative Code
Alaska	1959- Present	Alaska Statutes	Alaska Administrative Code
Arizona	1950- Present	Arizona Revised Statutes	Arizona Administrative Code
Arkansas	1875 - Present	Arkansas Code	Not Available
California	1950- Present	California Code	California Code of Regulations
Colorado	1950- Present	Colorado Revised Statutes	Code of Colorado Regulations
Connecticut	1950- Present	Connecticut Statutes	Connecticut Banking Regulations
Delaware	1950- Present	Delaware Code	Delaware Register of Regulations
Florida	1950- Present	Florida Statutes	Florida Administrative Code
Georgia	1846 - Present	Code of Georgia	Georgia Regulations
Hawaii	1959 - Present	Hawaii Revised Statutes	Hawaii Administrative Rules
Idaho	1950- Present	Idaho Statutes	Idaho Administrative Rules
Illinois	1950- Present	Illinois Compiled Statutes	Illinois Administrative Rules
Indiana	1950- Present	Indiana Code	Indiana Administrative Code
Iowa	1950- Present	Code of Iowa	Iowa Administrative Code
Kansas	1950- Present	Kansas Statutes	Kansas Administrative Regulations
Kentucky	1785 - Present	Kentucky Revised Statutes	Kentucky Administrative Regulations
Louisiana	1950- Present	La. Code and Rev. Stat.	Louisiana Administrative Code
Maine	1950- Present	Maine Revised Statutes	Code of Maine Rules
Maryland	1950 - Present	Maryland Statutes	Code of Maryland Regs (COMAR)
Massachusetts	1950- Present	Mass. General Laws	Code of Mass. Regulations
Michigan	1950- Present	Mich. Compiled Laws	Michigan Administrative Code
Minnesota	1875 - Present	Minnesota Statutes	Minnesota Rules
Mississippi	1950- Present	Mississippi Code	Miss. Administrative Regulations
Missouri	1886 - Present	Missouri Revised Statutes	Missouri Code of State Regulations
Montana	1950- Present	Montana Code Ann.	Administrative Rules of Montana
Nebraska	1950 - Present	Nebraska Statutes	Nebraska Administrative Code
Nevada	1950- Present	Nevada Revised Statutes	Nevada Administrative Code
New Hampshire	1950- Present	N.H. Revised Statutes	N.H. Code of Administrative Rules
New Jersey	1950- Present	New Jersey Perm. Statutes	New Jersey Administrative Code
New Mexico	1950- Present	New Mexico Statutes	New Mexico Administrative Code
New York	1951 - Present	New York Consol. Laws	New York City Admin. Decisions
North Carolina	1950- Present	N.C. Gen. Statutes	North Carolina Administrative Code
North Dakota	1950- Present	N.D. Century Code	North Dakota Administrative Code
Ohio	1950- Present	Ohio Revised Code	Ohio Administrative Code
Oklahoma	1950- Present	Oklahoma State Statutes	Oklahoma Administrative Code
Oregon	1938 - Present	Oregon Revised Statutes	Oregon Administrative Rules
Pennsylvania	1850 - Present	Pennsylvania Statutes	Pennsylvania Code
Rhode Island	1950 - Present	Rhode Island Laws	Not Available
South Carolina	1950- Present	S.C. Code of Laws	South Carolina Code of Regulations
South Dakota	1950- Present	S.D. Codified Laws	South Dakota Administrative Rules
Tennessee	1886 - Present	Tennessee Code	Tennessee Rules and Regulations
Texas	1886- Present	Texas Statutes	Texas Administrative Code
Utah	1950- Present	Utah Code	Utah Administrative Rules
Vermont	1950- Present	Vermont Statutes	Code of Vermont Rules
Virginia	1925 - Present	Code of Virginia	Virginia Administrative Code
Washington	1950- Present	Revised Code of Wash.	Washington Administrative Code
Washington DC	1945 - Present	D.C. Code	D.C. Ofc. Of Docs. & Admin. Issues
West Virginia	1864 - Present	West Virginia State Code	West Virginia Code of State Rules
Wisconsin	1950- Present	Wisconsin Statutes	Wisconsin Administrative Code
Wyoming	1950- Present	Wyoming Statutes	Wyoming Rules and Regulations
Court Rules		Session Laws (current and archived)	
Federal Rules of Civil Procedure		Select states, including Oregon	
Federal Rules of Criminal Procedure			
Federal Rules of Evidence			

Fast Case Contents

Oregon Revised Statutes from 2007 to the present

Oregon Session Laws from 1999 to the present, including Special Sessions in 2002, 2006, 2008, and 2010

Oregon Administrative Rules

Constitution for the State of Oregon

Oregon Attorney General Opinions

Oregon Rules of Appellate Procedure

Oregon Rules of Civil Procedure

Oregon Uniform Trial Court Rules

Oregon District Court Rules of Civil Practice

Oregon Bankruptcy Court Rules of Bankruptcy Procedure

The following publications need not be provided prior to September 15, 2018:

Bouvier Law Dictionary, Stephen Sheppard. Published by Wolters Kluwer, ISBN 9781454820161.

Significant-Prisoner-Rights-Cases, James F. Anderson, Nancie J. Mangels, Laronistine Dyson. Published by Carolina Academic Press, ISBN 9781594604157.

Understanding Criminal Law, Eighth Edition, Joshua Dressler. Published by Carolina Academic Press, ISBN 9781531007911.

Understanding Evidence, Fourth Edition, Paul C. Giannelli. Published by Carolina Academic Press, ISBN 9780769859897.

Legal Research Guide: Patterns and Practice, Seventh Edition, Bonita K. Roberts, Linda L. Schlueter. Published by Carolina Academic Press, PDF available at www.cap-press.com/pdf/9781632815347fm.pdf

Understanding Criminal Procedure, Volume One: Investigation, Seventh Edition, Joshua Dressler, Alan C. Michaels, Ric Simmons. Published by Carolina Academic Press, ISBN 9781611639360.

Federal Criminal Practice, Barry Boss, Ed Marek, Jeffery Rutherford, Michael Proctor. Published by James Publishing, ISBN 9781580120982. (Available mid-November, 2018)

Evidentiary Foundations, Tenth Edition, Edward Imwinkelried. Published by Carolina Academic Press, ISBN 9781531010393.

Criminal Defense Tools and Techniques, Thomas J. Farrell. Published by James Publishing, ISBN 9781580121590. (Available mid-November, 2018)

Federal Habeas Corpus, Second Edition, Andrea D. Lyon, Emily Hughes, Mary Prosser, Justin Marceau. Published by Carolina Academic Press, ISBN 9781594608666.

Preparing for Trial in Federal Court, Nancy Pridgen. Published by James Publishing, ISBN 9781580122108 (Available mid-November, 2018)