

Foster homes: More than 50 percent of foster children are in care less than a year

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of physical abuse, chronic neglect, exposure to domestic violence and a parent's addiction to drugs and alcohol.

"They have been witnesses to events and experienced events, due to no fault of their own, that we as a community need to help remedy," Mabry said.

Sending children to a foster home gives parents time to turn their lives around — perhaps get sober, end an abusive relationship or establish themselves as capable guardians — while the child continues to be nurtured.

The ultimate goal is to reunify the child with a parent. More than 50 percent of foster children are in care less than a year, Youngflesh said.

"Kids want to be with their moms and dads or a relative," she said, "and foster parenting is something that you are doing temporarily to help sort of safeguard children, give them a place, while their biological parent is working on their barriers."

Fostering

An aspiring foster parent looking to get certified must

pass a background check and home inspection, and take a class through the Department of Human Services that covers, among other topics, how to care for abused children.

The foster parent is given a stipend and must provide food, shelter, clothing, a sleeping area and other basic necessities. He or she serves as the primary contact for the child's school; makes day care arrangements and schedules extracurricular activities; and drives them to their medical, counseling and court appointments.

The Department of Human Services offers support and resources along the way.

In addition, the foster parent is expected to work closely with the biological parent, in part so that the child knows the adults are collaborating to mend the broken household.

For example, the state advises foster parents to consult with biological parents

before the child gets a haircut.

"That's a real trigger for most parents, if somebody else has cut their child's hair without their consent," Meyers said.

'What we can provide'

A foster parent's responsibilities are many — and so are the rewards, Mabry said.

"They get to read a good-night story to a kid who may not have heard a good-night story for a very long time. They get to be part of this child's improvement in school. They get to share Halloween with the child. They get to teach a kid how to read," she said.

"It's like being any other parent," she added, "except, at the end, if everything works out the way it should, that child goes home, and the foster parent has made a huge contribution to the health and happiness of that child."

Danny McCarley grew up in an unstable household and

now works as a life coordinator at Oregon Youth Authority in Warrenton. He said he chose to become a foster parent with his wife, in part, because he could help break the cycle of abuse that he was subjected to while growing up.

"For me, it comes down to: I know what we can provide. We can provide structure and love and a safe environment," he said, adding: "Because I know what the alternative is, I just can't let that happen on my watch."

He and Michelle said choosing to become foster parents is a way to give back to their community.

But, surrounded by kids filling in coloring books, eating yogurt and playing with each other — the living room alive with the chirpy chatter of happy youngsters — they said there was more to it:

"We just love every kid that comes in here," Danny McCarley said.

'We can provide structure and love and a safe environment.'

Danny McCarley

a life coordinator at Oregon Youth Authority who grew up in an unstable household



The Daily Astorian/File Photo

The Neacoxie Barn is off limits for commercial uses, after an injunction from the Clatsop County Circuit Court.

Barn: Structure has racked up \$30,000 in fines

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Attorney Peter Watts said Wednesday. "If she were to have an event we would ask the judge hold her in contempt of court. Whether that would involve fines or incarceration, that would be the judge's determination."

Smith said Thursday she would comply with the decision, although there is "some confusion" about what is and is not a commercial purpose.

Smith said the court considered the city's arguments on only a portion of the case. "Material facts are still in dispute and it appears the city did not fully disclose to the courts the full interpretation of the (Gearhart) Municipal Court decision made last December," she said.

Injunction

Neacoxie Creek Barn has racked up \$30,000 in fines in the midst of a long legal history.

Envisioned as a community events and art space, the barn maintains an internet presence — described as "a place for your gathering" — and accepts donations to preserve the barn.

Smith does not have a conditional use permit that will allow her to use her property as an event center, inside or out, Gearhart City Administrator Chad Sweet said, and she does not have an occupancy permit for the barn, a former livery stable.

"Even though she didn't have a conditional use permit, even though she didn't have an occupancy permit, she continued to have events inside the barn," Sweet said.

When violations continued, the city told the court the former livery stable was uninhabitable and posed an immediate threat to the health and safety of the general public. They sought and received a temporary injunction.

Wednesday's ruling makes it permanent, Sweet said, unless Smith provides a conditional use permit and certificate of occupancy.

If Smith is found to host commercial events, Gearhart's fire chief has authority to shut things down, Sweet said. "Then we will cite her in Circuit Court."

Historic resource?

Smith said she has submitted plans and fees to the city for a building permit, but the city refused to review them as they are required to do.

"I do expect to file an application with the city that will allow this historic resource to be used and preserved," she said Thursday.

The city provided some documents but not others critical for "a complete understanding and determination of this case," she added, and put statements out without facts or specifics. These alone should have required the court to deny summary judgment.

"The municipal court has already held that I don't need a conditional use permit to host weddings in the barn, and the city did not challenge the court's decision," Smith said.

With an injunction in place, enforcement could be a sticky matter at a venue that hosts wedding nuptials and family reunions.

Could the city pull a bride out of her off the Neacoxie Creek Barn property on her wedding day?

"That's definitely a question for the police chief," Watts said. "What we do know now is we can."

Contractor: Port can't interfere in process

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Subcontractors from Granite Construction started midday Thursday laying the initial layers of asphalt from Naselle Rock & Asphalt Co. to level Runway 13-31, which has a northwest-southeast approach 4,400 feet long. Mark Janicek, an engineering technician for Precision Approach Engineering ensuring the project meets Federal Aviation Administration standards, said subcontractors needed the nice weather Thursday and today to just finish paving to level the runway.

"We need five dry days to finish paving, at least, after these two," he said Thursday.

Corpac, of Corvallis, was chosen as the general contractor in January to rehab the runway.

"The closure of 13-31 has been more of an inconvenience than an impairment, but it needs to get done and put back into service," said Gary Kobes, the Port's airport manager.

Kobes said the strip provides a safer landing in northwesterly winds more common in summer. The main approach at the airport is Runway 8-26, running east-west 5,700 feet. Kobes said



Edward Stratton/The Daily Astorian

Crews with paving subcontractor Granite Construction press asphalt delivered by Naselle Rock & Asphalt Co. Thursday. The general contractor, Corpac Construction Co., is incurring \$2,500 a day in damages after failing to finish by an Oct. 14 deadline.

a third of the project was repairing drainage under the runway, a third mobilizing materials for the project and a third paving more than 400,000 square feet of tarmac. Corpac had intended to start July 11, he said, but delayed to August because of other projects.

"In our opinion, they simply wasted a lot of good weather," Kobes said.

Compounding the situation is the rainy season and

winter. Paving a runway requires a dry surface and air temperatures of at least 45 degrees. The National Weather Service predicts rain Saturday through Tuesday, with a chance of showers through at least Thursday.

The project received more than \$4.5 million from the FAA, along with a \$480,000 match from the state Department of Transportation Connect Oregon V infrastructure grant program. The Port pro-

vides a smaller local match for the state grant.

Kobes said the Port can't interfere in the contractor's process, but can record the damages on behalf of the state and federal agencies funding the work. He said the company will likely push back on the damages, not wanting to lose the revenue, but "I think the facts will bear out that they just simply didn't apply enough resources to the project."

DA: Marquis 'pleased that it appears to be over with'

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Prosecutorial conduct can include actions taken outside the courtroom and before trial, the judges wrote, and do not need to be related to a particular trial.

Absolute immunity applies regardless of the accuracy of a prosecutor's conclusions about a witness, the judges wrote, and even if the judgment is unfair or driven by personal hostility.

Prosecutors and other government officials receive absolute immunity from liability so they can carry out their official duties without fear of

constant legal threats.

"The decision by the Clatsop County District Attorney's Office to cease using Barnett as a witness falls squarely within the type of prosecutorial conduct that is protected by absolute immunity," the judges held. "Whether that decision was made directly in response to Barnett's article criticizing Marquis is immaterial."

'High ethical standard'

Marquis, who was represented by the state Attorney General's Office, said he is "pleased that it appears to be over with."

"I think it simply goes to

the fact that we demand, and for the most part receive, a very high ethical standard among the law enforcement in Clatsop County," the district attorney said.

"And that's the way it will continue."

Barnett, who retired from the Seaside Police this year, is disappointed his claims of civil rights violations have not been heard by the courts. Both the district court and the appeals

court focused on the question of absolute immunity, not the underlying issues of free speech and due process.

Barnett has the option of asking the full 9th Circuit to hear his case or appealing to the U.S. Supreme Court.

"I get the law. I understand the law," Barnett said. "But nobody — nobody — is above the law, including our DA, who is using the shield of immunity."

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