

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass

Vote: 9 - 0 - 0

Yeas: Barton, Cameron, Garrett, Hicks, Krieger, Olson, Tomei, Williamson, Barker

Nays: 0

Exc.: 0

Prepared By: Bill Taylor, Counsel

Meeting Dates: 3/26, 4/2

WHAT THE MEASURE DOES: Permits either the Oregon Supreme Court or the Oregon Court of Appeals to vacate a judgment order of a juvenile court if all parties to the appeal request the respective court to do so. Allows the juvenile court to modify its original judgment order and allows the parties to appeal this order in the same time and manner as an appeal from the original order.

ISSUES DISCUSSED:

- No need to file briefs supporting return to trial court
- Administrative in nature

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Currently, neither the Oregon Supreme Court nor the Oregon Court of Appeals may vacate a juvenile court judgment order under appeal, even if the parties to the appeal all wish to have the order vacated and the matter returned to the juvenile court. Even when a judgment is obviously erroneous, the state must file a brief conceding the error, and the appellate court must issue an opinion accepting the concession and reversing the judgment. This process creates unnecessary costs for the parties and the court, and delays disposition of these appeals.