

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 0 - 0

Yeas: Close, Dingfelder, Kruse, Roblan, Prozanski

Nays: 0

Exc.: 0

Prepared By: Bill Taylor, Counsel

Meeting Dates: 4/10, 4/17

WHAT THE MEASURE DOES: Defines “record of the case” in juvenile court proceedings as: (1) The summons, petitions, pleadings, motions, exhibits, transcripts, and affidavits; (2) Local citizens review board findings; (3) Guardianship reports; (4) Orders and judgments of the court; and (5) Other documents that are part of the court record. Defines “supplemental confidential file” as including reports relating to the child’s history and prognosis are not to become part of the case record and are not received in as evidence in the case. Clarifies who has access to “record of the case” and who has access to the “supplemental confidential file”. Allows attorneys who may be filing an appeal in the Court of Appeals to a juvenile court decision access to both files for the purposes of analyzing the appeal. Limits a juvenile court judge to taking judicial notice of law and fact, and not documents or other material. Clarifies who may disclose and when they may disclose information in the “supplemental confidential file” if the file indicates that the juvenile presents a clear and present danger to another person or society. Clarifies that that Indian tribes have the right to inspect and copy the record of the case including the confidential file when tribal members are involved.

ISSUES DISCUSSED:

- Constitutional right to open court proceedings
- Right of privacy for children

EFFECT OF COMMITTEE AMENDMENT: Replaces the measure.

BACKGROUND: Juvenile court records are kept separate and apart from other court records. They are confidential and can only be disclosed to certain persons involved in either the juvenile court proceeding or with the juvenile. The general public does not have access. However, Oregon juvenile court proceedings are open to the public. Currently, juvenile courts maintain two files in a juvenile proceeding, the legal file which contains matters relating to the court proceeding and the “social file.” The latter contains such things clinical evaluations of the child. The term “social file” is not defined in statute. The term and its usage have developed over time by court practice and procedure. This Act would rename the term as “supplemental confidential file” and define what it is.