

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	8 - 0 - 1
<b>Yeas:</b>	Barton, Cameron, Garrett, Hicks, Krieger, Olson, Tomei, Williamson, Barker
<b>Nays:</b>	0
<b>Exc.:</b>	Krieger
<b>Prepared By:</b>	Bill Taylor, Counsel
<b>Meeting Dates:</b>	5/7, 5/14

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**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. These records 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. Applies to juvenile court proceedings commenced on or after the effective date of this Act. Delays to July 1, 2014, the court’s authority to allow persons other than those specifically authorized in statute to obtain juvenile court files that are otherwise confidential. Clarifies that the Clerk of Court for each circuit court shall keep the supplemental confidential file and record of each case as provided for by ORS 7.120.

**ISSUES DISCUSSED:**

- Need to clarify who has access and who does not have access to juvenile court records as the courts move their records to electronic format
- Juvenile proceedings are unique in that parts of the record are not open to the public particularly those parts that relate to mental health and sexual abuse medical records

**EFFECT OF COMMITTEE AMENDMENT:** Delays to July 1, 2014, the court’s authority to allow others than those statutorily authorized to obtain juvenile court files that are otherwise confidential. Clarifies that the Clerk of Court for each circuit court shall keep the supplemental confidential file and record of each case as provided for by ORS 7.120.

**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.