

House Bill 3363

Sponsored by Representatives OLSON, BARKER; Representatives HUFFMAN, KRIEGER, NATHANSON, THOMPSON, TOMEI, WILLIAMSON, Senators BATES, JOHNSON, KRUSE (at the request of Oregon CASA Network)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Department of Human Services to disclose case plan and written information to court appointed special advocate in juvenile dependency proceedings.

Permits amendment to jurisdictional petition at hearing under certain circumstances.

Provides that unfitness determination in termination proceeding shall be based on parental conduct and conditions at time of hearing or in prior cases, unless department did not make reasonable efforts to provide services.

Shortens time period to conduct permanency hearing if ward is under three years of age.

Requires court to take into account at permanency hearings ward's age and conduct and conditions of parent or parents in current proceeding and in prior cases.

A BILL FOR AN ACT

1
2 Relating to juvenile dependency proceedings; creating new provisions; and amending ORS 419A.255,
3 419A.256, 419B.470, 419B.476, 419B.504, 419B.872 and 419B.881.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 419B.881 is amended to read:

6 419B.881. (1) In all proceedings brought under ORS 419B.100 or 419B.500, each party, including
7 the state, shall disclose to each other party and to a guardian ad litem appointed under ORS
8 419B.231 the following information and material within the possession or under the control of the
9 party:

10 (a) The names and addresses of all persons the party intends to call as witnesses at any stage
11 of the hearing, together with any relevant written or recorded statements or memoranda of any oral
12 statements of such persons;

13 (b) Any written or recorded statements or memoranda of any oral statements made either by the
14 parent or by the child to any other party or agent for any other party;

15 (c) Any reports or statements of experts who will be called as witnesses, including the results
16 of any physical or mental examinations and of comparisons or experiments that the party intends
17 to offer in evidence at the hearing; and

18 (d) Any books, papers, documents or photographs that the party intends to offer in evidence at
19 the hearing, or that were obtained from or belong to any other party.

20 (2)(a) Disclosure [*shall*] **under subsection (1) of this section must** be made as soon as practi-
21 cable following the filing of a petition and no later than:

22 (A) Thirty days after a petition alleging jurisdiction has been filed.

23 (B) Three days before any review **hearing, permanency hearing or other** hearing, except for
24 information received or discovered less than three days prior to the hearing.

25 (C) Ten days before a termination trial, except for information received or discovered less than
26 10 days prior to the trial.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) The court may supervise the exercise of discovery to the extent necessary to insure that it
 2 proceeds properly and expeditiously.

3 **(3)(a) When a ward has been placed in the legal custody of the Department of Human**
 4 **Services for care, placement and supervision under ORS 419B.337, the department shall dis-**
 5 **close to the court appointed special advocate, if one has been appointed, the case plan de-**
 6 **veloped under ORS 419B.343, modifications to the case plan and any written material or**
 7 **information about services provided to the ward, or to the ward's parent or parents, under**
 8 **the case plan.**

9 (b) Disclosure under this subsection must be made within 10 days of:

10 (A) Completion or modification of the case plan; and

11 (B) Receipt by the department of the written material or information about services
 12 provided under the case plan.

13 [(3)] (4) The obligation to disclose is an ongoing obligation and if a party finds, either before
 14 or during the hearing, additional material or information that is subject to disclosure, the informa-
 15 tion or material shall be promptly disclosed.

16 [(4)] (5) The following material and information need not be disclosed:

17 (a) Attorney work product; and

18 (b) Transcripts, recordings or memoranda of testimony of witnesses before the grand jury, except
 19 transcripts or recordings of testimony of a party to the current juvenile court proceeding.

20 [(5)] (6) Upon a showing of good cause, the court may at any time order that specified disclosure
 21 be denied, restricted or deferred or make such other order as is appropriate.

22 [(6)] (7) Upon request of a party, the court may permit a showing of good cause for denial or
 23 regulation of disclosure by the parties or the contents of subpoenaed materials, or portion of the
 24 showing, to be made in camera. A record shall be made of the proceeding.

25 [(7)] (8) If the court enters an order following an in camera showing, the entire record of the
 26 showing shall be sealed and preserved in the records of the court, to be made available to the ap-
 27 pellate court in the event of an appeal. The trial court may, after disposition, unseal the record.

28 [(8)] (9) When some parts of certain material are subject to disclosure and other parts are not,
 29 as much of the material as is subject to disclosure shall be disclosed.

30 [(9)] (10) Upon being notified of any breach of a duty to disclose material or information, the
 31 court may:

32 (a) Order the violating party to permit inspection of the material;

33 (b) Grant a continuance;

34 (c) Refuse to permit the witness to testify;

35 (d) Refuse to receive in evidence the material that was not disclosed; or

36 (e) Enter such other order as the court considers appropriate.

37 **SECTION 2.** ORS 419B.872 is amended to read:

38 419B.872. (1) A petition, answer, motion or other paper may be amended by a party within a
 39 reasonable time before an adjudication on the petition, answer, motion or other paper. Whenever
 40 an amended petition, answer, motion or other paper is filed, it shall be served upon all parties. When
 41 the interests of justice require additional time to prepare, due to the amendments to the petition,
 42 answer, motion or other paper, the court shall grant such additional time as is reasonable.

43 (2) The court, on motion of an interested party or on its own motion, may at any time direct that
 44 the petition be amended. If the amendment results in a substantial departure from the facts ori-
 45 ginally alleged, the court shall grant such continuance as the interests of justice may require.

1 **(3)(a) Notwithstanding subsections (1) and (2) of this section, a petition may be amended**
 2 **at any time at a hearing scheduled for other matters if the amendment relates to matters**
 3 **raised in information disclosed to other parties under ORS 419B.881 or otherwise, or relates**
 4 **to matters that are the same or substantially similar to allegations that were previously**
 5 **dismissed from the petition.**

6 **(b) Matters raised by an amendment under paragraph (a) of this subsection may be heard**
 7 **at the hearing scheduled for other matters only if the party seeking the amendment notifies**
 8 **the other parties at least seven days prior to the hearing that a request to amend the peti-**
 9 **tion will be made at the hearing. The notification must include the substance of the proposed**
 10 **amendment.**

11 **(c) If the amendment is allowed and heard as provided in this subsection, the evidence**
 12 **produced in support of the amendment may be used to support any other issue adjudicated**
 13 **at the hearing.**

14 **SECTION 3.** ORS 419B.504 is amended to read:

15 419B.504. **(1)** The rights of the parent or parents may be terminated as provided in ORS 419B.500
 16 if the court finds that the parent or parents are unfit by reason of conduct or condition seriously
 17 detrimental to the child or ward and integration of the child or ward into the home of the parent
 18 or parents is improbable within a reasonable time due to conduct or conditions not likely to change.
 19 In determining such conduct and conditions, the court shall consider but is not limited to the fol-
 20 lowing:

21 **[(1)] (a)** Emotional illness, mental illness or mental retardation of the parent **or parents** of such
 22 nature and duration as to render the parent **or parents** incapable of providing proper care for the
 23 child or ward for extended periods of time.

24 **[(2)] (b)** Conduct toward any child of an abusive, cruel or sexual nature.

25 **[(3)] (c)** Addictive or habitual use of intoxicating liquors or controlled substances to the extent
 26 that parental ability has been substantially impaired.

27 **[(4)] (d)** Physical neglect of the child or ward.

28 **[(5)] (e)** Lack of effort of the parent **or parents** to adjust the circumstances of the parent **or**
 29 **parents**, conduct, or conditions to make it possible for the child or ward to safely return home
 30 within a reasonable time or failure of the parent **or parents** to effect a lasting adjustment after
 31 reasonable efforts by available social agencies for such extended duration of time that it appears
 32 reasonable that no lasting adjustment can be effected.

33 **[(6)] (f)** Criminal conduct that impairs the [*parent's*] ability **of the parent or parents** to provide
 34 adequate care for the child or ward.

35 **(g) Conduct and conditions of the parent or parents in prior cases where the child or**
 36 **ward has been within the jurisdiction of the court.**

37 **(h) Conduct and conditions of the parent or parents in prior investigations of reports of**
 38 **abuse or neglect of the child or ward investigated by the Department of Human Services**
 39 **under ORS 419B.020.**

40 **(i) Conduct and conditions of the parent or parents in a current proceeding under this**
 41 **section.**

42 **(2) A determination of unfitness under subsection (1) of this section shall be made on the**
 43 **basis of the conduct and conditions of the parent or parents at the time of the termination**
 44 **hearing under ORS 419B.521 unless the court finds that the Department of Human Services**
 45 **did not make reasonable efforts to provide services to the parent or parents that, had the**

1 **services been provided, would have made it probable that the conduct and conditions of the**
 2 **parent or parents at the time of the termination hearing would have been such that the child**
 3 **or ward could safely return to and be integrated into the home of the parent or parents.**

4 **SECTION 4.** ORS 419B.470 is amended to read:

5 419B.470. (1) The court shall conduct a permanency hearing within 30 days after a judicial
 6 finding is made under ORS 419B.340 (5) if, based upon that judicial finding, the Department of Hu-
 7 man Services determines that it will not make reasonable efforts to reunify the family.

8 (2) In all other cases when a child or ward is in substitute care, the court shall conduct a
 9 permanency hearing:

10 (a) No later than 12 months after the ward was found within the jurisdiction of the court under
 11 ORS 419B.100 or 14 months after the child or ward was placed in substitute care, whichever is the
 12 earlier; or

13 (b) **No later than six months after the ward was found within the jurisdiction of the court**
 14 **under ORS 419B.100 or six months after the ward was placed in substitute care, whichever**
 15 **is the earlier, if the ward was under three years of age at the time the ward was found to**
 16 **be within the court's jurisdiction or placed in substitute care.**

17 (3) If a ward is removed from court sanctioned permanent foster care, the department shall re-
 18 quest and the court shall conduct a permanency hearing within three months after the date of the
 19 change in placement.

20 (4) If a ward has been surrendered for adoption or the parents' rights have been terminated and
 21 the department has not physically placed the ward for adoption or initiated adoption proceedings
 22 within six months after the surrender or entry of an order terminating parental rights, the court
 23 shall conduct a permanency hearing within 30 days after receipt of the report required by ORS
 24 419B.440 (2)(b).

25 (5) Unless good cause otherwise is shown, the court shall also conduct a permanency hearing
 26 at any time upon the request of the department, an agency directly responsible for care or place-
 27 ment of the child or ward, parents whose parental rights have not been terminated, an attorney for
 28 the child or ward, a court appointed special advocate, a citizen review board, a tribal court or upon
 29 its own motion. The court shall schedule the hearing as soon as possible after receiving a request.

30 (6) After the initial permanency hearing conducted under subsection (1) or (2) of this section or
 31 any permanency hearing conducted under subsections (3) to (5) of this section, the court shall con-
 32 duct subsequent permanency hearings not less frequently than once every 12 months for as long as
 33 the child or ward remains in substitute care.

34 (7) After the permanency hearing conducted under subsection (4) of this section, the court shall
 35 conduct subsequent permanency hearings at least every six months for as long as the ward is not
 36 physically placed for adoption or adoption proceedings have not been initiated.

37 (8) If a child returns to substitute care after a court's previously established jurisdiction over
 38 the child has been dismissed or terminated, a permanency hearing shall be conducted no later than
 39 [12] **six** months after the child is found within the jurisdiction of the court on a newly filed petition
 40 or [14] **six** months after the child's most recent placement in substitute care, whichever is the ear-
 41 lier.

42 **SECTION 5.** ORS 419B.476 is amended to read:

43 419B.476. (1) A permanency hearing shall be conducted in the manner provided in ORS 418.312,
 44 419B.310, 419B.812 to 419B.839 and 419B.908, except that the court may receive testimony and re-
 45 ports as provided in ORS 419B.325.

1 (2) At a permanency hearing the court shall:

2 (a) If the case plan at the time of the hearing is to reunify the family, determine whether the
3 Department of Human Services has made reasonable efforts or, if the Indian Child Welfare Act ap-
4 plies, active efforts to make it possible for the ward to safely return home and whether the parent
5 [*has*] **or parents have** made sufficient progress to make it possible for the ward to safely return
6 home. In making its determination, the court shall consider the ward's health, **age** and safety the
7 paramount concerns **and shall take into account the conduct and conditions of the parent or**
8 **parents in the current proceeding and, if applicable, in prior cases where the ward has been**
9 **within the jurisdiction of the court and in prior investigations of reports of abuse or neglect**
10 **of the ward investigated by the Department of Human Services under ORS 419B.020.**

11 (b) If the case plan at the time of the hearing is something other than to reunify the family,
12 determine whether the department has made reasonable efforts to place the ward in a timely manner
13 in accordance with the plan, including, if appropriate, reasonable efforts to place the ward through
14 an interstate placement, and to complete the steps necessary to finalize the permanent placement.

15 (c) If the case plan at the time of the hearing is something other than to reunify the family,
16 determine whether the department has considered permanent placement options for the ward, in-
17 cluding, if appropriate, whether the department has considered both permanent in-state placement
18 options and permanent interstate placement options for the ward.

19 (d) Make the findings of fact under ORS 419B.449 (2).

20 (3)(a) In the circumstances described in paragraph (b) of this subsection, in addition to making
21 the determination required by subsection (2)(a) or (b) of this section, at a permanency hearing the
22 court shall review the comprehensive plan for the ward's transition to independent living and de-
23 termine and make findings as to:

24 (A) Whether the plan is adequate to ensure the ward's successful transition to independent liv-
25 ing;

26 (B) Whether the department has offered appropriate services pursuant to the plan; and

27 (C) Whether the department has involved the ward in the development of the plan.

28 (b) The requirements of paragraph (a) of this subsection apply when:

29 (A) The ward is 16 years of age or older; or

30 (B) The ward is 14 years of age or older and there is a comprehensive plan for the ward's
31 transition to independent living.

32 (4) At a permanency hearing the court may:

33 (a) If the case plan changed during the period since the last review by a local citizen review
34 board or court hearing and a plan to reunify the family was in effect for any part of that period,
35 determine whether the department has made reasonable efforts or, if the Indian Child Welfare Act
36 applies, active efforts to make it possible for the ward to safely return home. In making its deter-
37 mination, the court shall consider the ward's health and safety the paramount concerns;

38 (b) If the case plan changed during the period since the last review by a local citizen review
39 board or court hearing and a plan other than to reunify the family was in effect for any part of that
40 period, determine whether the department has made reasonable efforts to place the ward in a timely
41 manner in accordance with the plan, including, if appropriate, placement of the ward through an
42 interstate placement, and to complete the steps necessary to finalize the permanent placement;

43 (c) If the court determines that further efforts will make it possible for the ward to safely return
44 home within a reasonable time, **taking into account the ward's age and the conduct and con-**
45 **ditions of the parent or parents in the current proceeding and, if applicable, in prior cases**

1 **where the ward has been within the jurisdiction of the court and in prior investigations of**
2 **reports of abuse or neglect of the ward investigated by the Department of Human Services**
3 **under ORS 419B.020**, order that the **parent or** parents participate in specific services for a specific
4 period of time and make specific progress within that period of time;

5 (d) Determine the adequacy and compliance with the case plan and the case progress report;

6 (e) Review the efforts made by the department to develop the concurrent permanent plan, in-
7 cluding but not limited to identification of appropriate permanent in-state placement options and
8 appropriate permanent interstate placement options and, if adoption is the concurrent case plan,
9 identification and selection of a suitable adoptive placement for the ward;

10 (f) Order the department to develop or expand the case plan or concurrent permanent plan and
11 provide a case progress report to the court and other parties within 10 days after the permanency
12 hearing;

13 (g) Order the department or agency to modify the care, placement and supervision of the ward;

14 (h) Order the local citizen review board to review the status of the ward prior to the next court
15 hearing; or

16 (i) Set another court hearing at a later date.

17 (5) The court shall enter an order within 20 days after the permanency hearing. In addition to
18 any determinations or orders the court may make under subsection (4) of this section, the order
19 shall include:

20 (a) The court's determination required under subsections (2) and (3) of this section, including a
21 brief description of the efforts the department has made with regard to the case plan in effect at the
22 time of the permanency hearing;

23 (b) The court's determination of the permanency plan for the ward that includes whether and,
24 if applicable, when:

25 (A) The ward will be returned to the **parent or parents**;

26 (B) The ward will be placed for adoption, and a petition for termination of parental rights will
27 be filed;

28 (C) The ward will be referred for establishment of legal guardianship; or

29 (D) The ward will be placed in another planned permanent living arrangement;

30 (c) If the court determines that the permanency plan for the ward should be to return home
31 because further efforts will make it possible for the ward to safely return home within a reasonable
32 time, the court's determination of the services in which the **parent or** parents are required to par-
33 ticipate, the progress the **parent or** parents are required to make and the period of time within
34 which the specified progress must be made;

35 (d) If the court determines that the permanency plan for the ward should be adoption, the
36 court's determination of whether one of the circumstances in ORS 419B.498 (2) is applicable;

37 (e) If the court determines that the permanency plan for the ward should be establishment of a
38 legal guardianship or placement with a fit and willing relative, the court's determination of why
39 neither placement with **the parent or** parents nor adoption is appropriate;

40 (f) If the court determines that the permanency plan for the ward should be a planned permanent
41 living arrangement, the court's determination of a compelling reason, that must be documented by
42 the department, why it would not be in the best interests of the ward to be returned home, placed
43 for adoption, placed with a legal guardian or placed with a fit and willing relative;

44 (g) If the current placement is not expected to be permanent, the court's projected timetable for
45 return home or for placement in another planned permanent living arrangement. If the timetable set

1 forth by the court is not met, the department shall promptly notify the court and parties;

2 (h) If an Indian child is involved, the tribal affiliation of the ward; and

3 (i) If the ward has been placed in an interstate placement, the court's determination of whether
4 the interstate placement continues to be appropriate and in the best interests of the ward.

5 (6) If an Indian child is involved, the court shall follow the placement preference established by
6 the Indian Child Welfare Act.

7 (7) Any final decision of the court made pursuant to the permanency hearing is appealable under
8 ORS 419A.200. On appeal of a final decision of the court under this subsection, the court's finding,
9 if any, under ORS 419B.340 (5) that the department is not required to make reasonable efforts to
10 make it possible for the ward to safely return home is an interlocutory order to which a party may
11 assign error.

12 **SECTION 6.** ORS 419A.255 is amended to read:

13 419A.255. (1) The clerk of the court shall keep a record of each case, including therein the
14 summons and other process, the petition and all other papers in the nature of pleadings, motions,
15 orders of the court and other papers filed with the court, but excluding reports and other material
16 relating to the child, ward, youth or youth offender's history and prognosis. The record of the case
17 shall be withheld from public inspection but is open to inspection by the child, ward, youth, youth
18 offender, parent, guardian, court appointed special advocate, **a CASA Volunteer Program as de-**
19 **defined in section 3, chapter 97, Oregon Laws 2012**, surrogate or a person allowed to intervene in
20 a proceeding involving the child, ward, youth or youth offender, and their attorneys. The attorneys
21 are entitled to copies of the record of the case.

22 (2) Reports and other material relating to the child, ward, youth or youth offender's history and
23 prognosis are privileged and, except at the request of the child, ward, youth or youth offender, may
24 not be disclosed directly or indirectly to anyone other than the judge of the juvenile court, those
25 acting under the judge's direction, service providers in the case and the attorneys of record for the
26 child, ward, youth or youth offender or the child, ward, youth or youth offender's parent, guardian,
27 court appointed special advocate, **a CASA Volunteer Program as defined in section 3, chapter**
28 **97, Oregon Laws 2012**, surrogate or person allowed to intervene in a proceeding involving the
29 child, ward, youth or youth offender. Reports and other material relating to a youth offender's his-
30 tory and prognosis in cases under ORS 419C.005 may be disclosed to the superintendent of the
31 school district in which the youth offender resides or the superintendent's designee. The service
32 providers in the case, school superintendents, superintendents' designees and attorneys are entitled
33 to examine and obtain copies of any reports or other material relating to the child, ward, youth or
34 youth offender's history and prognosis. Any service provider in the case, school superintendent,
35 superintendent's designee or attorney who examines or obtains copies of such reports or materials
36 is responsible for preserving their confidentiality. A service provider, school superintendent or
37 superintendent's designee who obtains copies of such reports or materials shall return the copies to
38 the court upon the conclusion of the service provider's, superintendent's or superintendent's
39 designee's involvement in the case.

40 (3) Except as otherwise provided in subsection (7) of this section, no information appearing in
41 the record of the case or in reports or other material relating to the child, ward, youth or youth
42 offender's history or prognosis may be disclosed to any person not described in subsection (2) of this
43 section without the consent of the court, except for purposes of evaluating the child, ward, youth
44 or youth offender's eligibility for special education as provided in ORS chapter 343, and no such
45 information may be used in evidence in any proceeding to establish criminal or civil liability against

1 the child, ward, youth or youth offender, whether such proceeding occurs after the child, ward,
 2 youth or youth offender has reached 18 years of age or otherwise, except for the following purposes:

3 (a) In connection with a presentence investigation after guilt has been admitted or established
 4 in a criminal court.

5 (b) In connection with a proceeding in another juvenile court concerning the child, ward, youth
 6 or youth offender or an appeal from the juvenile court.

7 (4) If the court finds that the child, ward, youth, youth offender or parent is without financial
 8 means to purchase all or a necessary part of the transcript of the evidence or proceedings, the court
 9 shall order upon motion the transcript or part thereof to be furnished. The transcript or part thereof
 10 furnished under this subsection shall be paid for in the same manner as furnished transcripts are
 11 paid for in criminal cases.

12 (5) Notwithstanding any other provision of law, the following are not confidential and not ex-
 13 empt from disclosure:

14 (a) The name and date of birth of the youth or youth offender;

15 (b) The basis for the juvenile court's jurisdiction over the youth or youth offender;

16 (c) The date, time and place of any juvenile court proceeding in which the youth or youth
 17 offender is involved;

18 (d) The act alleged in the petition that if committed by an adult would constitute a crime if ju-
 19 risdiction is based on ORS 419C.005;

20 (e) That portion of the juvenile court order providing for the legal disposition of the youth or
 21 youth offender when jurisdiction is based on ORS 419C.005;

22 (f) The names and addresses of the youth or youth offender's parents or guardians; and

23 (g) The register described in ORS 7.020 when jurisdiction is based on ORS 419C.005.

24 (6) Notwithstanding any other provision of law, when a youth has been taken into custody under
 25 ORS 419C.080, the following information shall be disclosed unless, and only for so long as, there is
 26 a clear need to delay disclosure in the course of a specific investigation, including the need to pro-
 27 tect the complaining party or the victim:

28 (a) The youth's name and age and whether the youth is employed or in school;

29 (b) The youth offense for which the youth was taken into custody;

30 (c) The name and age of the adult complaining party and the adult victim, unless the disclosure
 31 of such information is otherwise prohibited or restricted;

32 (d) The identity of the investigating and arresting agency; and

33 (e) The time and place that the youth was taken into custody and whether there was resistance,
 34 pursuit or a weapon used in taking the youth into custody.

35 (7)(a) Information contained in reports and other materials relating to a child, ward, youth or
 36 youth offender's history and prognosis that, in the professional judgment of the juvenile counselor,
 37 caseworker, school superintendent or superintendent's designee, teacher or detention worker to
 38 whom the information for the reports or other materials has been provided, indicates a clear and
 39 immediate danger to another person or to society shall be disclosed to the appropriate authority and
 40 the person or entity who is in danger from the child, ward, youth or youth offender.

41 (b) An agency or a person who discloses information under paragraph (a) of this subsection has
 42 immunity from any liability, civil or criminal, that might otherwise be incurred or imposed for
 43 making the disclosure.

44 (c) Nothing in this subsection affects the provisions of ORS 146.750, 146.760, 419B.035, 419B.040
 45 and 419B.045. The disclosure of information under this section does not make the information ad-

1 missible in any court or administrative proceeding if it is not otherwise admissible.

2 (8) A county juvenile department is the agency responsible for disclosing youth and youth
3 offender records if the records are subject to disclosure.

4 (9) A petition filed under ORS 419B.851 alleging that a child who is a foreign national is within
5 the jurisdiction of the court, or a motion requesting an implementation plan other than return of a
6 ward to the ward's parent, is subject to disclosure to the consulate for the child or ward's country
7 as provided under ORS 419B.851 (3).

8 (10) Nothing in this section prohibits a guardian appointed under ORS 419B.365 or 419B.366 from
9 disclosing or providing copies of letters of guardianship when so required to fulfill the duties of a
10 guardian.

11 (11) The court shall cooperate in the sharing of information with a court in another state to
12 facilitate an interstate placement of a child or ward.

13 **SECTION 7.** ORS 419A.256 is amended to read:

14 419A.256. (1)(a) Once prepared and filed with the court, a transcript of a juvenile court pro-
15 ceeding is part of the record of the case maintained by the clerk of the court under ORS 419A.255
16 (1) and is subject to the provisions of ORS 419A.255 (1) and (3) governing access and disclosure.

17 (b) Notwithstanding ORS 419A.255, if a transcript, audiotape or videotape has been prepared in
18 any proceeding under ORS chapter 419C, the victim may obtain a copy by paying the actual cost
19 of preparation.

20 (2) The official audio, video or other recording of a juvenile court proceeding shall be withheld
21 from public inspection but is open to inspection by the child, ward, youth, youth offender, parent,
22 guardian, court appointed special advocate, **a CASA Volunteer Program as defined in section 3,**
23 **chapter 97, Oregon Laws 2012,** surrogate or a person allowed to intervene in a proceeding in-
24 volving the child, ward, youth or youth offender, and their attorneys.

25 **SECTION 8. The amendments to ORS 419A.255, 419A.256, 419B.470, 419B.476, 419B.504,**
26 **419B.872 and 419B.881 by sections 1 to 7 of this 2013 Act apply to dependency proceedings**
27 **commenced on or after the effective date of this 2013 Act.**

28