

Senate Bill 622

Sponsored by COMMITTEE ON JUDICIARY (at the request of Oregon Law Commission)

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**.

Defines "record of the case" and "supplemental confidential file" in juvenile court proceedings. Clarifies when exhibit or judicially noticed fact or law becomes part of record of case. Clarifies when record and file are subject to inspection or disclosure, and who may obtain copies. Requires summary sheet in guardianship report.

A BILL FOR AN ACT

1
2 Relating to juvenile court proceedings; creating new provisions; amending ORS 419A.015, 419A.200,
3 419A.253, 419A.255, 419A.256, 419A.300, 419B.367 and 420.048; and repealing ORS 419A.257.

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

5 **SECTION 1. As used in this section and ORS 419A.253, 419A.255 and 419A.256:**

6 (1) "Person" means an individual or a public body as defined in ORS 174.109.

7 (2) "Prospective appellate attorney" means an attorney designated by the office of public
8 defense services established under ORS 151.216 to potentially represent a child, ward, youth,
9 youth offender, or a parent or guardian of a child, ward, youth or youth offender, in a juve-
10 nile case when the case has been referred to the office of public defense services for appeal.

11 (3) "Record of the case" or "record of each case":

12 (a) Includes but is not limited to:

13 (A) The summons and other process;

14 (B) Petitions;

15 (C) Papers in the nature of pleadings, answers, motions, affidavits and other papers that
16 are filed with the court, including supporting documentation;

17 (D) Local citizen review board findings and recommendations submitted under ORS
18 419A.118 or 419B.367;

19 (E) Guardianship reports and summaries filed with the court under ORS 419B.367;

20 (F) Orders and judgments of the court, including supporting documentation;

21 (G) Transcripts under ORS 419A.256;

22 (H) Exhibits and materials offered as exhibits but not received; and

23 (I) Other documents that become part of the record of the case by operation of law.

24 (b) May include electronic records.

25 (4) "Supplemental confidential file":

26 (a) Includes reports and other material relating to the child, ward, youth or youth
27 offender's history and prognosis, including but not limited to reports filed under ORS
28 419B.440, that:

29 (A) Are not or do not become part of the record of the case; and

30 (B) Are not offered or received as evidence in the case.

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) May include electronic records.**

2 **SECTION 2.** ORS 419A.253 is amended to read:

3 419A.253. (1) When, for the purpose of a hearing or proceeding that will result in the entry of
 4 an order or judgment, the juvenile court [*considers*] **intends to rely upon** information **either** in a
 5 report or other material described in ORS 419A.255 (2) **or in another document**, and no party has
 6 offered the report, [*or*] material **or other document** as an exhibit or asked the court to take judicial
 7 notice of **a fact or law in** the information **pursuant to ORS 40.060 to 40.085**, the court shall:

8 (a) Identify on the record the report, [*or*] material **or other document**, or [*the part of*] **infor-**
 9 **mation in** the report, [*or*] material **or other document**, [*that the court has considered.*] **upon which**
 10 **the court intends to rely; and**

11 (b) Subject to the court's ruling on objections by the parties, [*the court shall*] either:

12 (A) Take judicial notice of **a fact or law in** the information pursuant to ORS 40.060 to 40.085;

13 or

14 (B) Cause the report, [*or*] material **or other document**, or [*the*] a part of the report, [*or*] ma-
 15 terial **or other document**, to be marked and received as an exhibit.

16 (2) **If the court takes judicial notice of a fact or law under subsection (1) of this section**,
 17 the court shall cause a list to be made that reasonably identifies, by reference to [*its*] **the** source,
 18 [*information*] **any fact or law that is** judicially noticed [*under this subsection*]. The [*list*] **court** may
 19 [*be included*] **include the list** in the order or judgment or [*may be*] set out **the contents of the list**
 20 in a separate document attached to the order or judgment.

21 (3) **An exhibit marked and received under subsection (1) of this section and a list made**
 22 **under subsection (2) of this section are part of the record of the case maintained by the clerk**
 23 **of the court under ORS 419A.255 (1).**

24 (4) If an appeal is taken from the order or judgment following the hearing or proceeding and
 25 the designation of record on appeal includes exhibits, the court or the trial court administrator shall
 26 cause the [*exhibits and any report or other materials containing judicially noticed information*] **fol-**
 27 **lowing** to be transmitted to the appellate court as part of the record **of the case** on appeal[.]:

28 (a) **Exhibits;**

29 [(2)] (b) The list described in subsection [(1)] (2) of this section [*is part of the record of the case*
 30 *maintained by the clerk of the court under ORS 419A.255 (1)*]; **and**

31 (c) **Any report, material or other document containing judicially noticed facts or law as**
 32 **identified on the list made under subsection (2) of this section.**

33 [(3) *Nothing in ORS 419A.255 limits access to any juvenile court records by an appellate court*
 34 *reviewing a juvenile court order or judgment. Appellate court rules may establish procedures for ap-*
 35 *pellate court access to juvenile court records.*]

36 **SECTION 3.** ORS 419A.255 is amended to read:

37 419A.255. (1)(a) The clerk of the court shall keep a record of each case[, *including therein the*
 38 *summons and other process, the petition and all other papers in the nature of pleadings, motions, or-*
 39 *ders of the court and other papers filed with the court, but excluding reports and other material relat-*
 40 *ing to the child, ward, youth or youth offender's history and prognosis*].

41 (b) The record of the case shall be withheld from public inspection but is open to inspection by
 42 the **following:**

43 (A) **The judge of the juvenile court and those acting under the judge's direction;**

44 (B) **The child[.];**

45 (C) **The ward[.];**

- 1 **(D) The youth[,];**
 2 **(E) The youth offender[, parent, guardian, court appointed special advocate,];**
 3 **(F) The parent or guardian of the child, ward, youth or youth offender;**
 4 **(G) The guardian ad litem for the parent;**
 5 **(H) The surrogate [or];**
 6 **(I) A person allowed to intervene in a proceeding involving the child, ward, youth or youth**
 7 **offender[, and their attorneys.];**
 8 **(J) Service providers in the case;**
 9 **(K) The court appointed special advocate;**
 10 **(L) The attorneys or prospective appellate attorneys for any of the persons listed in**
 11 **subparagraphs (B) to (K) of this paragraph;**
 12 **(M) The district attorney or assistant attorney general representing the state in the**
 13 **case;**
 14 **(N) The juvenile department;**
 15 **(O) The Department of Human Services; and**
 16 **(P) The Oregon Youth Authority.**
 17 **(c) The [attorneys] following are entitled to copies of the record of the case:**
 18 **(A) The judge of the juvenile court and those acting under the judge’s direction;**
 19 **(B) A party to the extent permitted under ORS 419B.875 (2) or 419C.285 (2);**
 20 **(C) A guardian ad litem for a parent to the same extent the parent is permitted to copies**
 21 **under ORS 419B.875 (2) or 419C.285 (2);**
 22 **(D) Persons listed in paragraph (b)(J) to (O) of this subsection; and**
 23 **(E) Any other person allowed by the court.**
 24 **(2)(a) Reports and other material relating to the child, ward, youth or youth offender’s history**
 25 **and prognosis in a supplemental confidential file or record of the case are privileged and, except**
 26 **at the request of the child, ward, youth or youth offender, [may not be disclosed directly or indirectly**
 27 **to anyone other than] shall be withheld from public inspection. Once offered as an exhibit, re-**
 28 **ports and other material relating to the child, ward, youth or youth offender’s history and**
 29 **prognosis become part of the record of the case.**
 30 **(b) A supplemental confidential file is open to inspection by the following:**
 31 **(A) The judge of the juvenile court[,] and those acting under the judge’s direction[,];**
 32 **(B) The parent or guardian of the child or ward in a dependency case;**
 33 **(C) The guardian ad litem for the parent of a child or ward in a dependency case;**
 34 **(D) The parent or guardian of the youth or youth offender in a delinquency case if the**
 35 **youth or youth offender provides consents to, or the court authorizes, inspection;**
 36 **(E) The guardian ad litem for the parent of a youth or youth offender in a delinquency**
 37 **case, if the youth or youth offender provides consent to, or the court authorizes, inspection;**
 38 **(F) Service providers in the case; [and]**
 39 **(G) The attorneys [of record] or prospective appellate attorneys for:**
 40 **(i) The child[,];**
 41 **(ii) The ward[,];**
 42 **(iii) The youth; [or]**
 43 **(iv) The youth offender; [or the child, ward, youth or youth offender’s parent, guardian, court**
 44 **appointed special advocate,]**
 45 **(v) The parent or guardian of the child, ward, youth or youth offender; or**

1 (vi) **The guardian ad litem for the parent;**

2 (H) **The surrogate; [or]**

3 (I) **A person allowed to intervene in a proceeding involving the child, ward, youth or youth**
 4 **offender;**

5 (J) **The court appointed special advocate;**

6 (K) **The district attorney or assistant attorney general representing the state in the case;**

7 (L) **The juvenile department;**

8 (M) **The Department of Human Services;**

9 (N) **The Oregon Youth Authority; and**

10 (O) **Any other person allowed by the court.**

11 (c) *[Reports and other material relating to a youth offender's history and prognosis]* **The supple-**
 12 **mental confidential file** in cases under ORS 419C.005 may be disclosed to the superintendent of the
 13 school district in which the youth offender resides or the superintendent's designee.

14 (d) **The following** *[service providers in the case, school superintendents, superintendents' designees*
 15 *and attorneys]* are entitled to *[examine and obtain]* copies of *[any reports or other material relating*
 16 *to the child, ward, youth or youth offender's history and prognosis.]* **the supplemental confidential**
 17 **file:**

18 (A) **The judge of the juvenile court and those acting under the judge's direction;**

19 (B) **Service providers in the case;**

20 (C) **School superintendents and their designees in cases under ORS 419C.005;**

21 (D) **Attorneys designated under subsection (1)(b)(L) of this section;**

22 (E) **The district attorney or assistant attorney general representing the state in the case;**

23 (F) **The juvenile department;**

24 (G) **The Department of Human Services;**

25 (H) **The Oregon Youth Authority;**

26 (I) **The court appointed special advocate; and**

27 (J) **Any other person allowed by the court.**

28 (e) *[Any service provider in the case, school superintendent, superintendent's designee or attorney*
 29 *who examines or]* **A person that** obtains copies of *[such]* reports or materials *[is]* **in the supple-**
 30 **mental confidential file pursuant to paragraph (d) of this subsection is** responsible for pre-
 31 serving *[their]* **the confidentiality of the reports or materials in the supplemental confidential**
 32 **file.** A service provider, school superintendent or superintendent's designee who obtains copies of
 33 such reports or materials shall *[return the copies to the court]* **destroy the copies** upon the conclu-
 34 sion of *[the service provider's, superintendent's or superintendent's designee's]* involvement in the case.

35 (3) Except as otherwise provided in subsection [(7)] (5) of this section, no information appearing
 36 in the record of the case or in *[reports or other material relating to the child, ward, youth or youth*
 37 *offender's history or prognosis]* **the supplemental confidential file** may be disclosed to any person
 38 not described in *[subsection (2) of]* this section without the consent of the court, except for purposes
 39 of evaluating the child, ward, youth or youth offender's eligibility for special education as provided
 40 in ORS chapter 343, and no such information may be used in evidence in any proceeding to establish
 41 criminal or civil liability against the child, ward, youth or youth offender, whether such proceeding
 42 occurs after the child, ward, youth or youth offender has reached 18 years of age or otherwise, ex-
 43 cept for the following purposes:

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

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

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

8 **(4)(a) When a person described in subsection (1)(b)(M), (N) or (O) of this section inspects
9 or obtains copies of reports, materials or other documents under subsection (1), (2) or (5)
10 of this section, the person may not use or disclose the reports, materials or other docu-
11 ments, except:**

12 **(A) As provided in this section;**

13 **(B) In the juvenile court proceeding for which the reports, materials or other documents
14 were sought or disclosed;**

15 **(C) With the consent of the court; or**

16 **(D) As provided in ORS 419A.253.**

17 **(b) Nothing in this section prohibits the district attorney or assistant attorney general
18 representing the state in a juvenile court proceeding, the juvenile department, the Depart-
19 ment of Human Services, the Oregon Youth Authority or other parties in the proceeding or
20 their attorneys from disclosing to each other reports, materials or other documents de-
21 scribed in subsections (1) and (2) of this section if the disclosure is reasonably necessary to
22 perform official duties related to the involvement of the child, ward, youth or youth offender
23 with the juvenile court or the juvenile department. A person to whom reports, materials or
24 other documents are disclosed under this subsection is subject to subsection (3) of this sec-
25 tion.**

26 **(5)(a) Information contained in the supplemental confidential file that, in the professional
27 judgment of the juvenile counselor, caseworker, school superintendent or superintendent's
28 designee, teacher or detention worker to whom the information in the supplemental confi-
29 dential file has been provided, indicates a clear and immediate danger to another person or
30 to society shall be disclosed to the appropriate authority and the person who is in danger
31 from the child, ward, youth or youth offender.**

32 **(b) A person that discloses information under paragraph (a) of this subsection has im-
33 munity from any liability, civil or criminal, that might otherwise be incurred or imposed for
34 making the disclosure.**

35 **(c) Nothing in this subsection affects the provisions of ORS 146.750, 146.760, 419B.035,
36 419B.040 and 419B.045. The disclosure of information under this subsection does not make the
37 information admissible in any court or administrative proceeding if it is not otherwise ad-
38 missible.**

39 **[(5)] (6) Notwithstanding any other provision of law, and subject to subsection (8) of this
40 section, the following are not confidential and not exempt from disclosure:**

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

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

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

45 **(d) The act alleged in the petition that if committed by an adult would constitute a crime if ju-**

1 jurisdiction is based on ORS 419C.005;

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

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

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

6 [(6)] **(7)** Notwithstanding any other provision of law, **and subject to subsection (8) of this**
7 **section**, when a youth has been taken into custody under ORS 419C.080, the following information
8 shall be disclosed unless, and only for so long as, there is a clear need to delay disclosure in the
9 course of a specific investigation, including the need to protect the complaining party or the victim:

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

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

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

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

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

17 [(7)(a) *Information contained in reports and other materials relating to a child, ward, youth or*
18 *youth offender’s history and prognosis that, in the professional judgment of the juvenile counselor,*
19 *caseworker, school superintendent or superintendent’s designee, teacher or detention worker to whom*
20 *the information for the reports or other materials has been provided, indicates a clear and immediate*
21 *danger to another person or to society shall be disclosed to the appropriate authority and the person*
22 *or entity who is in danger from the child, ward, youth or youth offender.*]

23 [(b) *An agency or a person who discloses information under paragraph (a) of this subsection has*
24 *immunity from any liability, civil or criminal, that might otherwise be incurred or imposed for making*
25 *the disclosure.*]

26 [(c) *Nothing in this subsection affects the provisions of ORS 146.750, 146.760, 419B.035, 419B.040*
27 *and 419B.045. The disclosure of information under this section does not make the information admis-*
28 *sible in any court or administrative proceeding if it is not otherwise admissible.*]

29 (8) [A county juvenile department is the agency responsible for disclosing youth and youth offender
30 records if the records are subject to disclosure.] **Only the juvenile court and the county juvenile**
31 **department may disclose the information under subsections (6) and (7) of this section if the**
32 **information is subject to disclosure, unless otherwise directed by the court.**

33 **(9) Nothing in this section limits access to any juvenile court records by an appellate**
34 **court reviewing a juvenile court order or judgment. Appellate court rules may establish**
35 **procedures for appellate court access to juvenile records.**

36 [(9)] (10) A petition filed under ORS 419B.851 alleging that a child who is a foreign national is
37 within the jurisdiction of the court, or a motion requesting an implementation plan other than return
38 of a ward to the ward’s parent, is subject to disclosure to the consulate for the child or ward’s
39 country as provided under ORS 419B.851 (3).

40 [(10)] (11) Nothing in this section prohibits a guardian appointed under ORS 419B.365 or
41 419B.366 from disclosing or providing copies of letters of guardianship when so required to fulfill the
42 duties of a guardian.

43 [(11)] (12) The court shall cooperate in the sharing of information with a court in another state
44 to facilitate an interstate placement of a child or ward.

45 **SECTION 4.** ORS 419A.256 is amended to read:

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

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

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

13 [(2)] **(3)** The official audio, video or other recording of a juvenile court proceeding shall be
14 withheld from public inspection but is open to inspection by the [*child, ward, youth, youth offender,*
15 *parent, guardian, court appointed special advocate, surrogate or a person allowed to intervene in a*
16 *proceeding involving the child, ward, youth or youth offender, and their attorneys*] **persons described**
17 **in ORS 419A.255 (1)(b)(A) to (O).**

18 **SECTION 5. ORS 419A.257 is repealed.**

19 **SECTION 6.** ORS 419B.367 is amended to read:

20 419B.367. (1) Upon granting a motion for guardianship under ORS 419B.366 or upon granting a
21 petition for guardianship under ORS 419B.365, the court shall issue letters of guardianship to the
22 guardian. As provided in ORS 419A.255, a guardian may disclose letters of guardianship when nec-
23 essary to fulfill the duties of a guardian. Letters of guardianship must be in substantially the fol-
24 lowing form:

25 _____

26
27 State of Oregon,)
28) LETTERS OF
29 County of _____) GUARDIANSHIP

30
31 BY THESE LETTERS OF GUARDIANSHIP be informed:

32 That on _____ (month) _____ (day), 2____, the _____ Court, _____ County,
33 State of Oregon, appointed _____ (name of guardian) guardian for _____ (name of
34 ward) and that the named guardian has qualified and has the authority and duties of guardian for
35 the named ward including legal custody of the ward, except as provided below.

36
37 IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the court at
38 my office on _____ (month) _____ (day), 2____.

39 (Seal)
40 _____, Clerk of the Court
41 By _____, Deputy

42 _____

43
44 (2) In the order appointing the guardian, the court shall require the guardian to file with the
45 court a verified written report within 30 days after each anniversary of appointment and may:

1 (a) Specify the frequency and nature of visitation or contact between relatives, including sib-
 2 lings, and the ward, if the court determines that visitation or contact is in the ward's best interests;

3 (b) Enter an order for child support pursuant to ORS 419B.400 that complies with ORS 25.275;
 4 and

5 (c) Make any other order to provide for the ward's continuing safety and well-being.

6 **(3) The report required under subsection (2) of this section must:**

7 **(a) Contain a summary sheet that:**

8 **(A) Identifies the written report and includes the date of submission and the name of the**
 9 **submitting person; and**

10 **(B) Is maintained as part of the record of the case under ORS 419A.255 (1); and**

11 **(b) Be maintained in the supplemental confidential file under ORS 419A.255 (2).**

12 [(3)(a)] **(4)(a)** Upon timely receipt of a report under subsection (2) of this section, the court shall
 13 review the report and [*cause the report to become part of the juvenile court file*] **maintain the report**
 14 **as described in subsection (3) of this section** and may:

15 (A) Direct the local citizen review board to conduct a review;

16 (B) Subject to the availability of funds, appoint a court visitor and require the visitor to file a
 17 report with the court; or

18 (C) Conduct a court review.

19 (b) If the court does not receive a report under subsection (2) of this section in a timely manner,
 20 the court shall:

21 (A) Direct the local citizen review board to conduct a review;

22 (B) Subject to the availability of funds, appoint a court visitor and require the visitor to file a
 23 report with the court; or

24 (C) Conduct a court review.

25 [(4)] **(5)** Except as otherwise limited by the court, a person appointed guardian has legal custody
 26 of the ward and the duties and authority of legal custodian and guardian under ORS 419B.373 and
 27 419B.376. A guardian is not liable to third persons for acts of the ward solely by reason of being
 28 appointed guardian.

29 **SECTION 7.** ORS 419A.015 is amended to read:

30 419A.015. (1)(a) Once each month, a county juvenile department shall provide to school admin-
 31 istrators of schools or of school districts in the county a list of all youth offenders enrolled in a
 32 school in the county who are on probation by order of the juvenile court in the county. The de-
 33 partment shall include in the list the name and business telephone number of the juvenile counselor
 34 assigned to each case.

35 (b) When a youth offender who is on probation transfers from one school or school district to
 36 a different school or school district, the juvenile counselor assigned to the case shall notify the
 37 school administrator of the school or of the school district to which the youth offender has trans-
 38 ferred of the youth offender's probation status. The juvenile counselor shall make the notification
 39 no later than 72 hours after the juvenile counselor knows of the transfer.

40 (2) Upon request by the school administrator, the juvenile department shall provide additional
 41 information, including the offense that brought the youth offender within the jurisdiction of the ju-
 42 venile court and such other information that is subject to disclosure under ORS 419A.255 [(5)] **(6)**.

43 (3) In addition to the general notification required by subsection (1) of this section, the juvenile
 44 department shall notify the school administrator of the specific offense if the act bringing the youth
 45 offender within the jurisdiction of the juvenile court involved a firearm or delivery of a controlled

1 substance.

2 (4) When a school administrator receives any notice under this section, the school administrator
3 may disclose the information only to school personnel, as defined in ORS 339.326, who the school
4 administrator determines need the information in order to safeguard the safety and security of the
5 school, students and staff. A person to whom personally identifiable information is disclosed under
6 this subsection may not disclose the information to another person except to carry out the pro-
7 visions of this subsection.

8 (5) Except as otherwise provided in ORS 192.490, a juvenile department, school district or school
9 administrator, or anyone employed or acting on behalf of a juvenile department, school district or
10 school administrator, who sends or receives records under this section is not civilly or criminally
11 liable for failing to disclose the information under this section.

12 (6) As used in this section, "school administrator" has the meaning given that term in ORS
13 419A.305.

14 **SECTION 8.** ORS 419A.200 is amended to read:

15 419A.200. (1) Except as provided in ORS 419A.190, any person or entity, including, but not lim-
16 ited to, a party to a juvenile court proceeding under ORS 419B.875 (1) or 419C.285 (1), whose rights
17 or duties are adversely affected by a judgment of the juvenile court may appeal therefrom. An ap-
18 peal from a circuit court must be taken to the Court of Appeals, and an appeal from a county court
19 must be taken to the circuit court.

20 (2) If the proceeding is in the circuit court and no record of the proceedings was kept, the court,
21 on motion made not later than 15 days after the entry of the court's judgment, shall grant a re-
22 hearing and shall direct that a record of the proceedings be kept. However, the court may not grant
23 a rehearing in a case barred by ORS 419A.190 without the consent of the child, ward, youth or youth
24 offender affected by such case. If a rehearing is held, the time for taking an appeal runs from the
25 date of entry of the court's judgment after the rehearing.

26 (3)(a) The appeal may be taken by causing a notice of appeal, in the form prescribed by ORS
27 19.250, to be served:

28 (A) On all parties who have appeared in the proceeding;

29 (B) On the trial court administrator or other person serving as clerk of the juvenile court; and

30 (C) On the juvenile court transcript coordinator, if a transcript is designated in connection with
31 the appeal.

32 (b) The original of the notice with proof of service must be filed with:

33 (A) The Court of Appeals if the appeal is from a circuit court; or

34 (B) The circuit court if the appeal is from a county court.

35 (c) The notice must be filed not later than 30 days after the entry of the court's judgment. On
36 appeal from the county court, the circuit court shall hear the matter de novo and its judgment is
37 appealable to the Court of Appeals in the same manner as if the proceeding had been commenced
38 in the circuit court.

39 (4) The counsel in the proceeding from which the appeal is being taken shall file and serve those
40 documents necessary to commence an appeal if the counsel is requested to do so by the party the
41 counsel represents. If the party requesting an appeal is represented by court-appointed counsel,
42 court-appointed counsel may discharge the duty to commence an appeal under this subsection by
43 complying with policies and procedures established by the office of public defense services for ap-
44 peals of juvenile court judgments.

45 (5)(a) Upon motion of a person, other than the state, entitled to appeal under subsection (1) of

1 this section, the appellate court shall grant the person leave to file a notice of appeal after the time
2 limits described in subsection (3) of this section if:

3 (A) The person shows a colorable claim of error in the proceeding from which the appeal is
4 taken; and

5 (B) The person shows that the failure to file a timely notice of appeal is not personally attrib-
6 utable to the person.

7 (b) A person other than the state is not entitled to relief under this subsection for failure to file
8 timely notice of cross-appeal when the state appeals pursuant to ORS 419A.208.

9 (c) The request for leave to file a notice of appeal after the time limits prescribed in subsection
10 (3) of this section must be filed no later than 90 days after entry of the judgment being appealed and
11 must be accompanied by the notice of appeal sought to be filed. A request for leave under this
12 subsection may be filed by mail and is deemed filed on the date of mailing if the request is mailed
13 as provided in ORS 19.260.

14 (d) The court may not grant relief under this subsection unless the state has notice and oppor-
15 tunity to respond to the person's request for relief.

16 (6) An appeal to the Court of Appeals must be conducted in the same manner as an appeal under
17 ORS chapter 19 except that the court shall advance the appeal on the court's docket in the same
18 manner as appeals in criminal cases.

19 (7)(a) Except as provided in ORS 419A.208 (2), or when otherwise ordered by the appellate court,
20 the filing of an appeal does not suspend an order or judgment of the juvenile court nor discharge
21 the ward or youth offender from the custody of the person, institution or agency in whose custody
22 the ward or youth offender may have been placed nor preclude the juvenile court after notice and
23 hearing from entering such further orders relating to the ward or youth offender's custody pending
24 final disposition of the appeal as it finds necessary by reason only of matters transpiring subsequent
25 to the order or judgment appealed from. The trial court administrator shall immediately file certified
26 copies of any such order or judgment with the Court of Appeals.

27 (b) Notwithstanding the filing of an appeal from a jurisdictional or dispositional judgment or an
28 order entered pursuant to ORS 419B.449 or 419B.476, the juvenile court may proceed with the ad-
29 judication of a petition seeking termination of the parental rights of a parent of the ward who is
30 subject to the judgment from which the appeal is taken.

31 (c) The appeal of any judgment entered in a termination of parental rights proceeding under
32 paragraph (b) of this subsection must be consolidated, if appropriate, with any pending appeal of an
33 order or judgment entered under ORS 419B.325, 419B.449 or 419B.476. The consolidated appeal must
34 be conducted and advanced on the court's docket in the same manner as termination of parental
35 rights cases.

36 (8) On appeal of a judgment or final order, the appellate court may review any interlocutory
37 order that:

38 (a) Involves the merits or necessarily affects the judgment or final order appealed from; and

39 (b) Was made after entry of the last appealable judgment or final order preceding entry of the
40 judgment or final order being appealed.

41 (9) The district attorney or Attorney General shall represent the state in the appeal.

42 (10)(a) The court from which an appeal is taken shall prepare and transmit a record on appeal
43 in the manner provided in ORS 19.365, except that, when the appeal is to the circuit court from a
44 county court, the record on appeal shall be prepared and transmitted by the county court to the
45 circuit court.

1 (b) The court to which an appeal is taken under this section shall keep a record of the case on
2 appeal that includes but is not limited to notices of appeal, briefs, motions, orders of the court and
3 other papers filed with the court on appeal.

4 (c) The record on appeal prepared and transmitted under paragraph (a) of this subsection, when
5 it is in the custody of the court to which the appeal is taken, and the record of the case on appeal
6 kept under paragraph (b) of this subsection are subject to the same limitations on inspection, copy-
7 ing and disclosure of records, reports and materials as those set forth under ORS 419A.255 [*and*
8 *419A.257*].

9 (d) The court on appeal may consent to disclosure of:

10 (A) Records described in paragraph (a) of this subsection, while in the custody of the court to
11 which the appeal is taken, in the same manner and under the same circumstances as the juvenile
12 court consents to disclosure under ORS 419A.255 [*and 419A.257*]; or

13 (B) Records described in paragraph (b) of this subsection.

14 (e) Notwithstanding any other provision of law, any decision, as that term is defined in ORS
15 19.450, issued by the Court of Appeals or the Supreme Court, on appeal or review of a juvenile court
16 decision, is not confidential and is not exempt from disclosure.

17 **SECTION 9.** ORS 419A.300 is amended to read:

18 419A.300. (1)(a) Once each month, the Department of Human Services shall provide to each
19 school district a list of all young persons enrolled in a school in the school district who are on
20 conditional release. The department shall include in the list the name and business telephone num-
21 ber of the caseworker assigned to each case.

22 (b) When a young person who is on conditional release transfers from one school district to a
23 different school district, the caseworker assigned to the case shall notify the superintendent of the
24 school district to which the young person has transferred of the young person's status. The
25 caseworker shall make the notification no later than 72 hours after the caseworker knows of the
26 transfer.

27 (2) Upon request by the superintendent of the school district in which a young person is enrolled
28 or the superintendent's designee, the department shall provide additional information, including the
29 offense that brought the young person within the jurisdiction of the juvenile court and such other
30 information that is subject to disclosure under ORS 419A.255 [*(5)*] **(6)**.

31 (3) In addition to the general notification required by subsection (1) of this section, the depart-
32 ment shall notify the superintendent or the superintendent's designee of the specific offense and
33 whether the act involved a firearm or delivery of a controlled substance.

34 (4) ORS 419A.015 (4) and (5) apply to persons sending or receiving records under this section.

35 **SECTION 10.** ORS 420.048 is amended to read:

36 420.048. (1)(a) When a youth offender who is in the legal custody of the Oregon Youth Authority
37 transfers from one school or school district to a different school or school district, the person re-
38 sponsible for supervising the youth offender shall notify the school administrator of the school or
39 of the school district to which the youth offender has transferred of the youth offender's status as
40 a youth offender. The person shall make the notification no later than 72 hours after the person
41 knows of the transfer.

42 (b) When a school administrator receives notification under this section, the school administra-
43 tor may request the Oregon Youth Authority to provide additional information about the youth
44 offender. The youth authority shall provide additional information, including the offense that
45 brought the youth offender within the jurisdiction of the juvenile court and such other information

1 that is subject to disclosure under ORS 419A.255 [(5)] (6).

2 (2) The youth authority shall include in the notice the following:

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

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

5 (c) The name and contact information of the attorney for the youth offender, if known;

6 (d) The name and contact information of the person giving notice under subsection (1) of this
7 section or the person's designated representative to contact for further information about the notice;

8 (e) The specific offense that brought the youth offender within the jurisdiction of the juvenile
9 court and whether it involved a firearm or the delivery of a controlled substance, a violation of ORS
10 163.355 to 163.445 or 163.465 or any other offense if the youth authority or juvenile court believes
11 the youth offender represents a risk to other students or school staff; and

12 (f) Any terms of probation.

13 (3) Except as otherwise provided in ORS 192.490, the youth authority, a school district or a
14 school administrator, or anyone employed or acting on behalf of the youth authority, school district
15 or school administrator, who sends or receives records under this section is not liable civilly or
16 criminally for failing to disclose the information under this section.

17 (4) As used in this section:

18 (a) "School administrator" has the meaning given that term in ORS 419A.305.

19 (b) "School district" has the meaning given that term in ORS 332.002.

20 **SECTION 11. Section 1 of this 2013 Act, the amendments to ORS 419A.015, 419A.200,**
21 **419A.253, 419A.255, 419A.256, 419A.300, 419B.367 and 420.048 by sections 2 to 4 and 6 to 10 of**
22 **this 2013 Act and the repeal of ORS 419A.257 by section 5 of this 2013 Act apply to juvenile**
23 **court proceedings commenced on or after the effective date of this 2013 Act.**

24