

**PROPOSED AMENDMENTS TO
SENATE BILL 622**

1 On page 1 of the printed bill, line 2, after the second semicolon insert
2 “and”.

3 In line 3, after “419A.256,” insert “419A.257,” and delete “; and repealing
4 ORS 419A.257”.

5 Delete lines 5 through 30 and delete pages 2 through 12 and insert:

6 **“SECTION 1. As used in this section and ORS 419A.253, 419A.255 and
7 419A.256:**

8 **“(1) ‘Person’ means an individual, a public body as defined in ORS
9 174.109 or a tribe that has intervened in a juvenile court proceeding
10 pursuant to the Indian Child Welfare Act (25 U.S.C. 1901 et seq.).**

11 **“(2) ‘Prospective appellate attorney’ means an attorney designated
12 by the office of public defense services established under ORS 151.216
13 to potentially represent a child, ward, youth, youth offender, or a
14 parent or guardian of a child, ward, youth or youth offender, in a ju-
15 venile case when the case has been referred to the office of public de-
16 fense services for appeal.**

17 **“(3) ‘Record of the case’ or ‘record of each case’:**

18 **“(a) Includes but is not limited to:**

19 **“(A) The summons and other process;**

20 **“(B) Petitions;**

21 **“(C) Papers in the nature of pleadings, answers, motions, affidavits
22 and other papers that are filed with the court, including supporting**

1 **documentation;**

2 **“(D) Local citizen review board findings and recommendations sub-**
3 **mitted under ORS 419A.118 or 419B.367;**

4 **“(E) Guardianship report summaries filed with the court under ORS**
5 **419B.367;**

6 **“(F) Orders and judgments of the court, including supporting doc-**
7 **umentation;**

8 **“(G) Transcripts under ORS 419A.256;**

9 **“(H) Exhibits and materials offered as exhibits whether or not re-**
10 **ceived in evidence; and**

11 **“(I) Other documents that become part of the record of the case**
12 **by operation of law.**

13 **“(b) May include electronic records.**

14 **“(4) ‘Supplemental confidential file’:**

15 **“(a) Includes reports and other material relating to the child, ward,**
16 **youth or youth offender’s history and prognosis, including but not**
17 **limited to reports filed under ORS 419B.440, that:**

18 **“(A) Are not or do not become part of the record of the case; and**

19 **“(B) Are not offered or received as evidence in the case.**

20 **“(b) May include electronic records.**

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

22 **“419A.253. (1) When, for the purpose of a hearing or proceeding that will**
23 **result in the entry of an order or judgment, the juvenile court [*considers*]**
24 ***intends to rely upon* information in [a] **any** report, [*or other material de-***
25 ***scribed in ORS 419A.255 (2)*] **material or document, including informa-****
26 ****tion in the supplemental confidential file**, and no party has offered the**
27 **report, [*or*] **material or document** as an exhibit or asked the court to take**
28 **judicial notice of a **fact or law** in the information pursuant to **ORS 40.060****
29 **to **40.085 and 40.090**, the court shall:**

30 **“(a) Identify on the record the report, [*or*] **material or document**, or [*the***

1 *part of]* **information in** the report, [*or*] **material or document**, [*that the*
2 *court has considered.*] **upon which the court intends to rely; and**

3 **“(b)** Subject to the court’s ruling on objections by the parties, [*the court*
4 *shall*] either:

5 **“(A)** Take judicial notice of **a fact or law in** the information pursuant
6 to ORS 40.060 to 40.085 **and 40.090**; or

7 **“(B)** Cause the report, [*or*] **material or document**, or [*the*] **a part of the**
8 **report, [*or*] material or document**, to be marked and received as an exhibit.

9 **“(2) If the court takes judicial notice of a fact or law under sub-**
10 **section (1) of this section**, the court shall cause a list to be made that
11 reasonably identifies, by reference to [*its*] **the source**, [*information*] **any fact**
12 **or law that is** judicially noticed [*under this subsection*]. The [*list*] **court** may
13 [*be included*] **include the list** in the order or judgment or [*may be*] set out
14 **the contents of the list** in a separate document attached to the order or
15 judgment.

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

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

26 **“(a) Exhibits;**

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

30 **“(c) Any report, material or document containing judicially noticed**

1 **facts or law as identified on the list made under subsection (2) of this**
2 **section.**

3 “[*(3) Nothing in ORS 419A.255 limits access to any juvenile court records*
4 *by an appellate court reviewing a juvenile court order or judgment. Appellate*
5 *court rules may establish procedures for appellate court access to juvenile court*
6 *records.*]

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

8 “419A.255. (1)(a) The clerk of the court shall keep a record of each
9 case[, *including therein the summons and other process, the petition and all*
10 *other papers in the nature of pleadings, motions, orders of the court and other*
11 *papers filed with the court, but excluding reports and other material relating*
12 *to the child, ward, youth or youth offender’s history and prognosis] **and a**
13 **supplemental confidential file for each case.***

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

16 “(A) **The judge of the juvenile court and those acting under the**
17 **judge’s direction;**

18 “(B) **The child**[,];

19 “(C) **The ward**[,];

20 “(D) **The youth**[,];

21 “(E) **The youth offender**[, *parent, guardian, court appointed special advo-*
22 *cate,*];

23 “(F) **The parent or guardian of the child, ward, youth or youth**
24 **offender;**

25 “(G) **The guardian ad litem for the parent;**

26 “(H) **The surrogate** [*or*];

27 “(I) **A person allowed to intervene in a proceeding involving the child,**
28 **ward, youth or youth offender**[, *and their attorneys.*];

29 “(J) **Service providers in the case;**

30 “(K) **The court appointed special advocate and a representative of**

1 a CASA Volunteer Program as defined in section 3, chapter 97, Oregon
2 Laws 2012;

3 “(L) The attorneys or prospective appellate attorneys for any of the
4 persons listed in subparagraphs (B) to (K) of this paragraph;

5 “(M) The district attorney or assistant attorney general represent-
6 ing a party in the case;

7 “(N) The juvenile department;

8 “(O) The Department of Human Services;

9 “(P) The Oregon Youth Authority; and

10 “(Q) Any other person allowed by the court.

11 “(c) The [attorneys] following are entitled to copies of the record of the
12 case:

13 “(A) The judge of the juvenile court and those acting under the
14 judge’s direction;

15 “(B) A party to the extent permitted under ORS 419B.875 (2) or
16 419C.285 (2);

17 “(C) A guardian ad litem for a parent to the same extent the parent
18 is permitted to copies under ORS 419B.875 (2) or 419C.285 (2);

19 “(D) Persons listed in paragraph (b)(J) to (P) of this subsection; and

20 “(E) Any other person allowed by the court.

21 “(2)(a) Reports and other material relating to the child, ward, youth or
22 youth offender’s history and prognosis in the supplemental confidential
23 file or record of the case are privileged and, except at the request of the
24 child, ward, youth or youth offender, [*may not be disclosed directly or indi-*
25 *rectly to anyone other than*] shall be withheld from public inspection.
26 Once offered as an exhibit, reports and other material relating to the
27 child, ward, youth or youth offender’s history and prognosis become
28 part of the record of the case but are subject to paragraph (e) of this
29 subsection.

30 “(b) A supplemental confidential file is open to inspection by the

1 **following:**

2 “(A) The judge of the juvenile court[,] **and** those acting under the judge’s
3 direction[,];

4 “(B) **The parent or guardian of the child or ward in a dependency**
5 **case;**

6 “(C) **The guardian ad litem for the parent of a child or ward in a**
7 **dependency case;**

8 “(D) **The parent or guardian of the youth or youth offender in a**
9 **delinquency case if the youth or youth offender consents to, or the**
10 **court authorizes, inspection;**

11 “(E) **The guardian ad litem for the parent of a youth or youth**
12 **offender in a delinquency case if the youth or youth offender consents**
13 **to, or the court authorizes, inspection;**

14 “(F) Service providers in the case; *[and]*

15 “(G) The attorneys *[of record]* **or prospective appellate attorneys for:**

16 “(i) The child[,];

17 “(ii) **The** ward[,];

18 “(iii) **The** youth; *[or]*

19 “(iv) **The** youth offender; *[or the child, ward, youth or youth offender’s*
20 *parent, guardian, court appointed special advocate,]*

21 “(v) **The parent or guardian of the child, ward, youth or youth**
22 **offender; or**

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

24 “(H) **The** surrogate; *[or]*

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

27 “(J) **The court appointed special advocate and a representative of a**
28 **CASA Volunteer Program as defined in section 3, chapter 97, Oregon**
29 **Laws 2012;**

30 “(K) **The district attorney or assistant attorney general represent-**

1 **ing a party in the case;**

2 **“(L) The juvenile department;**

3 **“(M) The Department of Human Services;**

4 **“(N) The Oregon Youth Authority; and**

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

6 **“(c)** *[Reports and other material relating to a youth offender’s history and*
7 *prognosis]* **The supplemental confidential file** in cases under ORS 419C.005
8 may be disclosed to the superintendent of the school district in which the
9 youth offender resides or the superintendent’s designee.

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

15 **“(A) The judge of the juvenile court and those acting under the**
16 **judge’s direction;**

17 **“(B) Service providers in the case;**

18 **“(C) School superintendents and their designees in cases under ORS**
19 **419C.005;**

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

21 **“(E) The district attorney or assistant attorney general represent-**
22 **ing a party 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 a representative of a**
27 **CASA Volunteer Program as defined in section 3, chapter 97, Oregon**
28 **Laws 2012; and**

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

30 **“(e)** *[Any service provider in the case, school superintendent,*

1 *superintendent's designee or attorney who examines or]* **A person that** obtains
2 copies of [*such reports or materials is*] **material in the supplemental con-**
3 **fidential file pursuant to paragraph (d) of this subsection is** responsible
4 for preserving [*their*] **the confidentiality of the material in the supple-**
5 **mental confidential file.** A service provider, school superintendent or
6 superintendent's designee who obtains copies of such [*reports or materials*
7 *shall return the copies to the court*] **material shall destroy the copies** upon
8 the conclusion of [*the service provider's, superintendent's or superintendent's*
9 *designee's*] involvement in the case.

10 “(3) Except as otherwise provided in subsection [(7)] **(5)** of this section,
11 no information appearing in the record of the case or in [*reports or other*
12 *material relating to the child, ward, youth or youth offender's history or*
13 *prognosis*] **the supplemental confidential file** may be disclosed to any
14 person not described in subsection (2) of this section without the consent of
15 the court, except for purposes of evaluating the child, ward, youth or youth
16 offender's eligibility for special education as provided in ORS chapter 343,
17 and no such information may be used in evidence in any proceeding to es-
18 tablish criminal or civil liability against the child, ward, youth or youth
19 offender, whether such proceeding occurs after the child, ward, youth or
20 youth offender has reached 18 years of age or otherwise, except for the fol-
21 lowing purposes:

22 “(a) In connection with a presentence investigation after guilt has been
23 admitted or established in a criminal court.

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

26 “[*(4) If the court finds that the child, ward, youth, youth offender or parent*
27 *is without financial means to purchase all or a necessary part of the transcript*
28 *of the evidence or proceedings, the court shall order upon motion the transcript*
29 *or part thereof to be furnished. The transcript or part thereof furnished under*
30 *this subsection shall be paid for in the same manner as furnished transcripts*”

1 *are paid for in criminal cases.]*

2 **“(4)(a) When a person described in subsection (1)(b)(M), (N), (O) or**
3 **(P) of this section inspects or obtains copies of reports, materials or**
4 **documents under this subsection or under subsection (1) or (2) of this**
5 **section, the person may not use or disclose the reports, materials or**
6 **documents, except:**

7 **“(A) As provided in this subsection or under subsection (1) or (2)**
8 **of this section;**

9 **“(B) In the juvenile court proceeding for which the reports, mate-**
10 **rials or documents were sought or disclosed;**

11 **“(C) With the consent of the court; or**

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

13 **“(b) Nothing in this section prohibits the district attorney or as-**
14 **sistant attorney general representing a party in a juvenile court pro-**
15 **ceeding, the juvenile department, the Department of Human Services,**
16 **the Oregon Youth Authority or other parties in the proceeding or their**
17 **attorneys from disclosing to each other reports, materials or docu-**
18 **ments described in subsections (1) and (2) of this section if the disclo-**
19 **sure is reasonably necessary to perform official duties related to the**
20 **involvement of the child, ward, youth or youth offender with the ju-**
21 **venile court or the juvenile department. A person to whom reports,**
22 **materials or documents are disclosed under this subsection is subject**
23 **to subsection (3) of this section.**

24 **“(5)(a) Information contained in the supplemental confidential file**
25 **that, in the professional judgment of the juvenile counselor,**
26 **caseworker, school superintendent or superintendent’s designee,**
27 **teacher or detention worker to whom the information in the supple-**
28 **mental confidential file has been provided, indicates a clear and im-**
29 **mediate danger to another person or to society shall be disclosed to**
30 **the appropriate authority and the person who is in danger from the**

1 **child, ward, youth or youth offender.**

2 **“(b) A person that discloses information under paragraph (a) of this**
3 **subsection has immunity from any liability, civil or criminal, that**
4 **might otherwise be incurred or imposed for making the disclosure.**

5 **“(c) Nothing in this subsection affects the provisions of ORS 146.750,**
6 **146.760, 419B.035, 419B.040 and 419B.045. The disclosure of information**
7 **under this subsection does not make the information admissible in any**
8 **court or administrative proceeding if it is not otherwise admissible.**

9 **“[(5)] (6) Notwithstanding any other provision of law, and subject to**
10 **subsection (8) of this section,** the following are not confidential and not
11 exempt from disclosure:

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

13 **“(b) The basis for the juvenile court’s jurisdiction over the youth or youth**
14 **offender;**

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

17 **“(d) The act alleged in the petition that if committed by an adult would**
18 **constitute a crime if jurisdiction is based on ORS 419C.005;**

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

22 **“(f) The names and addresses of the youth or youth offender’s parents or**
23 **guardians; and**

24 **“(g) The register described in ORS 7.020 when jurisdiction is based on**
25 **ORS 419C.005.**

26 **“[(6)] (7) Notwithstanding any other provision of law, and subject to**
27 **subsection (8) of this section,** when a youth has been taken into custody
28 under ORS 419C.080, the following information shall be disclosed unless, and
29 only for so long as, there is a clear need to delay disclosure in the course
30 of a specific investigation, including the need to protect the complaining

1 party or the victim:

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

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

5 “(c) The name and age of the adult complaining party and the adult vic-
6 tim, unless the disclosure of such information is otherwise prohibited or re-
7 stricted;

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

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

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

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

23 “[*(c) Nothing in this subsection affects the provisions of ORS 146.750,*
24 *146.760, 419B.035, 419B.040 and 419B.045. The disclosure of information under*
25 *this section does not make the information admissible in any court or admin-*
26 *istrative proceeding if it is not otherwise admissible.]*

27 “(8) [*A county juvenile department is the agency responsible for disclosing*
28 *youth and youth offender records if the records are subject to disclosure.]*

29 **Except as provided in ORS 419A.300 and 420.048, only the juvenile court**
30 **and the county juvenile department may disclose the information un-**

1 **der subsections (6) and (7) of this section if the information is subject**
2 **to disclosure, unless otherwise directed by the court.**

3 **“(9) Nothing in this section limits access to any juvenile court re-**
4 **ords by an appellate court reviewing a juvenile court order or judg-**
5 **ment. Appellate court rules may establish procedures for appellate**
6 **court access to juvenile records.**

7 “[9] (10) A petition filed under ORS 419B.851 alleging that a child who
8 is a foreign national is within the jurisdiction of the court, or a motion re-
9 questing an implementation plan other than return of a ward to the ward’s
10 parent, is subject to disclosure to the consulate for the child or ward’s
11 country as provided under ORS 419B.851 (3).

12 “[10] (11) Nothing in this section prohibits a guardian appointed under
13 ORS 419B.365 or 419B.366 from disclosing or providing copies of letters of
14 guardianship when so required to fulfill the duties of a guardian.

15 “[11] (12) The court shall cooperate in the sharing of information with
16 a court in another state to facilitate an interstate placement of a child or
17 ward.

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

19 **“419A.256. (1)(a)** Once prepared and filed with the court, a transcript of
20 a juvenile court proceeding is part of the record of the case maintained by
21 the clerk of the court under ORS 419A.255 (1) and is subject to the provisions
22 of ORS 419A.255 [(1) and (3)] governing access and disclosure.

23 **“(b)** Notwithstanding ORS 419A.255, if a transcript, audiotape or video-
24 tape has been prepared in any proceeding under ORS chapter 419C, the vic-
25 tim may obtain a copy by paying the actual cost of preparation.

26 **“(2) If the court finds that the child, ward, youth, youth offender**
27 **or parent or guardian of the child, ward, youth or youth offender is**
28 **without financial means to purchase all or a necessary part of the**
29 **transcript of the evidence or proceedings, the court shall order, upon**
30 **motion, the transcript or part of the transcript to be furnished. The**

1 **transcript or part of the transcript furnished under this subsection**
2 **must be paid for in the same manner as furnished transcripts are paid**
3 **for in criminal cases.**

4 “[2)] (3) The official audio, video or other recording of a juvenile court
5 proceeding shall be withheld from public inspection but is open to inspection
6 by the [*child, ward, youth, youth offender, parent, guardian, court appointed*
7 *special advocate, surrogate or a person allowed to intervene in a proceeding*
8 *involving the child, ward, youth or youth offender, and their attorneys]* **per-**
9 **sons described in ORS 419A.255 (1)(b)(A) to (P).**

10 **“SECTION 5.** ORS 419A.257 is amended to read:

11 “419A.257. [(1) *The district attorney or assistant attorney general repre-*
12 *senting the state in a juvenile court proceeding, the juvenile department, the*
13 *Department of Human Services and the Oregon Youth Authority may inspect*
14 *and obtain from the court copies of the records, reports and other materials*
15 *described in ORS 419A.255 (1) and (2) to the same extent that attorneys for the*
16 *other parties and the other parties are authorized to inspect and obtain copies*
17 *of the records, reports and other materials. An agency or person that inspects*
18 *or obtains records, reports or materials under this subsection is subject to ORS*
19 *419A.255 (3).]*

20 “[2) *Nothing in ORS 419A.255 prohibits the district attorney or assistant*
21 *attorney general representing the state in a juvenile court proceeding, the ju-*
22 *venile department, the Department of Human Services, the Oregon Youth Au-*
23 *thority or the other parties in the proceeding or their attorneys from disclosing*
24 *to each other records, reports and other materials described in ORS 419A.255*
25 *(1) and (2) if the disclosure is reasonably necessary to perform official duties*
26 *related to the involvement of the child, ward, youth or youth offender with the*
27 *juvenile court or juvenile department. An agency or person to whom records,*
28 *reports or materials are disclosed under this subsection is subject to ORS*
29 *419A.255 (3).]*

30 “[3) *An agency or person that inspects or obtains records, reports or ma-*

1 *terials under subsection (1) of this section or to whom records, reports or ma-*
2 *terials are disclosed under subsection (2) of this section may not use or disclose*
3 *the records, reports or materials except:]*

4 *“(a) As provided in subsections (1) and (2) of this section;]*

5 *“(b) In the juvenile court proceeding for which the records, reports or ma-*
6 *terials were sought or disclosed;]*

7 *“(c) With the consent of the court as provided in ORS 419A.255 (2) or (3);*
8 *or]*

9 *“(d) As provided in ORS 419A.253.]*

10 **“(1) Reports and other materials relating to a child, ward, youth or**
11 **youth offender’s history and prognosis that are created or maintained**
12 **by or on behalf of the Oregon Youth Authority or the juvenile de-**
13 **partment are privileged and, except with the consent of the child,**
14 **ward, youth or youth offender or with the authorization of the court,**
15 **shall be withheld from public inspection.**

16 **“(2) The Oregon Youth Authority and the juvenile department may**
17 **disclose and provide copies of reports and other materials relating to**
18 **the child, ward, youth or youth offender’s history and prognosis, if the**
19 **disclosure is reasonably necessary to perform official duties relating**
20 **to the involvement of the child, ward, youth or youth offender with**
21 **the juvenile court or the juvenile department, to the following:**

22 **“(a) Each other;**

23 **“(b) The court;**

24 **“(c) Service providers in the case;**

25 **“(d) School superintendents and their designees in cases under ORS**
26 **419C.005;**

27 **“(e) Attorneys of record for the child, ward, youth or youth**
28 **offender;**

29 **“(f) Attorneys representing a party in the case;**

30 **“(g) The district attorney or assistant attorney general representing**

1 a party in the case;

2 “(h) The Department of Human Services;

3 “(i) The court appointed special advocate; and

4 “(j) The Psychiatric Security Review Board.

5 “(3) A person that obtains copies of reports or other materials un-
6 der this section is responsible for preserving the confidentiality of the
7 reports or other materials. A service provider, school superintendent
8 or superintendent’s designee who obtains copies of reports or other
9 materials under this section shall destroy the copies upon the conclu-
10 sion of involvement in the case.

11 “(4)(a) Information appearing in reports or other materials relating
12 to the child, ward, youth or youth offender’s history or prognosis may
13 not be disclosed directly or indirectly to any person not described in
14 subsection (2) of this section unless the consent of the child, ward,
15 youth or youth offender or the authorization of the court has been
16 obtained, except for purposes of evaluating the child, ward, youth or
17 youth offender’s eligibility for special education as provided in ORS
18 chapter 343.

19 “(b) Information appearing in reports or other materials may not
20 be used in evidence in any proceeding to establish criminal or civil li-
21 ability against the child, ward, youth or youth offender, whether the
22 proceeding occurs after the child, ward, youth or youth offender has
23 reached 18 years of age or otherwise, except for the following purposes:

24 “(A) In connection with a presentence investigation after guilt has
25 been admitted or established in a criminal court.

26 “(B) In connection with a proceeding in another juvenile court
27 concerning the child, ward, youth or youth offender or an appeal from
28 an order or judgment of the juvenile court.

29 “(5)(a) Information contained in reports and other materials relat-
30 ing to a child, ward, youth or youth offender’s history and prognosis

1 that, in the professional judgment of the Oregon Youth Authority,
2 juvenile department, juvenile counselor, caseworker, school super-
3 intendent or superintendent's designee, teacher or detention worker
4 to whom the information contained in the reports and other materials
5 has been provided, indicates a clear and immediate danger to another
6 person or to society, shall be disclosed to the appropriate authority
7 and the person or entity that is in danger from the child, ward, youth
8 or youth offender.

9 “(b) An agency or a person that discloses information under para-
10 graph (a) of this subsection has immunity from any liability, civil or
11 criminal, that might otherwise be incurred or imposed for making the
12 disclosure.

13 “(c) Nothing in this subsection affects the provisions of ORS 146.750,
14 146.760, 419B.035, 419B.040 and 419B.045.

15 “(6) The disclosure of information under this section does not make
16 the information admissible in any court or administrative proceeding
17 if it is not otherwise admissible.

18 “SECTION 6. ORS 419B.367 is amended to read:

19 “419B.367. (1) Upon granting a motion for guardianship under ORS
20 419B.366 or upon granting a petition for guardianship under ORS 419B.365,
21 the court shall issue letters of guardianship to the guardian. As provided in
22 ORS 419A.255, a guardian may disclose letters of guardianship when neces-
23 sary to fulfill the duties of a guardian. Letters of guardianship must be in
24 substantially the following form:

25 “ _____

26 State of Oregon,)

27) LETTERS OF

28 County of _____) GUARDIANSHIP

29

30 BY THESE LETTERS OF GUARDIANSHIP be informed:

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

6

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

9 (Seal)

10 _____, Clerk of the Court

11 By _____, Deputy

12 “ _____

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

16 “(a) Specify the frequency and nature of visitation or contact between
17 relatives, including siblings, and the ward, if the court determines that
18 visitation or contact is in the ward’s best interests;

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

21 “(c) Make any other order to provide for the ward’s continuing safety and
22 well-being.

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

24 “(a) **Contain a summary sheet that:**

25 “(A) **Identifies the written report and includes the date of sub-**
26 **mission and the name of the submitting person; and**

27 “(B) **Is maintained as part of the record of the case under ORS**
28 **419A.255 (1); and**

29 “(b) **Be maintained in the supplemental confidential file under ORS**
30 **419A.255 (2).**

1 “[~~(3)(a)~~] **(4)(a)** Upon timely receipt of a report under subsection (2) of this
2 section, the court shall review the report and [*cause the report to become part*
3 *of the juvenile court file and*] **maintain the report as described in sub-**
4 **section (3) of this section. The court** may:

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

6 “(B) Subject to the availability of funds, appoint a court visitor and re-
7 quire the visitor to file a report with the court; or

8 “(C) Conduct a court review.

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

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

12 “(B) Subject to the availability of funds, appoint a court visitor and re-
13 quire the visitor to file a report with the court; or

14 “(C) Conduct a court review.

15 “[~~(4)~~] **(5)** Except as otherwise limited by the court, a person appointed
16 guardian has legal custody of the ward and the duties and authority of legal
17 custodian and guardian under ORS 419B.373 and 419B.376. A guardian is not
18 liable to third persons for acts of the ward solely by reason of being ap-
19 pointed guardian.

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

21 “419A.015. (1)(a) Once each month, a county juvenile department shall
22 provide to school administrators of schools or of school districts in the
23 county a list of all youth offenders enrolled in a school in the county who
24 are on probation by order of the juvenile court in the county. The depart-
25 ment shall include in the list the name and business telephone number of the
26 juvenile counselor assigned to each case.

27 “(b) When a youth offender who is on probation transfers from one school
28 or school district to a different school or school district, the juvenile coun-
29 selor assigned to the case shall notify the school administrator of the school
30 or of the school district to which the youth offender has transferred of the

1 youth offender’s probation status. The juvenile counselor shall make the
2 notification no later than 72 hours after the juvenile counselor knows of the
3 transfer.

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

8 “(3) In addition to the general notification required by subsection (1) of
9 this section, the juvenile department shall notify the school administrator
10 of the specific offense if the act bringing the youth offender within the ju-
11 risdiction of the juvenile court involved a firearm or delivery of a controlled
12 substance.

13 “(4) When a school administrator receives any notice under this section,
14 the school administrator may disclose the information only to school per-
15 sonnel, as defined in ORS 339.326, who the school administrator determines
16 need the information in order to safeguard the safety and security of the
17 school, students and staff. A person to whom personally identifiable infor-
18 mation is disclosed under this subsection may not disclose the information
19 to another person except to carry out the provisions of this subsection.

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

25 “(6) As used in this section, ‘school administrator’ has the meaning given
26 that term in ORS 419A.305.

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

28 “419A.200. (1) Except as provided in ORS 419A.190, any person or entity,
29 including, but not limited to, a party to a juvenile court proceeding under
30 ORS 419B.875 (1) or 419C.285 (1), whose rights or duties are adversely af-

1 fected by a judgment of the juvenile court may appeal therefrom. An appeal
2 from a circuit court must be taken to the Court of Appeals, and an appeal
3 from a county court must be taken to the circuit court.

4 “(2) If the proceeding is in the circuit court and no record of the pro-
5 ceedings was kept, the court, on motion made not later than 15 days after
6 the entry of the court’s judgment, shall grant a rehearing and shall direct
7 that a record of the proceedings be kept. However, the court may not grant
8 a rehearing in a case barred by ORS 419A.190 without the consent of the
9 child, ward, youth or youth offender affected by such case. If a rehearing is
10 held, the time for taking an appeal runs from the date of entry of the court’s
11 judgment after the rehearing.

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

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

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

17 “(C) On the juvenile court transcript coordinator, if a transcript is des-
18 ignated in connection with the appeal.

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

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

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

22 “(c) The notice must be filed not later than 30 days after the entry of the
23 court’s judgment. On appeal from the county court, the circuit court shall
24 hear the matter de novo and its judgment is appealable to the Court of Ap-
25 peals in the same manner as if the proceeding had been commenced in the
26 circuit court.

27 “(4) The counsel in the proceeding from which the appeal is being taken
28 shall file and serve those documents necessary to commence an appeal if the
29 counsel is requested to do so by the party the counsel represents. If the party
30 requesting an appeal is represented by court-appointed counsel, court-

1 appointed counsel may discharge the duty to commence an appeal under this
2 subsection by complying with policies and procedures established by the of-
3 fice of public defense services for appeals of juvenile court judgments.

4 “(5)(a) Upon motion of a person, other than the state, entitled to appeal
5 under subsection (1) of this section, the appellate court shall grant the per-
6 son leave to file a notice of appeal after the time limits described in sub-
7 section (3) of this section if:

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

10 “(B) The person shows that the failure to file a timely notice of appeal
11 is not personally attributable to the person.

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

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

21 “(d) The court may not grant relief under this subsection unless the state
22 has notice and opportunity to respond to the person’s request for relief.

23 “(6) An appeal to the Court of Appeals must be conducted in the same
24 manner as an appeal under ORS chapter 19 except that the court shall ad-
25 vance the appeal on the court’s docket in the same manner as appeals in
26 criminal cases.

27 “(7)(a) Except as provided in ORS 419A.208 (2), or when otherwise ordered
28 by the appellate court, the filing of an appeal does not suspend an order or
29 judgment of the juvenile court nor discharge the ward or youth offender from
30 the custody of the person, institution or agency in whose custody the ward

1 or youth offender may have been placed nor preclude the juvenile court after
2 notice and hearing from entering such further orders relating to the ward
3 or youth offender's custody pending final disposition of the appeal as it finds
4 necessary by reason only of matters transpiring subsequent to the order or
5 judgment appealed from. The trial court administrator shall immediately file
6 certified copies of any such order or judgment with the Court of Appeals.

7 “(b) Notwithstanding the filing of an appeal from a jurisdictional or dis-
8 positional judgment or an order entered pursuant to ORS 419B.449 or
9 419B.476, the juvenile court may proceed with the adjudication of a petition
10 seeking termination of the parental rights of a parent of the ward who is
11 subject to the judgment from which the appeal is taken.

12 “(c) The appeal of any judgment entered in a termination of parental
13 rights proceeding under paragraph (b) of this subsection must be consol-
14 idated, if appropriate, with any pending appeal of an order or judgment en-
15 tered under ORS 419B.325, 419B.449 or 419B.476. The consolidated appeal
16 must be conducted and advanced on the court's docket in the same manner
17 as termination of parental rights cases.

18 “(8) On appeal of a judgment or final order, the appellate court may re-
19 view any interlocutory order that:

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

22 “(b) Was made after entry of the last appealable judgment or final order
23 preceding entry of the judgment or final order being appealed.

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

26 “(10)(a) The court from which an appeal is taken shall prepare and
27 transmit a record on appeal in the manner provided in ORS 19.365, except
28 that, when the appeal is to the circuit court from a county court, the record
29 on appeal shall be prepared and transmitted by the county court to the cir-
30 cuit court.

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

5 “(c) The record on appeal prepared and transmitted under paragraph (a)
6 of this subsection, when it is in the custody of the court to which the appeal
7 is taken, and the record of the case on appeal kept under paragraph (b) of
8 this subsection are subject to the same limitations on inspection, copying
9 and disclosure of records, reports and materials as those set forth under ORS
10 419A.255 [*and 419A.257*].

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

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

16 “(B) Records described in paragraph (b) of this subsection; **or**

17 **(C) An audiotape or videotape prepared of an oral proceeding on**
18 **appeal, in the same manner as permitted under ORS 419A.256 (1)(b)**
19 **and (3).**

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

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

25 “419A.300. (1)(a) Once each month, the Department of Human Services
26 shall provide to each school district a list of all young persons enrolled in
27 a school in the school district who are on conditional release. The depart-
28 ment shall include in the list the name and business telephone number of the
29 caseworker assigned to each case.

30 “(b) When a young person who is on conditional release transfers from

1 one school district to a different school district, the caseworker assigned to
2 the case shall notify the superintendent of the school district to which the
3 young person has transferred of the young person's status. The caseworker
4 shall make the notification no later than 72 hours after the caseworker
5 knows of the transfer.

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

11 “(3) In addition to the general notification required by subsection (1) of
12 this section, the department shall notify the superintendent or the
13 superintendent's designee of the specific offense and whether the act involved
14 a firearm or delivery of a controlled substance.

15 “(4) ORS 419A.015 (4) and (5) apply to persons sending or receiving re-
16 cords under this section.

17 **“SECTION 10.** ORS 420.048 is amended to read:

18 “420.048. (1)(a) When a youth offender who is in the legal custody of the
19 Oregon Youth Authority transfers from one school or school district to a
20 different school or school district, the person responsible for supervising the
21 youth offender shall notify the school administrator of the school or of the
22 school district to which the youth offender has transferred of the youth
23 offender's status as a youth offender. The person shall make the notification
24 no later than 72 hours after the person knows of the transfer.

25 “(b) When a school administrator receives notification under this section,
26 the school administrator may request the Oregon Youth Authority to provide
27 additional information about the youth offender. The youth authority shall
28 provide additional information, including the offense that brought the youth
29 offender within the jurisdiction of the juvenile court and such other infor-
30 mation that is subject to disclosure under ORS 419A.255 [(5)] (6).

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

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

3 “(b) The names and addresses of the youth offender’s parents or guardi-
4 ans;

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

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

10 “(e) The specific offense that brought the youth offender within the ju-
11 risdiction of the juvenile court and whether it involved a firearm or the de-
12 livery of a controlled substance, a violation of ORS 163.355 to 163.445 or
13 163.465 or any other offense if the youth authority or juvenile court believes
14 the youth offender represents a risk to other students or school staff; and

15 “(f) Any terms of probation.

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

21 “(4) As used in this section:

22 “(a) ‘School administrator’ has the meaning given that term in ORS
23 419A.305.

24 “(b) ‘School district’ has the meaning given that term in ORS 332.002.

25 **“SECTION 11. Section 1 of this 2013 Act, the amendments to ORS**
26 **419A.015, 419A.200, 419A.253, 419A.255, 419A.256, 419A.257, 419A.300,**
27 **419B.367 and 420.048 by sections 2 to 10 of this 2013 Act apply to juvenile**
28 **court proceedings commenced on or after the effective date of this 2013**
29 **Act.”.**

30