

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 622**

1 On page 3 of the printed A-engrossed bill, line 27, after the semicolon
2 insert “and”.

3 In line 28, delete “; and” and insert a period.

4 Delete line 29.

5 In line 34, after the semicolon insert “and”.

6 In line 35, delete “; and” and insert a period.

7 Delete line 36.

8 On page 4, line 23, after the semicolon insert “and”.

9 In line 24, delete “; and” and insert a period.

10 Delete line 25.

11 In line 40, after the semicolon insert “and”.

12 In line 42, delete “; and” and insert a period.

13 Delete line 43.

14 On page 14, after line 25, insert:

15 **“SECTION 11.** ORS 419A.255, as amended by section 3 of this 2013 Act,
16 is amended to read:

17 “419A.255. (1)(a) The clerk of the court shall keep a record of each case
18 and a supplemental confidential file for each case.

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

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

1 “(B) The child;
2 “(C) The ward;
3 “(D) The youth;
4 “(E) The youth offender;
5 “(F) The parent or guardian of the child, ward, youth or youth offender;
6 “(G) The guardian ad litem for the parent;
7 “(H) The surrogate;
8 “(I) A person allowed to intervene in a proceeding involving the child,
9 ward, youth or youth offender;
10 “(J) Service providers in the case;
11 “(K) The court appointed special advocate and a representative of a CASA
12 Volunteer Program as defined in section 3, chapter 97, Oregon Laws 2012;
13 “(L) The attorneys or prospective appellate attorneys for any of the per-
14 sons listed in subparagraphs (B) to (K) of this paragraph;
15 “(M) The district attorney or assistant attorney general representing a
16 party in the case;
17 “(N) The juvenile department;
18 “(O) The Department of Human Services; *[and]*
19 “(P) The Oregon Youth Authority; **and**
20 **“(Q) Any other person allowed by the court.**
21 “(c) The following are entitled to copies of the record of the case:
22 “(A) The judge of the juvenile court and those acting under the judge’s
23 direction;
24 “(B) A party to the extent permitted under ORS 419B.875 (2) or 419C.285
25 (2);
26 “(C) A guardian ad litem for a parent to the same extent the parent is
27 permitted to copies under ORS 419B.875 (2) or 419C.285 (2); *[and]*
28 “(D) Persons listed in paragraph (b)(J) to (P) of this subsection; **and**
29 **“(E) Any other person allowed by the court.**
30 “(2)(a) Reports and other material relating to the child, ward, youth or

1 youth offender's history and prognosis in the supplemental confidential file
2 or record of the case are privileged and, except at the request of the child,
3 ward, youth or youth offender, shall be withheld from public inspection.
4 Once offered as an exhibit, reports and other material relating to the child,
5 ward, youth or youth offender's history and prognosis become part of the
6 record of the case but are subject to paragraph (e) of this subsection.

7 “(b) A supplemental confidential file is open to inspection by the follow-
8 ing:

9 “(A) The judge of the juvenile court and those acting under the judge's
10 direction;

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

12 “(C) The guardian ad litem for the parent of a child or ward in a de-
13 pendency case;

14 “(D) The parent or guardian of the youth or youth offender in a delin-
15 quency case if the youth or youth offender consents to, or the court author-
16 izes, inspection;

17 “(E) The guardian ad litem for the parent of a youth or youth offender
18 in a delinquency case if the youth or youth offender consents to, or the court
19 authorizes, inspection;

20 “(F) Service providers in the case;

21 “(G) The attorneys or prospective appellate attorneys for:

22 “(i) The child;

23 “(ii) The ward;

24 “(iii) The youth;

25 “(iv) The youth offender;

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

27 or

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

29 “(H) The surrogate;

30 “(I) A person allowed to intervene in a proceeding involving the child,

1 ward, youth or youth offender;

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

4 “(K) The district attorney or assistant attorney general representing a
5 party in the case;

6 “(L) The juvenile department;

7 “(M) The Department of Human Services; *[and]*

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

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

10 “(c) The supplemental confidential file in cases under ORS 419C.005 may
11 be disclosed to the superintendent of the school district in which the youth
12 offender resides or the superintendent’s designee.

13 “(d) The following are entitled to copies of material maintained in the
14 supplemental confidential file:

15 “(A) The judge of the juvenile court and those acting under the judge’s
16 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 representing a
22 party in the case;

23 “(F) The juvenile department;

24 “(G) The Department of Human Services;

25 “(H) The Oregon Youth Authority; *[and]*

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

28 **and**

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

30 “(e) A person that obtains copies of material in the supplemental confi-

1 dential file pursuant to paragraph (d) of this subsection is responsible for
2 preserving the confidentiality of the material in the supplemental confiden-
3 tial file. A service provider, school superintendent or superintendent’s
4 designee who obtains copies of such material shall destroy the copies upon
5 the conclusion of involvement in the case.

6 “(3) Except as otherwise provided in subsection (5) of this section, no in-
7 formation appearing in the record of the case or in the supplemental confi-
8 dential file may be disclosed to any person not described in subsection (2)
9 of this section without the consent of the court, except for purposes of
10 evaluating the child, ward, youth or youth offender’s eligibility for special
11 education as provided in ORS chapter 343, and no such information may be
12 used in evidence in any proceeding to establish criminal or civil liability
13 against the child, ward, youth or youth offender, whether such proceeding
14 occurs after the child, ward, youth or youth offender has reached 18 years
15 of age or otherwise, except for the following purposes:

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

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

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

24 “(A) As provided in this subsection or under subsection (1) or (2) of this
25 section;

26 “(B) In the juvenile court proceeding for which the reports, materials or
27 documents were sought or disclosed;

28 “(C) With the consent of the court; or

29 “(D) As provided in ORS 419A.253.

30 “(b) Nothing in this section prohibits the district attorney or assistant

1 attorney general representing a party in a juvenile court proceeding, the
2 juvenile department, the Department of Human Services, the Oregon Youth
3 Authority or other parties in the proceeding or their attorneys from dis-
4 closing to each other reports, materials or documents described in sub-
5 sections (1) and (2) of this section if the disclosure is reasonably necessary
6 to perform official duties related to the involvement of the child, ward, youth
7 or youth offender with the juvenile court or the juvenile department. A
8 person to whom reports, materials or documents are disclosed under this
9 subsection is subject to subsection (3) of this section.

10 “(5)(a) Information contained in the supplemental confidential file that,
11 in the professional judgment of the juvenile counselor, caseworker, school
12 superintendent or superintendent’s designee, teacher or detention worker to
13 whom the information in the supplemental confidential file has been pro-
14 vided, indicates a clear and immediate danger to another person or to society
15 shall be disclosed to the appropriate authority and the person who is in
16 danger from the child, ward, youth or youth offender.

17 “(b) A person that discloses information under paragraph (a) of this sub-
18 section has immunity from any liability, civil or criminal, that might other-
19 wise be incurred or imposed for making the disclosure.

20 “(c) Nothing in this subsection affects the provisions of ORS 146.750,
21 146.760, 419B.035, 419B.040 and 419B.045. The disclosure of information under
22 this subsection does not make the information admissible in any court or
23 administrative proceeding if it is not otherwise admissible.

24 “(6) Notwithstanding any other provision of law, and subject to sub-
25 section (8) of this section, the following are not confidential and not exempt
26 from disclosure:

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

28 “(b) The basis for the juvenile court’s jurisdiction over the youth or youth
29 offender;

30 “(c) The date, time and place of any juvenile court proceeding in which

1 the youth or youth offender is involved;

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

4 “(e) That portion of the juvenile court order providing for the legal dis-
5 position of the youth or youth offender when jurisdiction is based on ORS
6 419C.005;

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

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

11 “(7) Notwithstanding any other provision of law, and subject to sub-
12 section (8) of this section, when a youth has been taken into custody under
13 ORS 419C.080, the following information shall be disclosed unless, and only
14 for so long as, there is a clear need to delay disclosure in the course of a
15 specific investigation, including the need to protect the complaining party
16 or the victim:

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

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

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

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

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

27 “(8) Except as provided in ORS 419A.300 and 420.048, only the juvenile
28 court and the county juvenile department may disclose the information under
29 subsections (6) and (7) of this section if the information is subject to disclo-
30 sure, unless otherwise directed by the court.

1 “(9) Nothing in this section limits access to any juvenile court records
2 by an appellate court reviewing a juvenile court order or judgment. Appel-
3 late court rules may establish procedures for appellate court access to juve-
4 nile records.

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

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

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

15 **“SECTION 12. The amendments to ORS 419A.255 by section 11 of**
16 **this 2013 Act:**

17 **“(1) Become operative on July 1, 2014; and**

18 **“(2) Apply to juvenile court proceedings commenced on or after the**
19 **operative date specified in subsection (1) of this section.”.**

20 In line 26, delete “11” and insert “13” and delete “AND” and insert
21 “and”.

22