

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	8 - 0 - 1
Yeas:	Barton, Cameron, Hicks, Krieger, Lininger, Olson, Williamson, Barker
Nays:	0
Exc.:	Tomei
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	2/20, 2/24

WHAT THE MEASURE DOES: Defines “public defense provider” and clarifies which of the juvenile court records they are allowed to see. Clarifies that terms “record of the case” and “supplemental confidential file” are included documents filed prior to the effective date of SB 622. Grants the Oregon Judicial Department (OJD) authority to permit access to juvenile court records to certain specified agencies such as the Office of Public Defense Services, the Attorney General and district attorneys. Grants the Chief Justice of the Oregon Supreme Court and the Chief Judge of the Oregon Court of Appeals or a presiding judge of a judicial circuit authority to permit researchers or evaluators access to juvenile court records. Makes disclosure provisions operative on September 30, 2015 rather than July 1, 2014. Clarifies that for adoptions cases filed before January 1, 2014, a person over the age of 18 who would like access to his or her adoption records can obtain his or her name at birth and the names of his or her birth parents and petitioners to the adoption proceedings.

ISSUES DISCUSSED:

- Access to records allows for conflicts check
- Clarifies access to adoption records

EFFECT OF COMMITTEE AMENDMENT: Substitutes “date of birth” for “age” regarding what is not confidential.

BACKGROUND: Juvenile court records are kept separate and apart from other court records. They are confidential and can only be disclosed to certain persons involved in either the juvenile court proceeding or with the juvenile. The general public does not have access. However, Oregon juvenile court proceedings are open to the public.

Senate Bill 622 (2013) defined what are the “record of the case” in juvenile court proceedings. It also defined the “supplemental confidential file” as reports relating to the child’s history and prognosis. These records are not part of the case record and are not received in as evidence in the case. Senate Bill 622 clarified who has access to “record of the case” and who has access to the “supplemental confidential file.” Senate Bill 622 clarified that Indian tribes have the right to inspect and copy the record of the case including the confidential file when tribal members are involved. The measure also delayed to July 1, 2014 the court’s authority to allow persons other than those specifically authorized in statute to obtain juvenile court files that are otherwise confidential.

After passage of Senate Bill 622, the Oregon Judicial Department determined that the key application provisions of Senate Bill 622 inadvertently created two sets of rules governing access to court records, depending on the date that a proceeding commenced, which in turn may cause confusion in the courts and result in an unintended increased workload. Senate Bill 1536-B is intended to rectify this unintended problem.

The general public does not have access to adoption records. However, certain people including the adoptive person do. After an adoption, a person who was adopted and has attained the age of 18 has a right to petition the court to inspect the adoption records. However, certain records must be included from inspection and copying. The records include the Adoption Summary and Segregated Information Statement. For adoption cases filed before January 1, 2014, the current exclusions are set forth in ORS 109.317. The amendment would remove the reference to ORS 137.317 and list specifically the information to be excluded.

2/25/2014 3:23:00 PM

This summary has not been adopted or officially endorsed by action of the committee.