

Senate Bill 1536

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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**.

Clarifies statutes regarding maintaining and access to "record of the case" and "supplemental confidential file" in juvenile court proceedings.

Permits persons allowed by court to inspect and obtain copies of record and file. Becomes operative September 30, 2015.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to disclosure of certain court records in proceedings involving children; creating new pro-
3 visions; amending ORS 419A.200, 419A.252, 419A.255 and 419A.256 and sections 12 and 13,
4 chapter 417, Oregon Laws 2013; and declaring an emergency.

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

6 **SECTION 1.** ORS 419A.252 is amended to read:

7 419A.252. As used in this section and ORS 419A.253, 419A.255 and 419A.256:

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

11 (2) "Prospective appellate attorney" means an attorney designated by the office of public defense
12 services established under ORS 151.216 to potentially represent a child, ward, youth, youth offender,
13 or a parent or guardian of a child, ward, youth or youth offender, in a juvenile case when the case
14 has been referred to the office of public defense services for appeal.

15 [(3) "Record of the case" or "record of each case":]

16 [(a) Includes but is not limited to:]

17 (3) "**Public defense provider**" means an attorney or a law firm designated by the office
18 of public defense services established under ORS 151.216 to potentially represent a child,
19 ward, youth, youth offender or the parent or guardian of a child, ward, youth or youth
20 offender in a juvenile court proceeding.

21 (4) "**Record of the case**" or "**record of each case,**" whether maintained in paper or elec-
22 tronic form, includes but is not limited to the following and includes records filed in juvenile
23 court proceedings commenced before January 1, 2014, when the records are substantially
24 similar to the following:

25 [(A)] (a) The summons and other process;

26 [(B)] (b) Petitions;

27 [(C)] (c) Papers in the nature of pleadings, answers, motions, affidavits and other papers that
28 are filed with the court, including supporting documentation;

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 [(D)] (d) Local citizen review board findings and recommendations submitted under ORS
2 419A.118 or 419B.367;

3 [(E)] (e) Guardianship report summaries filed with the court under ORS 419B.367;

4 [(F)] (f) Orders and judgments of the court, including supporting documentation;

5 [(G)] (g) Transcripts under ORS 419A.256;

6 [(H)] (h) Exhibits and materials offered as exhibits whether or not received in evidence; and

7 [(I)] (i) Other documents that become part of the record of the case by operation of law.

8 [(b) *May include electronic records.*]

9 [(4) *“Supplemental confidential file”:*]

10 [(a)] (5) **“Supplemental confidential file,” whether maintained in paper or electronic form,**
11 includes reports and other material relating to the child, ward, youth or youth offender’s history and
12 prognosis, including but not limited to reports filed under ORS 419B.440, **and includes similar re-**
13 **ports and other materials filed in juvenile court proceedings commenced before January 1,**
14 **2014,** that:

15 [(A)] (a) Are not or do not become part of the record of the case; and

16 [(B)] (b) Are not offered or received as evidence in the case.

17 [(b) *May include electronic records.*]

18 **SECTION 2.** ORS 419A.255, as operative until July 1, 2014, is amended to read:

19 419A.255. (1)(a) The clerk of the court shall [*keep a supplemental confidential file for each case*
20 *and*] **maintain** a record of each case **and a supplemental confidential file for each case,** except
21 as otherwise provided in ORS 7.120.

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

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

25 (B) The child;

26 (C) The ward;

27 (D) The youth;

28 (E) The youth offender;

29 (F) The parent or guardian of the child, ward, youth or youth offender;

30 (G) The guardian ad litem for the parent;

31 [(H) *The surrogate;*]

32 [(I) *A person allowed to intervene in a proceeding involving the child, ward, youth or youth*
33 *offender;*]

34 [(J) *Service providers in the case;*]

35 [(K) *The court appointed special advocate, and a representative of a CASA Volunteer Program as*
36 *defined in ORS 458.580, when reasonably necessary for the appointment or supervision of court ap-*
37 *pointed special advocates;*]

38 [(L) *The attorneys or prospective appellate attorneys for any of the persons listed in subparagraphs*
39 *(B) to (K) of this paragraph;*]

40 **(H) A person allowed to intervene in a proceeding involving the child, ward, youth or**
41 **youth offender;**

42 **(I) The court appointed special advocate, and a representative of a CASA Volunteer**
43 **Program as defined in ORS 458.580, when reasonably necessary for the appointment or**
44 **supervision of court appointed special advocates;**

45 **(J) The attorneys or prospective appellate attorneys for any of the persons listed in**

1 **subparagraphs (B) to (I) of this paragraph;**

2 **(K) The surrogate;**

3 **(L) Service providers in the case;**

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

5 (N) The juvenile department;

6 (O) The Department of Human Services; and

7 (P) The Oregon Youth Authority.

8 (c) The following are entitled to copies of the record of the case:

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

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

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

13 (D) Persons listed in paragraph (b)(J) to (P) of this subsection.

14 (2)(a) Reports and other material relating to the child, ward, youth or youth offender's history
15 and prognosis in the **record of the case or the** supplemental confidential file [*or record of the*
16 *case*] are privileged and, except at the request of the child, ward, youth or youth offender, shall be
17 withheld from public inspection **except that inspection is permitted as set forth in subsection**
18 **(1)(b) of this section and paragraph (b) of this subsection. The offer or admission of reports**
19 **and other material in the record of the case or the supplemental confidential file as exhibits**
20 **in a hearing or trial does not waive or otherwise change the privileged status of the reports**
21 **and other material, except for purposes of the hearing or trial in which the reports and other**
22 **material are offered or admitted.** Once offered as an exhibit, reports and other material relating
23 to the child, ward, youth or youth offender's history and prognosis **that were maintained in the**
24 **supplemental confidential file** become part of the record of the case but are subject to paragraph
25 (e) of this subsection.

26 (b) A supplemental confidential file is open to inspection by the following:

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

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

29 (C) The guardian ad litem for the parent of a child or ward in a dependency case;

30 (D) The parent or guardian of the youth or youth offender in a delinquency case if the youth
31 or youth offender consents to, or the court authorizes, inspection;

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

34 [(F) *Service providers in the case;*]

35 [(G) *The attorneys or prospective appellate attorneys for;*]

36 [(i) *The child;*]

37 [(ii) *The ward;*]

38 [(iii) *The youth;*]

39 [(iv) *The youth offender;*]

40 [(v) *The parent or guardian of the child, ward, youth or youth offender; or*]

41 [(vi) *The guardian ad litem for the parent;*]

42 **(F) A person allowed to intervene in a proceeding involving the child, ward, youth or**
43 **youth offender;**

44 **(G) The court appointed special advocate, and a representative of a CASA Volunteer**
45 **Program as defined in ORS 458.580, when reasonably necessary for the appointment or**

1 **supervision of court appointed special advocates;**

2 (H) The surrogate;

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, and a representative of a CASA Volunteer Program as*
 6 *defined in ORS 458.580, when reasonably necessary for the appointment or supervision of court ap-*
 7 *pointed special advocates;]*

8 **(I) Service providers in the case;**

9 **(J) The attorneys or prospective appellate attorneys for:**

10 **(i) The child;**

11 **(ii) The ward;**

12 **(iii) The youth;**

13 **(iv) The youth offender;**

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

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

16 **(vii) A person allowed to intervene in a proceeding involving the child or ward in a de-**
 17 **pendency case; or**

18 **(viii) The court appointed special advocate and a representative of a CASA Volunteer**
 19 **Program as defined in ORS 458.580;**

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

21 (L) The juvenile department;

22 (M) The Department of Human Services; and

23 (N) The Oregon Youth Authority.

24 (c) The supplemental confidential file in cases under ORS 419C.005 may be disclosed to the su-
 25 perintendent of the school district in which the youth offender resides or the superintendent's
 26 designee.

27 (d) The following are entitled to copies of material maintained in the supplemental confidential
 28 file:

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

30 (B) Service providers in the case;

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

32 (D) Attorneys designated under subsection *[(1)(b)(L)]* **(2)(b)(J)** of this section;

33 (E) The district attorney or assistant attorney general representing a party in the case;

34 (F) The juvenile department;

35 (G) The Department of Human Services;

36 (H) The Oregon Youth Authority; and

37 (I) The court appointed special advocate, and a representative of a CASA Volunteer Program
 38 as defined in ORS 458.580, when reasonably necessary for the appointment or supervision of court
 39 appointed special advocates.

40 (e) A person that obtains copies of material in the supplemental confidential file pursuant to
 41 paragraph (d) of this subsection is responsible for preserving the confidentiality of the material in
 42 the supplemental confidential file. A service provider, school superintendent or superintendent's
 43 designee who obtains copies of such material shall destroy the copies upon the conclusion of in-
 44 volvement in the case.

45 (3) Except as otherwise provided in subsection (5) of this section, no information appearing in

1 the record of the case or in the supplemental confidential file may be disclosed to any person not
2 described in [subsection (2)] **subsections (1)(b) and (2)(b)** of this section, **respectively**, without the
3 consent of the court, except for purposes of evaluating the child, ward, youth or youth offender's
4 eligibility for special education as provided in ORS chapter 343, and no such information may be
5 used in evidence in any proceeding to establish criminal or civil liability against the child, ward,
6 youth or youth offender, whether such proceeding occurs after the child, ward, youth or youth
7 offender has reached 18 years of age or otherwise, except for the following purposes:

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

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

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

15 (A) As provided in this subsection or under subsection (1) or (2) of this section;

16 (B) In the juvenile court proceeding for which the reports, materials or documents were sought
17 or disclosed;

18 (C) With the consent of the court; or

19 (D) As provided in ORS 419A.253.

20 (b) Nothing in this section prohibits the district attorney or assistant attorney general repre-
21 senting a party in a juvenile court proceeding, the juvenile department, the Department of Human
22 Services, the Oregon Youth Authority or other parties in the proceeding or their attorneys from
23 disclosing to each other reports, materials or documents described in subsections (1) and (2) of this
24 section if the disclosure is reasonably necessary to perform official duties related to the involvement
25 of the child, ward, youth or youth offender with the juvenile court or the juvenile department. A
26 person to whom reports, materials or documents are disclosed under this subsection is subject to
27 subsection (3) of this section.

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

34 (b) A person that discloses information under paragraph (a) of this subsection has immunity from
35 any liability, civil or criminal, that might otherwise be incurred or imposed for making the disclo-
36 sure.

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

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

42 (a) The name and [date of birth] **age** of the youth or youth offender;

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

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

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

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

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

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

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

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

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

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

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

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

18 (8) Except as provided in ORS 419A.300 and 420.048, only the juvenile court and the county ju-
19 venile department may disclose the information under subsections (6) and (7) of this section if the
20 information is subject to disclosure, unless otherwise directed by the court.

21 (9) Nothing in this section limits access to any juvenile court records by an appellate court re-
22 viewing a juvenile court order or judgment. Appellate court rules may establish procedures for ap-
23 pellate court access to juvenile records.

24 **(10) In addition to any other provision in this section, the Judicial Department may per-
25 mit county or statewide access to juvenile court records or information by county juvenile
26 departments, the Department of Human Services, the Oregon Youth Authority, district at-
27 torney offices, the office of the Attorney General, the office of public defense services, pro-
28 spective appellate attorneys or public defense providers subject to the following restrictions:**

29 **(a) A prospective appellate attorney or public defense provider granted access under this
30 subsection must agree, pursuant to a written agreement with the Judicial Department, to
31 access:**

32 **(A) Party information only for purposes of conflicts screening procedures; and**

33 **(B) Other records or information about a client only as reasonably necessary for the
34 representation of that client in any juvenile case in which the client is a party, subject to
35 applicable state and federal confidentiality laws.**

36 **(b) Any other person or entity granted access under this subsection must agree, pursu-
37 ant to a written agreement with the department, to access records or information only as
38 authorized and allowed by this section, subject to applicable state and federal confidentiality
39 laws.**

40 **(c) The State Court Administrator shall prescribe standards and procedures to implement
41 the provisions of this subsection.**

42 **(d) Any person or entity granted access to juvenile court records or information under
43 this subsection must preserve the confidentiality of that information as required under this
44 section.**

45 [(10)] (11) A petition filed under ORS 419B.851 alleging that a child who is a foreign national

1 is within the jurisdiction of the court, or a motion requesting an implementation plan other than
 2 return of a ward to the ward's parent, is subject to disclosure to the consulate for the child or
 3 ward's country as provided under ORS 419B.851 (3).

4 [(11)] (12) Nothing in this section prohibits a guardian appointed under ORS 419B.365 or
 5 419B.366 from disclosing or providing copies of letters of guardianship when so required to fulfill the
 6 duties of a guardian.

7 [(12)] (13) The court shall cooperate in the sharing of information with a court in another state
 8 to facilitate an interstate placement of a child or ward.

9 (14) **Nothing in this section prohibits the Chief Justice of the Supreme Court, the Chief**
 10 **Judge of the Court of Appeals or a presiding judge from permitting access to juvenile court**
 11 **records, including the record of the case and the supplemental confidential file in a juvenile**
 12 **court proceeding, or audio or video recordings of a juvenile court proceeding, by researchers**
 13 **or evaluators for the purposes of developing statistics and performing analyses or audits on**
 14 **the effectiveness, cost and other areas of public interest regarding juvenile court programs**
 15 **and activities in accordance with child welfare and juvenile justice state plans and programs**
 16 **related to Title IV-B and IV-E of the Social Security Act and to the Child Abuse Prevention**
 17 **and Treatment Act (42 U.S.C. 5101 et seq). The Chief Justice shall, by rule or order, establish**
 18 **standards and guidelines for the release of juvenile court information for research and eval-**
 19 **uation purposes to ensure confidentiality consistent with state and federal law and to pro-**
 20 **mote consistent statewide application of this subsection. Statistics and analyses released by**
 21 **researchers and evaluators under this subsection may not contain any information that**
 22 **identifies any individual person involved in a juvenile court proceeding.**

23 **SECTION 3.** ORS 419A.255, as amended by section 11, chapter 417, Oregon Laws 2013, is
 24 amended to read:

25 419A.255. (1)(a) The clerk of the court shall [*keep a supplemental confidential file for each case*
 26 *and*] **maintain** a record of each case **and a supplemental confidential file for each case**, except
 27 as otherwise provided in ORS 7.120.

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

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

31 (B) The child;

32 (C) The ward;

33 (D) The youth;

34 (E) The youth offender;

35 (F) The parent or guardian of the child, ward, youth or youth offender;

36 (G) The guardian ad litem for the parent;

37 [*(H) The surrogate;*]

38 [*(I) A person allowed to intervene in a proceeding involving the child, ward, youth or youth*
 39 *offender;*]

40 [*(J) Service providers in the case;*]

41 [*(K) The court appointed special advocate, and a representative of a CASA Volunteer Program as*
 42 *defined in ORS 458.580, when reasonably necessary for the appointment or supervision of court ap-*
 43 *pointed special advocates;*]

44 [*(L) The attorneys or prospective appellate attorneys for any of the persons listed in subparagraphs*
 45 *(B) to (K) of this paragraph;*]

1 (H) A person allowed to intervene in a proceeding involving the child, ward, youth or
 2 youth offender;

3 (I) The court appointed special advocate, and a representative of a CASA Volunteer
 4 Program as defined in ORS 458.580, when reasonably necessary for the appointment or
 5 supervision of court appointed special advocates;

6 (J) The attorneys or prospective appellate attorneys for any of the persons listed in
 7 subparagraphs (B) to (I) of this paragraph;

8 (K) The surrogate;

9 (L) Service providers in the case;

10 (M) The district attorney or assistant attorney general representing a party in the case;

11 (N) The juvenile department;

12 (O) The Department of Human Services;

13 (P) The Oregon Youth Authority; and

14 (Q) Any other person allowed by the court.

15 (c) The following are entitled to copies of the record of the case:

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

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

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

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

21 (E) Any other person allowed by the court.

22 (2)(a) Reports and other material relating to the child, ward, youth or youth offender's history
 23 and prognosis in the **record of the case or the supplemental confidential file** [*or record of the*
 24 *case*] are privileged and, except at the request of the child, ward, youth or youth offender, shall be
 25 withheld from public inspection **except that inspection is permitted as set forth in subsection**
 26 **(1)(b) of this section and paragraph (b) of this subsection. The offer or admission of reports**
 27 **and other material in the record of the case or the supplemental confidential file as exhibits**
 28 **in a hearing or trial does not waive or otherwise change the privileged status of the reports**
 29 **and other material, except for purposes of the hearing or trial in which the reports and other**
 30 **material are offered or admitted.** Once offered as an exhibit, reports and other material relating
 31 to the child, ward, youth or youth offender's history and prognosis **that were maintained in the**
 32 **supplemental confidential file** become part of the record of the case but are subject to paragraph
 33 (e) of this subsection.

34 (b) A supplemental confidential file is open to inspection by the following:

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

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

37 (C) The guardian ad litem for the parent of a child or ward in a dependency case;

38 (D) The parent or guardian of the youth or youth offender in a delinquency case if the youth
 39 or youth offender consents to, or the court authorizes, inspection;

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

42 [(F) *Service providers in the case;*]

43 [(G) *The attorneys or prospective appellate attorneys for;*]

44 [(i) *The child;*]

45 [(ii) *The ward;*]

- 1 *[(iii) The youth;]*
- 2 *[(iv) The youth offender;]*
- 3 *[(v) The parent or guardian of the child, ward, youth or youth offender; or]*
- 4 *[(vi) The guardian ad litem for the parent;]*
- 5 **(F) A person allowed to intervene in a proceeding involving the child, ward, youth or**
- 6 **youth offender;**
- 7 **(G) The court appointed special advocate, and a representative of a CASA Volunteer**
- 8 **Program as defined in ORS 458.580, when reasonably necessary for the appointment or**
- 9 **supervision of court appointed special advocates;**
- 10 (H) The surrogate;
- 11 *[(I) A person allowed to intervene in a proceeding involving the child, ward, youth or youth*
- 12 *offender;]*
- 13 *[(J) The court appointed special advocate, and a representative of a CASA Volunteer Program as*
- 14 *defined in ORS 458.580, when reasonably necessary for the appointment or supervision of court ap-*
- 15 *pointed special advocates;]*
- 16 **(I) Service providers in the case;**
- 17 **(J) The attorneys or prospective appellate attorneys for:**
- 18 **(i) The child;**
- 19 **(ii) The ward;**
- 20 **(iii) The youth;**
- 21 **(iv) The youth offender;**
- 22 **(v) The parent or guardian of the child, ward, youth or youth offender;**
- 23 **(vi) The guardian ad litem for the parent;**
- 24 **(vii) A person allowed to intervene in a proceeding involving the child or ward in a de-**
- 25 **pendency case; or**
- 26 **(viii) The court appointed special advocate and a representative of a CASA Volunteer**
- 27 **Program as defined in ORS 458.580;**
- 28 (K) The district attorney or assistant attorney general representing a party in the case;
- 29 (L) The juvenile department;
- 30 (M) The Department of Human Services;
- 31 (N) The Oregon Youth Authority; and
- 32 (O) Any other person allowed by the court.
- 33 (c) The supplemental confidential file in cases under ORS 419C.005 may be disclosed to the su-
- 34 perintendent of the school district in which the youth offender resides or the superintendent's
- 35 designee.
- 36 (d) The following are entitled to copies of material maintained in the supplemental confidential
- 37 file:
- 38 (A) The judge of the juvenile court and those acting under the judge's direction;
- 39 (B) Service providers in the case;
- 40 (C) School superintendents and their designees in cases under ORS 419C.005;
- 41 (D) Attorneys designated under subsection *[(1)(b)(L)]* **(2)(b)(J)** of this section;
- 42 (E) The district attorney or assistant attorney general representing a party in the case;
- 43 (F) The juvenile department;
- 44 (G) The Department of Human Services;
- 45 (H) The Oregon Youth Authority;

1 (I) The court appointed special advocate, and a representative of a CASA Volunteer Program
 2 as defined in ORS 458.580, when reasonably necessary for the appointment or supervision of court
 3 appointed special advocates; and

4 (J) Any other person allowed by the court.

5 (e) A person that obtains copies of material in the supplemental confidential file pursuant to
 6 paragraph (d) of this subsection is responsible for preserving the confidentiality of the material in
 7 the supplemental confidential file. A service provider, school superintendent or superintendent's
 8 designee who obtains copies of such material shall destroy the copies upon the conclusion of in-
 9 volvement in the case.

10 (3) Except as otherwise provided in subsection (5) of this section, no information appearing in
 11 the record of the case or in the supplemental confidential file may be disclosed to any person not
 12 described in [subsection (2)] **subsections (1)(b) and (2)(b)** of this section, **respectively**, without the
 13 consent of the court, except for purposes of evaluating the child, ward, youth or youth offender's
 14 eligibility for special education as provided in ORS chapter 343, and no such information may be
 15 used in evidence in any proceeding to establish criminal or civil liability against the child, ward,
 16 youth or youth offender, whether such proceeding occurs after the child, ward, youth or youth
 17 offender has reached 18 years of age or otherwise, except for the following purposes:

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

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

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

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

26 (B) In the juvenile court proceeding for which the reports, materials or documents were sought
 27 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 attorney general repre-
 31 senting a party in a juvenile court proceeding, the juvenile department, the Department of Human
 32 Services, the Oregon Youth Authority or other parties in the proceeding or their attorneys from
 33 disclosing to each other reports, materials or documents described in subsections (1) and (2) of this
 34 section if the disclosure is reasonably necessary to perform official duties related to the involvement
 35 of the child, ward, youth or youth offender with the juvenile court or the juvenile department. A
 36 person to whom reports, materials or documents are disclosed under this subsection is subject to
 37 subsection (3) of this section.

38 (5)(a) Information contained in the supplemental confidential file that, in the professional judg-
 39 ment of the juvenile counselor, caseworker, school superintendent or superintendent's designee,
 40 teacher or detention worker to whom the information in the supplemental confidential file has been
 41 provided, indicates a clear and immediate danger to another person or to society shall be disclosed
 42 to the appropriate authority and the person who is in danger from the child, ward, youth or youth
 43 offender.

44 (b) A person that discloses information under paragraph (a) of this subsection has immunity from
 45 any liability, civil or criminal, that might otherwise be incurred or imposed for making the disclo-

1 sure.

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

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

7 (a) The name and [*date of birth*] **age** of the youth or youth offender;

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (9) Nothing in this section limits access to any juvenile court records by an appellate court re-
32 viewing a juvenile court order or judgment. Appellate court rules may establish procedures for ap-
33 pellate court access to juvenile records.

34 **(10) In addition to any other provision in this section, the Judicial Department may per-**
35 **mit county or statewide access to juvenile court records or information by county juvenile**
36 **departments, the Department of Human Services, the Oregon Youth Authority, district at-**
37 **torney offices, the office of the Attorney General, the office of public defense services, pro-**
38 **spective appellate attorneys or public defense providers subject to the following restrictions:**

39 **(a) A prospective appellate attorney or public defense provider granted access under this**
40 **subsection must agree, pursuant to a written agreement with the Judicial Department, to**
41 **access:**

42 **(A) Party information only for purposes of conflicts screening procedures; and**

43 **(B) Other records or information about a client only as reasonably necessary for the**
44 **representation of that client in any juvenile case in which the client is a party, subject to**
45 **applicable state and federal confidentiality laws.**

1 **(b) Any other person or entity granted access under this subsection must agree, pursu-**
 2 **ant to a written agreement with the department, to access records or information only as**
 3 **authorized and allowed by this section, subject to applicable state and federal confidentiality**
 4 **laws.**

5 **(c) The State Court Administrator shall prescribe standards and procedures to implement**
 6 **the provisions of this subsection.**

7 **(d) Any person or entity granted access to juvenile court records or information under**
 8 **this subsection must preserve the confidentiality of that information as required under this**
 9 **section.**

10 [(10)] **(11)** A petition filed under ORS 419B.851 alleging that a child who is a foreign national
 11 is within the jurisdiction of the court, or a motion requesting an implementation plan other than
 12 return of a ward to the ward's parent, is subject to disclosure to the consulate for the child or
 13 ward's country as provided under ORS 419B.851 (3).

14 [(11)] **(12)** Nothing in this section prohibits a guardian appointed under ORS 419B.365 or
 15 419B.366 from disclosing or providing copies of letters of guardianship when so required to fulfill the
 16 duties of a guardian.

17 [(12)] **(13)** The court shall cooperate in the sharing of information with a court in another state
 18 to facilitate an interstate placement of a child or ward.

19 **(14) Nothing in this section prohibits the Chief Justice of the Supreme Court, the Chief**
 20 **Judge of the Court of Appeals or a presiding judge from permitting access to juvenile court**
 21 **records, including the record of the case and the supplemental confidential file in a juvenile**
 22 **court proceeding, or audio or video recordings of a juvenile court proceeding, by researchers**
 23 **or evaluators for the purposes of developing statistics and performing analyses or audits on**
 24 **the effectiveness, cost and other areas of public interest regarding juvenile court programs**
 25 **and activities in accordance with child welfare and juvenile justice state plans and programs**
 26 **related to Title IV-B and IV-E of the Social Security Act and to the Child Abuse Prevention**
 27 **and Treatment Act (42 U.S.C. 5101 et seq). The Chief Justice shall, by rule or order, establish**
 28 **standards and guidelines for the release of juvenile court information for research and eval-**
 29 **uation purposes to ensure confidentiality consistent with state and federal law and to pro-**
 30 **motte consistent statewide application of this subsection. Statistics and analyses released by**
 31 **researchers and evaluators under this subsection may not contain any information that**
 32 **identifies any individual person involved in a juvenile court proceeding.**

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

34 419A.256. (1)(a) Once prepared and filed with the court, a transcript of a juvenile court pro-
 35 ceeding is part of the record of the case maintained by the clerk of the court under ORS 419A.255
 36 (1) and is subject to the provisions of ORS 419A.255 governing access and disclosure.

37 (b) Notwithstanding ORS 419A.255, if a transcript, [*audiotape or videotape*] **audio recording or**
 38 **video recording** has been prepared in any proceeding under ORS chapter 419C, the victim may ob-
 39 tain a copy by paying the actual cost of preparation.

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

1 (3) The official audio, video or other recording of a juvenile court proceeding shall be withheld
 2 from public inspection but is open to inspection by the persons described in ORS 419A.255 (1)(b)(A)
 3 to (P).

4 (4) **With a finding of good cause and subject to any conditions the court finds appropriate,**
 5 **the court may provide a copy of the audio or video recording of a juvenile court proceeding**
 6 **to persons described in ORS 419A.255 (1)(b)(A), (I), (J) and (M) to (P).**

7 **SECTION 5.** ORS 419A.256, as amended by section 4 of this 2014 Act, is amended to read:

8 419A.256. (1)(a) Once prepared and filed with the court, a transcript of a juvenile court pro-
 9 ceeding is part of the record of the case maintained by the clerk of the court under ORS 419A.255
 10 (1) and is subject to the provisions of ORS 419A.255 governing access and disclosure.

11 (b) Notwithstanding ORS 419A.255, if a transcript, audio recording or video recording has been
 12 prepared in any proceeding under ORS chapter 419C, the victim may obtain a copy by paying the
 13 actual cost of preparation.

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

20 (3) The official audio, video or other recording of a juvenile court proceeding shall be withheld
 21 from public inspection but is open to inspection by the persons described in ORS 419A.255 (1)(b)(A)
 22 to [(P)] (Q).

23 (4) With a finding of good cause and subject to any conditions the court finds appropriate, the
 24 court may provide a copy of the audio or video recording of a juvenile court proceeding to persons
 25 described in ORS 419A.255 (1)(b)(A), (I), (J) and (M) to [(P)] (Q).

26 **SECTION 6.** ORS 419A.200 is amended to read:

27 419A.200. (1) Except as provided in ORS 419A.190, any person or entity, including, but not lim-
 28 ited to, a party to a juvenile court proceeding under ORS 419B.875 (1) or 419C.285 (1), whose rights
 29 or duties are adversely affected by a judgment of the juvenile court may appeal therefrom. An ap-
 30 peal from a circuit court must be taken to the Court of Appeals, and an appeal from a county court
 31 must be taken to the circuit court.

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

38 (3)(a) The appeal may be taken by causing a notice of appeal, in the form prescribed by ORS
 39 19.250, to be served:

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

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

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

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

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

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

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

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

12 (5)(a) Upon motion of a person, other than the state, entitled to appeal under subsection (1) of
13 this section, the appellate court shall grant the person leave to file a notice of appeal after the time
14 limits described in subsection (3) of this section if:

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

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

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

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

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

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

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

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

43 (c) The appeal of any judgment entered in a termination of parental rights proceeding under
44 paragraph (b) of this subsection must be consolidated, if appropriate, with any pending appeal of an
45 order or judgment entered under ORS 419B.325, 419B.449 or 419B.476. The consolidated appeal must

1 be conducted and advanced on the court's docket in the same manner as termination of parental
2 rights cases.

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

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

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

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

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

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

16 (c) The record on appeal prepared and transmitted under paragraph (a) of this subsection, when
17 it is in the custody of the court to which the appeal is taken, and the record of the case on appeal
18 kept under paragraph (b) of this subsection are subject to the same limitations on inspection, copy-
19 ing and disclosure of records, reports and materials as those set forth under ORS 419A.255.

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

21 (A) Records described in paragraph (a) of this subsection, while in the custody of the court to
22 which the appeal is taken, in the same manner and under the same circumstances as the juvenile
23 court consents to disclosure under ORS 419A.255;

24 (B) Records described in paragraph (b) of this subsection; or

25 (C) An [audiotape or videotape] **audio or video recording** prepared of an oral proceeding on
26 appeal, in the same manner as permitted under ORS 419A.256 (1)(b), [and] (3) **and (4)**.

27 (e) Notwithstanding any other provision of law, any decision, as that term is defined in ORS
28 19.450, issued by the Court of Appeals or the Supreme Court, on appeal or review of a juvenile court
29 decision, is not confidential and is not exempt from disclosure.

30 **SECTION 7.** Section 12, chapter 417, Oregon Laws 2013, is amended to read:

31 **Sec. 12.** The amendments to ORS 419A.255 by section 11 [of this 2013 Act], **chapter 417, Oregon**
32 **Laws 2013, and section 3 of this 2014 Act and the amendments to ORS 419A.256 by section 5**
33 **of this 2014 Act:**

34 (1) Become operative on [July 1, 2014] **September 30, 2015**; and

35 (2) Apply to juvenile court proceedings commenced on or after the operative date specified in
36 subsection (1) of this section.

37 **SECTION 8.** Section 13, chapter 417, Oregon Laws 2013, is amended to read:

38 **Sec. 13. (1)** [Section 1 of this 2013 Act] **ORS 419A.252** and the amendments to ORS 419A.015,
39 419A.200, 419A.253, [419A.255,] 419A.256, 419A.257, 419A.300, 419B.367 and 420.048 by sections 2 **and**
40 **4 to 10, chapter 417, Oregon Laws 2013, [of this 2013 Act] apply to juvenile court proceedings**
41 **commenced before, on or after [the effective date of this 2013 Act] January 1, 2014.**

42 **(2) The amendments to ORS 419A.255 (1)(a) by section 3, chapter 417, Oregon Laws 2013,**
43 **apply to juvenile court proceedings commenced on or after January 1, 2014.**

44 **(3) The amendments to ORS 419A.255 (1)(b) and (2) to (12) by section 3, chapter 417,**
45 **Oregon Laws 2013, apply to juvenile court proceedings commenced before, on or after Janu-**

1 ary 1, 2014.

2 **SECTION 9.** (1) The amendments to ORS 419A.255 (1)(a) by section 2 of this 2014 Act
3 apply to juvenile court proceedings commenced on or after the effective date of this 2014 Act.

4 (2) The amendments to ORS 419A.200, 419A.252, 419A.255 (1)(b) and (2) to (12) and 419A.256
5 and sections 12 and 13, chapter 417, Oregon Laws 2013, by sections 1, 2, 4 and 6 to 8 of this
6 2014 Act apply to juvenile court proceedings commenced before, on or after the effective date
7 of this 2014 Act.

8 **SECTION 10.** This 2014 Act being necessary for the immediate preservation of the public
9 peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect
10 on its passage.

11
