

# Youth, Rights & Justice

ATTORNEYS AT LAW

To: House Committee on Judiciary, 2015 Oregon Legislature

From: Mark McKechnie, Executive Director, Youth, Rights & Justice

Date: February 25, 2015

Re: Concerns and recommended changes regarding HB 2425

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Chair Barker and Members of the Committee:

Youth, Rights & Justice (YRJ) was founded 40 years ago and has been dedicated to providing legal representation and advocacy to over 50,000 children and youth involved in the juvenile court system, including children in foster care and youth in the juvenile justice system. YRJ has also worked extensively with the Legislature, the Oregon Law Commission, various state agencies and other organizations to improve policies and services to the children of Oregon during that time.

The Legislature, the Oregon Law Commission, YRJ and other stakeholders have spent a great deal of time and effort to ensure that sensitive information contained in juvenile court records is protected and *released only when it serves the best interests of a child or youth*.

Youth, Rights & Justice recognizes the legitimate need for the Department of Corrections (DOC) to obtain juvenile records in certain circumstances, such as to appropriately identify and treat an inmate's mental health or medical disorder, but the current version of the bill is overly broad. It should be amended to limit these requests to:

- A. Persons who are transferred directly from the physical custody of the Oregon Youth Authority to the Department of Corrections; or
- B. A person in DOC custody who was within the jurisdiction of the juvenile court for a delinquency matter (i.e., a "youth offender") within two years immediately prior to the request.

Information that does not fall under these two categories is unlikely to be relevant or current enough to be useful to the DOC or to justify an exception to the current limits on the release of sensitive juvenile court records. In addition, *language referring to juvenile records related to a child or ward should not be included in this legislation*, as it is not appropriate for a county juvenile department or the Youth Authority to re-release records they may have in their position regarding a person who may have been in Oregon's foster care system as a child.

Youth, Rights & Justice urges the committee to adopt amendments that *significantly narrow the scope and timelines for release of sensitive records* to the Department of Corrections prior to passage of HB 2425.

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