

**Testimony before Senate Judiciary Committee
on behalf of the Oregon Law Commission**

SB 405-2

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SB 405 is intended to address three necessary modifications to the laws pertaining to juvenile court records. The laws relating to juvenile court records have been changed significantly in recent years, in part due to the advent of eCourt and electronic filing requirements, but the underlying confidential nature of juvenile court records appropriately has been retained. SB 405 proposes two minor changes to ORS 419A.255 to correct unintended consequences of the recent changes. SB 405 also proposes an extension of time for one-year to provide the courts and other interested parties the time necessary to develop proper criteria and guidelines for the courts to use in providing access to juvenile court records to other persons not specifically provided access by statute.

First, the current law has been interpreted to prohibit the Oregon Youth Authority (OYA) from providing any information about youth offenders adjudicated to be within the jurisdiction of the OYA. SB 405 provides authority for the OYA to disclose the same type of information about youth within their jurisdiction as the juvenile courts and county juvenile departments can disclose. This change will allow the OYA to acknowledge they are supervising an offender, to provide a mailing address for an offender in custody, and to assist an out-of-state offender respond to a subpoena for records.

Second, the current law has also been interpreted to prohibit a juvenile court from notifying the relevant Child Support Program Administrator when a judgment terminating parental rights or a judgment terminating wardship after adoption has been entered. This can result in child support obligations continuing to be enforced beyond the appropriate termination date. SB 405 provides clarity by providing that nothing in the current law prohibits a juvenile court from providing that information to the appropriate Child Support Program Administrator.

These first two changes are contained in Sections 1 and 2 of SB 405. Both changes are set out in both sections because Section 1 makes those changes in current law and Section 2 makes those changes in what will become operative law on September 30, 2015.

The third change proposed by SB 405 is to extend for one year the operative date of statutory provisions that will allow the juvenile courts to provide access to juvenile court records to other persons not specifically provided access by statute. When previous revisions to the juvenile court records laws were enacted, the operative date of these provisions was extended to September 30, 2015, to provide time for the courts and interested parties to develop criteria and guidelines for consistent application of these provisions. Pending litigation, however, forestalled the discussions needed because numerous

participants had to recuse themselves from such discussions while the litigation ran its course. That litigation concluded only in December 2014. Additional time is needed for the courts and interested parties to convene and confer to develop appropriate criteria and processes for providing such access. Section 3 of SB 405 provides for a one-year extension of time until September 30, 2016, for those provisions to become operative to allow the courts and interested parties the opportunity to develop appropriate criteria and guidelines for presentation to the Legislative Assembly in the 2016 legislative session.