

**A-Engrossed**  
**Senate Bill 405**

Ordered by the Senate April 15  
Including Senate Amendments dated April 15

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Oregon Law Commission)

**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.

*[Creates Task Force on Juvenile Court Records.]*

*[Sunsets on date of convening of 2017 regular session of Legislative Assembly.]*

**Provides circumstances under which Oregon Youth Authority may disclose information relating to youth offenders committed to Oregon Youth Authority.**

**Authorizes court to provide to Administrator of Division of Child Support or district attorney information regarding date of entry of judgment terminating wardship following entry of judgment of adoption.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to juvenile court records; amending ORS 419A.255 and section 12, chapter 417, Oregon  
3 Laws 2013; and declaring an emergency.

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

5 **SECTION 1.** ORS 419A.255, as amended by section 2, chapter 71, Oregon Laws 2014, is amended  
6 to read:

7 419A.255. (1)(a) The clerk of the court shall maintain a record of each case and a supplemental  
8 confidential file for each case, except as otherwise provided in ORS 7.120.

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

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

12 (B) The child;

13 (C) The ward;

14 (D) The youth;

15 (E) The youth offender;

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

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

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

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

23 (J) The attorneys or prospective appellate attorneys for any of the persons listed in subpara-

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

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

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

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

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

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

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

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

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

38 (H) The surrogate;

39 (I) Service providers in the case;

40 (J) The attorneys or prospective appellate attorneys for:

41 (i) The child;

42 (ii) The ward;

43 (iii) The youth;

44 (iv) The youth offender;

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

- 1 (vi) The guardian ad litem for the parent;
- 2 (vii) A person allowed to intervene in a proceeding involving the child or ward in a dependency  
3 case; or
- 4 (viii) The court appointed special advocate and a representative of a CASA Volunteer Program  
5 as defined in ORS 458.580;
- 6 (K) The district attorney or assistant attorney general representing a party in the case;
- 7 (L) The juvenile department;
- 8 (M) The Department of Human Services; and
- 9 (N) The Oregon Youth Authority.
- 10 (c) The supplemental confidential file in cases under ORS 419C.005 may be disclosed to the su-  
11 perintendent of the school district in which the youth offender resides or the superintendent's  
12 designee.
- 13 (d) The following are entitled to copies of material maintained in the supplemental confidential  
14 file:
- 15 (A) The judge of the juvenile court and those acting under the judge's direction;
- 16 (B) Service providers in the case;
- 17 (C) School superintendents and their designees in cases under ORS 419C.005;
- 18 (D) Attorneys designated under subsection (2)(b)(J) of this section;
- 19 (E) The district attorney or assistant attorney general representing a party in the case;
- 20 (F) The juvenile department;
- 21 (G) The Department of Human Services;
- 22 (H) The Oregon Youth Authority; and
- 23 (I) The court appointed special advocate, and a representative of a CASA Volunteer Program  
24 as defined in ORS 458.580, when reasonably necessary for the appointment or supervision of court  
25 appointed special advocates.
- 26 (e) A person that obtains copies of material in the supplemental confidential file pursuant to  
27 paragraph (d) of this subsection is responsible for preserving the confidentiality of the material in  
28 the supplemental confidential file. A service provider, school superintendent or superintendent's  
29 designee who obtains copies of such material shall destroy the copies upon the conclusion of in-  
30 volvement in the case.
- 31 (3) Except as otherwise provided in subsection (5) of this section, no information appearing in  
32 the record of the case or in the supplemental confidential file may be disclosed to any person not  
33 described in subsections (1)(b) and (2)(b) of this section, respectively, without the consent of the  
34 court, except for purposes of evaluating the child, ward, youth or youth offender's eligibility for  
35 special education as provided in ORS chapter 343, and no such information may be used in evidence  
36 in any proceeding to establish criminal or civil liability against the child, ward, youth or youth  
37 offender, whether such proceeding occurs after the child, ward, youth or youth offender has reached  
38 18 years of age or otherwise, except for the following purposes:
- 39 (a) In connection with a presentence investigation after guilt has been admitted or established  
40 in a criminal court.
- 41 (b) In connection with a proceeding in another juvenile court concerning the child, ward, youth  
42 or youth offender or an appeal from the juvenile court.
- 43 (4)(a) When a person described in subsection (1)(b)(M), (N), (O) or (P) of this section inspects or  
44 obtains copies of reports, materials or documents under this subsection or under subsection (1) or  
45 (2) of this section, the person may not use or disclose the reports, materials or documents, except:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (8) Except as provided in ORS 419A.300 [*and 420.048*] **and unless otherwise directed by the**  
5 **court**, only the juvenile court, [*and*] the county juvenile department **and the Oregon Youth Au-**  
6 **thority** may disclose the information under subsections (6) and (7) of this section if the information  
7 is subject to disclosure[, *unless otherwise directed by the court*]. **The youth authority may disclose**  
8 **only information relating to youth offenders committed to the youth authority by order of**  
9 **the juvenile court if the information is subject to disclosure under subsection (6) or (7) of**  
10 **this section.**

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

14 (10) **Nothing in this section prohibits the court from providing to the administrator as**  
15 **defined in ORS 25.010 the date of entry of a judgment terminating parental rights or the date**  
16 **of entry of a judgment terminating wardship following entry of a judgment of adoption to-**  
17 **gether with the names and dates of birth of the parents and children subject to the judg-**  
18 **ment.**

19 [(10)] (11) In addition to any other provision in this section, the Judicial Department may permit  
20 county or statewide access to juvenile court records or information by county juvenile departments,  
21 the Department of Human Services, the Oregon Youth Authority, district attorney offices, the office  
22 of the Attorney General, the office of public defense services, prospective appellate attorneys or  
23 public defense providers subject to the following restrictions:

24 (a) A prospective appellate attorney or public defense provider granted access under this sub-  
25 section must agree, pursuant to a written agreement with the Judicial Department, to access:

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

27 (B) Other records or information about a client only as reasonably necessary for the represen-  
28 tation of that client in any juvenile case in which the client is a party, subject to applicable state  
29 and federal confidentiality laws.

30 (b) Any other person or entity granted access under this subsection must agree, pursuant to a  
31 written agreement with the department, to access records or information only as authorized and  
32 allowed by this section, subject to applicable state and federal confidentiality laws.

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

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

37 [(11)] (12) A petition filed under ORS 419B.851 alleging that a child who is a foreign national  
38 is within the jurisdiction of the court, or a motion requesting an implementation plan other than  
39 return of a ward to the ward's parent, is subject to disclosure to the consulate for the child or  
40 ward's country as provided under ORS 419B.851 (3).

41 [(12)] (13) Nothing in this section prohibits a guardian appointed under ORS 419B.365 or  
42 419B.366 from disclosing or providing copies of letters of guardianship when so required to fulfill the  
43 duties of a guardian.

44 [(13)] (14) The court shall cooperate in the sharing of information with a court in another state  
45 to facilitate an interstate placement of a child or ward.

1 [(14)] (15) Nothing in this section prohibits the Chief Justice of the Supreme Court, the Chief  
2 Judge of the Court of Appeals or a presiding judge from permitting access to juvenile court records,  
3 including the record of the case and the supplemental confidential file in a juvenile court proceed-  
4 ing, or audio or video recordings of a juvenile court proceeding, by researchers or evaluators for  
5 the purposes of developing statistics and performing analyses or audits on the effectiveness, cost and  
6 other areas of public interest regarding juvenile court programs and activities in accordance with  
7 child welfare and juvenile justice state plans and programs related to Title IV-B and IV-E of the  
8 Social Security Act and to the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq).  
9 The Chief Justice shall, by rule or order, establish standards and guidelines for the release of juve-  
10 nile court information for research and evaluation purposes to ensure confidentiality consistent with  
11 state and federal law and to promote consistent statewide application of this subsection. Statistics  
12 and analyses released by researchers and evaluators under this subsection may not contain any in-  
13 formation that identifies any individual person involved in a juvenile court proceeding.

14 **SECTION 2.** ORS 419A.255, as amended by section 3, chapter 71, Oregon Laws 2014, is amended  
15 to read:

16 419A.255. (1)(a) The clerk of the court shall maintain a record of each case and a supplemental  
17 confidential file for each case, except as otherwise provided in ORS 7.120.

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

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

21 (B) The child;

22 (C) The ward;

23 (D) The youth;

24 (E) The youth offender;

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

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

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

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

32 (J) The attorneys or prospective appellate attorneys for any of the persons listed in subpara-  
33 graphs (B) to (I) of this paragraph;

34 (K) The surrogate;

35 (L) Service providers in the case;

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

37 (N) The juvenile department;

38 (O) The Department of Human Services;

39 (P) The Oregon Youth Authority; and

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

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

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

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

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

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

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

3 (2)(a) Reports and other material relating to the child, ward, youth or youth offender's history  
4 and prognosis in the record of the case or the supplemental confidential file are privileged and, ex-  
5 cept at the request of the child, ward, youth or youth offender, shall be withheld from public in-  
6 spection except that inspection is permitted as set forth in subsection (1)(b) of this section and  
7 paragraph (b) of this subsection. The offer or admission of reports and other material in the record  
8 of the case or the supplemental confidential file as exhibits in a hearing or trial does not waive or  
9 otherwise change the privileged status of the reports and other material, except for purposes of the  
10 hearing or trial in which the reports and other material are offered or admitted. Once offered as  
11 an exhibit, reports and other material relating to the child, ward, youth or youth offender's history  
12 and prognosis that were maintained in the supplemental confidential file become part of the record  
13 of the case but are subject to paragraph (e) of this subsection.

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

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

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

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

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

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

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

24 (G) The court appointed special advocate, and a representative of a CASA Volunteer Program  
25 as defined in ORS 458.580, when reasonably necessary for the appointment or supervision of court  
26 appointed special advocates;

27 (H) The surrogate;

28 (I) Service providers in the case;

29 (J) The attorneys or prospective appellate attorneys for:

30 (i) The child;

31 (ii) The ward;

32 (iii) The youth;

33 (iv) The youth offender;

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

35 (vi) The guardian ad litem for the parent;

36 (vii) A person allowed to intervene in a proceeding involving the child or ward in a dependency  
37 case; or

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

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

41 (L) The juvenile department;

42 (M) The Department of Human Services;

43 (N) The Oregon Youth Authority; and

44 (O) Any other person allowed by the court.

45 (c) The supplemental confidential file in cases under ORS 419C.005 may be disclosed to the su-

1 perintendent of the school district in which the youth offender resides or the superintendent's  
2 designee.

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

- 5 (A) The judge of the juvenile court and those acting under the judge's direction;
- 6 (B) Service providers in the case;
- 7 (C) School superintendents and their designees in cases under ORS 419C.005;
- 8 (D) Attorneys designated under subsection (2)(b)(J) of this section;
- 9 (E) The district attorney or assistant attorney general representing a party in the case;
- 10 (F) The juvenile department;
- 11 (G) The Department of Human Services;
- 12 (H) The Oregon Youth Authority;
- 13 (I) The court appointed special advocate, and a representative of a CASA Volunteer Program  
14 as defined in ORS 458.580, when reasonably necessary for the appointment or supervision of court  
15 appointed special advocates; and
- 16 (J) Any other person allowed by the court.

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

22 (3) Except as otherwise provided in subsection (5) of this section, no information appearing in  
23 the record of the case or in the supplemental confidential file may be disclosed to any person not  
24 described in subsections (1)(b) and (2)(b) of this section, respectively, without the consent of the  
25 court, except for purposes of evaluating the child, ward, youth or youth offender's eligibility for  
26 special education as provided in ORS chapter 343, and no such information may be used in evidence  
27 in any proceeding to establish criminal or civil liability against the child, ward, youth or youth  
28 offender, whether such proceeding occurs after the child, ward, youth or youth offender has reached  
29 18 years of age or otherwise, except for the following purposes:

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

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

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

- 37 (A) As provided in this subsection or under subsection (1) or (2) of this section;
- 38 (B) In the juvenile court proceeding for which the reports, materials or documents were sought  
39 or disclosed;
- 40 (C) With the consent of the court; or
- 41 (D) As provided in ORS 419A.253.

42 (b) Nothing in this section prohibits the district attorney or assistant attorney general repre-  
43 senting a party in a juvenile court proceeding, the juvenile department, the Department of Human  
44 Services, the Oregon Youth Authority or other parties in the proceeding or their attorneys from  
45 disclosing to each other reports, materials or documents described in subsections (1) and (2) of this

1 section if the disclosure is reasonably necessary to perform official duties related to the involvement  
2 of the child, ward, youth or youth offender with the juvenile court or the juvenile department. A  
3 person to whom reports, materials or documents are disclosed under this subsection is subject to  
4 subsection (3) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (8) Except as provided in ORS 419A.300 [*and 420.048*] **and unless otherwise directed by the**  
41 **court**, only the juvenile court, [*and*] the county juvenile department **and the Oregon Youth Au-**  
42 **thority** may disclose the information under subsections (6) and (7) of this section if the information  
43 is subject to disclosure[, *unless otherwise directed by the court*]. **The youth authority may disclose**  
44 **only information relating to youth offenders committed to the youth authority by order of**  
45 **the juvenile court if the information is subject to disclosure under subsection (6) or (7) of**

1 **this section.**

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

5 **(10) Nothing in this section prohibits the court from providing to the administrator as**  
6 **defined in ORS 25.010 the date of entry of a judgment terminating parental rights or the date**  
7 **of entry of a judgment terminating wardship following entry of a judgment of adoption to-**  
8 **gether with the names and dates of birth of the parents and children subject to the judg-**  
9 **ment.**

10 [(10)] (11) In addition to any other provision in this section, the Judicial Department may permit  
11 county or statewide access to juvenile court records or information by county juvenile departments,  
12 the Department of Human Services, the Oregon Youth Authority, district attorney offices, the office  
13 of the Attorney General, the office of public defense services, prospective appellate attorneys or  
14 public defense providers subject to the following restrictions:

15 (a) A prospective appellate attorney or public defense provider granted access under this sub-  
16 section must agree, pursuant to a written agreement with the Judicial Department, to access:

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

18 (B) Other records or information about a client only as reasonably necessary for the represen-  
19 tation of that client in any juvenile case in which the client is a party, subject to applicable state  
20 and federal confidentiality laws.

21 (b) Any other person or entity granted access under this subsection must agree, pursuant to a  
22 written agreement with the department, to access records or information only as authorized and  
23 allowed by this section, subject to applicable state and federal confidentiality laws.

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

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

28 [(11)] (12) A petition filed under ORS 419B.851 alleging that a child who is a foreign national  
29 is within the jurisdiction of the court, or a motion requesting an implementation plan other than  
30 return of a ward to the ward's parent, is subject to disclosure to the consulate for the child or  
31 ward's country as provided under ORS 419B.851 (3).

32 [(12)] (13) Nothing in this section prohibits a guardian appointed under ORS 419B.365 or  
33 419B.366 from disclosing or providing copies of letters of guardianship when so required to fulfill the  
34 duties of a guardian.

35 [(13)] (14) The court shall cooperate in the sharing of information with a court in another state  
36 to facilitate an interstate placement of a child or ward.

37 [(14)] (15) Nothing in this section prohibits the Chief Justice of the Supreme Court, the Chief  
38 Judge of the Court of Appeals or a presiding judge from permitting access to juvenile court records,  
39 including the record of the case and the supplemental confidential file in a juvenile court proceed-  
40 ing, or audio or video recordings of a juvenile court proceeding, by researchers or evaluators for  
41 the purposes of developing statistics and performing analyses or audits on the effectiveness, cost and  
42 other areas of public interest regarding juvenile court programs and activities in accordance with  
43 child welfare and juvenile justice state plans and programs related to Title IV-B and IV-E of the  
44 Social Security Act and to the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq).  
45 The Chief Justice shall, by rule or order, establish standards and guidelines for the release of juve-

1 nile court information for research and evaluation purposes to ensure confidentiality consistent with  
2 state and federal law and to promote consistent statewide application of this subsection. Statistics  
3 and analyses released by researchers and evaluators under this subsection may not contain any in-  
4 formation that identifies any individual person involved in a juvenile court proceeding.

5 **SECTION 3.** Section 12, chapter 417, Oregon Laws 2013, as amended by section 8, chapter 71,  
6 Oregon Laws 2014, is amended to read:

7 **Sec. 12.** The amendments to ORS 419A.255 by section 11, chapter 417, Oregon Laws 2013, and  
8 section 3, **chapter 71, Oregon Laws 2014**, [*of this 2014 Act*] and the amendments to ORS 419A.256  
9 by section 5, **chapter 71, Oregon Laws 2014** [*of this 2014 Act*]:

10 (1) Become operative on September 30, [*2015*] **2016**; and

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

13 **SECTION 4. This 2015 Act being necessary for the immediate preservation of the public**  
14 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
15 **on its passage.**

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