

SENATE AMENDMENTS TO SENATE BILL 405

By COMMITTEE ON JUDICIARY

April 15

1 On page 1 of the printed bill, line 2, after the semicolon insert “amending ORS 419A.255 and
2 section 12, chapter 417, Oregon Laws 2013;”.

3 Delete lines 4 through 30 and delete page 2 and insert:

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

6 “419A.255. (1)(a) The clerk of the court shall maintain a record of each case and a supplemental
7 confidential file for each case, except as otherwise provided in ORS 7.120.

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

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

11 “(B) The child;

12 “(C) The ward;

13 “(D) The youth;

14 “(E) The youth offender;

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

16 “(G) The guardian ad litem for the parent;

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

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

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

24 “(K) The surrogate;

25 “(L) Service providers in the case;

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

27 “(N) The juvenile department;

28 “(O) The Department of Human Services; and

29 “(P) The Oregon Youth Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 “(H) The surrogate;

26 “(I) Service providers in the case;

27 “(J) The attorneys or prospective appellate attorneys for:

28 “(i) The child;

29 “(ii) The ward;

30 “(iii) The youth;

31 “(iv) The youth offender;

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

33 “(vi) The guardian ad litem for the parent;

34 “(vii) A person allowed to intervene in a proceeding involving the child or ward in a dependency
35 case; or

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

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

39 “(L) The juvenile department;

40 “(M) The Department of Human Services; and

41 “(N) The Oregon Youth Authority.

42 “(c) The supplemental confidential file in cases under ORS 419C.005 may be disclosed to the
43 superintendent of the school district in which the youth offender resides or the superintendent’s
44 designee.

45 “(d) The following are entitled to copies of material maintained in the supplemental confidential

1 file:

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

3 “(B) Service providers in the case;

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

5 “(D) Attorneys designated under subsection (2)(b)(J) of this section;

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

7 “(F) The juvenile department;

8 “(G) The Department of Human Services;

9 “(H) The Oregon Youth Authority; and

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

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

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

26 “(a) In connection with a presentence investigation after guilt has been admitted or established
27 in a criminal court.

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

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

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

34 “(B) In the juvenile court proceeding for which the reports, materials or documents were sought
35 or disclosed;

36 “(C) With the consent of the court; or

37 “(D) As provided in ORS 419A.253.

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

1 “(5)(a) Information contained in the supplemental confidential file that, in the professional
2 judgment of the juvenile counselor, caseworker, school superintendent or superintendent’s designee,
3 teacher or detention worker to whom the information in the supplemental confidential file has been
4 provided, indicates a clear and immediate danger to another person or to society shall be disclosed
5 to the appropriate authority and the person who is in danger from the child, ward, youth or youth
6 offender.

7 “(b) A person that discloses information under paragraph (a) of this subsection has immunity
8 from any liability, civil or criminal, that might otherwise be incurred or imposed for making the
9 disclosure.

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

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

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

16 “(b) The basis for the juvenile court’s jurisdiction over the youth or youth offender;

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

19 “(d) The act alleged in the petition that if committed by an adult would constitute a crime if
20 jurisdiction is based on ORS 419C.005;

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

23 “(f) The names and addresses of the youth or youth offender’s parents or guardians; and

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

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

29 “(a) The youth’s name and age and whether the youth is employed or in school;

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

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

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

34 “(e) The time and place that the youth was taken into custody and whether there was resist-
35 ance, pursuit or a weapon used in taking the youth into custody.

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

43 “(9) Nothing in this section limits access to any juvenile court records by an appellate court
44 reviewing a juvenile court order or judgment. Appellate court rules may establish procedures for
45 appellate court access to juvenile records.

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

6 “[(10)] (11) In addition to any other provision in this section, the Judicial Department may per-
7 mit county or statewide access to juvenile court records or information by county juvenile depart-
8 ments, the Department of Human Services, the Oregon Youth Authority, district attorney offices, the
9 office of the Attorney General, the office of public defense services, prospective appellate attorneys
10 or public defense providers subject to the following restrictions:

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

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

14 “(B) Other records or information about a client only as reasonably necessary for the repre-
15 sentation of that client in any juvenile case in which the client is a party, subject to applicable state
16 and federal confidentiality laws.

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

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

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

24 “[(11)] (12) A petition filed under ORS 419B.851 alleging that a child who is a foreign national
25 is within the jurisdiction of the court, or a motion requesting an implementation plan other than
26 return of a ward to the ward’s parent, is subject to disclosure to the consulate for the child or
27 ward’s country as provided under ORS 419B.851 (3).

28 “[(12)] (13) Nothing in this section prohibits a guardian appointed under ORS 419B.365 or
29 419B.366 from disclosing or providing copies of letters of guardianship when so required to fulfill the
30 duties of a guardian.

31 “[(13)] (14) The court shall cooperate in the sharing of information with a court in another state
32 to facilitate an interstate placement of a child or ward.

33 “[(14)] (15) Nothing in this section prohibits the Chief Justice of the Supreme Court, the Chief
34 Judge of the Court of Appeals or a presiding judge from permitting access to juvenile court records,
35 including the record of the case and the supplemental confidential file in a juvenile court proceed-
36 ing, or audio or video recordings of a juvenile court proceeding, by researchers or evaluators for
37 the purposes of developing statistics and performing analyses or audits on the effectiveness, cost and
38 other areas of public interest regarding juvenile court programs and activities in accordance with
39 child welfare and juvenile justice state plans and programs related to Title IV-B and IV-E of the
40 Social Security Act and to the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq).
41 The Chief Justice shall, by rule or order, establish standards and guidelines for the release of juve-
42 nile court information for research and evaluation purposes to ensure confidentiality consistent with
43 state and federal law and to promote consistent statewide application of this subsection. Statistics
44 and analyses released by researchers and evaluators under this subsection may not contain any in-
45 formation that identifies any individual person involved in a juvenile court proceeding.

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

3 “419A.255. (1)(a) The clerk of the court shall maintain a record of each case and a supplemental
4 confidential file for each case, except as otherwise provided in ORS 7.120.

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

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

8 “(B) The child;

9 “(C) The ward;

10 “(D) The youth;

11 “(E) The youth offender;

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

13 “(G) The guardian ad litem for the parent;

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

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

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

21 “(K) The surrogate;

22 “(L) Service providers in the case;

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

24 “(N) The juvenile department;

25 “(O) The Department of Human Services;

26 “(P) The Oregon Youth Authority; and

27 “(Q) Any other person allowed by the court.

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

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

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

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

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

34 “(E) Any other person allowed by the court.

35 “(2)(a) Reports and other material relating to the child, ward, youth or youth offender’s history
36 and prognosis in the record of the case or the supplemental confidential file are privileged and, ex-
37 cept at the request of the child, ward, youth or youth offender, shall be withheld from public in-
38 spection except that inspection is permitted as set forth in subsection (1)(b) of this section and
39 paragraph (b) of this subsection. The offer or admission of reports and other material in the record
40 of the case or the supplemental confidential file as exhibits in a hearing or trial does not waive or
41 otherwise change the privileged status of the reports and other material, except for purposes of the
42 hearing or trial in which the reports and other material are offered or admitted. Once offered as
43 an exhibit, reports and other material relating to the child, ward, youth or youth offender’s history
44 and prognosis that were maintained in the supplemental confidential file become part of the record
45 of the case but are subject to paragraph (e) of this subsection.

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

1 as defined in ORS 458.580, when reasonably necessary for the appointment or supervision of court
2 appointed special advocates; and

3 “(J) Any other person allowed by the court.

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

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

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

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

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

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

25 “(B) In the juvenile court proceeding for which the reports, materials or documents were sought
26 or disclosed;

27 “(C) With the consent of the court; or

28 “(D) As provided in ORS 419A.253.

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

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

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

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

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

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

7 “(b) The basis for the juvenile court’s jurisdiction over the youth or youth offender;

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

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

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

14 “(f) The names and addresses of the youth or youth offender’s parents or guardians; and

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

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

20 “(a) The youth’s name and age and whether the youth is employed or in school;

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

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

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

25 “(e) The time and place that the youth was taken into custody and whether there was resist-
26 ance, pursuit or a weapon used in taking the youth into custody.

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

34 “(9) Nothing in this section limits access to any juvenile court records by an appellate court
35 reviewing a juvenile court order or judgment. Appellate court rules may establish procedures for
36 appellate court access to juvenile records.

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

42 “[*10*] (11) In addition to any other provision in this section, the Judicial Department may per-
43 mit county or statewide access to juvenile court records or information by county juvenile depart-
44 ments, the Department of Human Services, the Oregon Youth Authority, district attorney offices, the
45 office of the Attorney General, the office of public defense services, prospective appellate attorneys

1 or public defense providers subject to the following restrictions:

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

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

5 “(B) Other records or information about a client only as reasonably necessary for the repre-
6 sentation of that client in any juvenile case in which the client is a party, subject to applicable state
7 and federal confidentiality laws.

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

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

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

15 “[~~(11)~~] (12) A petition filed under ORS 419B.851 alleging that a child who is a foreign national
16 is within the jurisdiction of the court, or a motion requesting an implementation plan other than
17 return of a ward to the ward’s parent, is subject to disclosure to the consulate for the child or
18 ward’s country as provided under ORS 419B.851 (3).

19 “[~~(12)~~] (13) Nothing in this section prohibits a guardian appointed under ORS 419B.365 or
20 419B.366 from disclosing or providing copies of letters of guardianship when so required to fulfill the
21 duties of a guardian.

22 “[~~(13)~~] (14) The court shall cooperate in the sharing of information with a court in another state
23 to facilitate an interstate placement of a child or ward.

24 “[~~(14)~~] (15) Nothing in this section prohibits the Chief Justice of the Supreme Court, the Chief
25 Judge of the Court of Appeals or a presiding judge from permitting access to juvenile court records,
26 including the record of the case and the supplemental confidential file in a juvenile court proceed-
27 ing, or audio or video recordings of a juvenile court proceeding, by researchers or evaluators for
28 the purposes of developing statistics and performing analyses or audits on the effectiveness, cost and
29 other areas of public interest regarding juvenile court programs and activities in accordance with
30 child welfare and juvenile justice state plans and programs related to Title IV-B and IV-E of the
31 Social Security Act and to the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq).
32 The Chief Justice shall, by rule or order, establish standards and guidelines for the release of juve-
33 nile court information for research and evaluation purposes to ensure confidentiality consistent with
34 state and federal law and to promote consistent statewide application of this subsection. Statistics
35 and analyses released by researchers and evaluators under this subsection may not contain any in-
36 formation that identifies any individual person involved in a juvenile court proceeding.

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

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

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

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

45 “**SECTION 4. This 2015 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
2 **on its passage.”**

3
