

**PROPOSED AMENDMENTS TO
SENATE BILL 405**

1 On page 1 of the printed bill, line 2, after the semicolon insert “amending
2 ORS 419A.255 and section 12, chapter 417, Oregon Laws 2014,”.

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
5 Laws 2014, is amended to read:

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

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

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

13 “(B) The child;

14 “(C) The ward;

15 “(D) The youth;

16 “(E) The youth offender;

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

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

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

21 “(I) The court appointed special advocate, and a representative of a CASA
22 Volunteer Program as defined in ORS 458.580, when reasonably necessary for

1 the appointment or supervision of court appointed special advocates;
2 “(J) The attorneys or prospective appellate attorneys for any of the per-
3 sons listed in subparagraphs (B) to (I) of this paragraph;
4 “(K) The surrogate;
5 “(L) Service providers in the case;
6 “(M) The district attorney or assistant attorney general representing a
7 party in the case;
8 “(N) The juvenile department;
9 “(O) The Department of Human Services; and
10 “(P) The Oregon Youth Authority.
11 “(c) The following are entitled to copies of the record of the case:
12 “(A) The judge of the juvenile court and those acting under the judge’s
13 direction;
14 “(B) A party to the extent permitted under ORS 419B.875 (2) or 419C.285
15 (2);
16 “(C) A guardian ad litem for a parent to the same extent the parent is
17 permitted to copies under ORS 419B.875 (2) or 419C.285 (2); and
18 “(D) Persons listed in paragraph (b)(J) to (P) of this subsection.
19 “(2)(a) Reports and other material relating to the child, ward, youth or
20 youth offender’s history and prognosis in the record of the case or the sup-
21 plemental confidential file are privileged and, except at the request of the
22 child, ward, youth or youth offender, shall be withheld from public inspection
23 except that inspection is permitted as set forth in subsection (1)(b) of this
24 section and paragraph (b) of this subsection. The offer or admission of re-
25 ports and other material in the record of the case or the supplemental con-
26 fidential file as exhibits in a hearing or trial does not waive or otherwise
27 change the privileged status of the reports and other material, except for
28 purposes of the hearing or trial in which the reports and other material are
29 offered or admitted. Once offered as an exhibit, reports and other material
30 relating to the child, ward, youth or youth offender’s history and prognosis

1 that were maintained in the supplemental confidential file become part of the
2 record of the case but are subject to paragraph (e) of this subsection.

3 “(b) A supplemental confidential file is open to inspection by the follow-
4 ing:

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

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

8 “(C) The guardian ad litem for the parent of a child or ward in a de-
9 pendency case;

10 “(D) The parent or guardian of the youth or youth offender in a delin-
11 quency case if the youth or youth offender consents to, or the court author-
12 izes, inspection;

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

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

18 “(G) The court appointed special advocate, and a representative of a
19 CASA Volunteer Program as defined in ORS 458.580, when reasonably nec-
20 essary for the appointment or supervision of court appointed special advo-
21 cates;

22 “(H) The surrogate;

23 “(I) Service providers in the case;

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

25 “(i) The child;

26 “(ii) The ward;

27 “(iii) The youth;

28 “(iv) The youth offender;

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

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

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

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

5 “(K) The district attorney or assistant attorney general representing a
6 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
11 be disclosed to the superintendent of the school district in which the youth
12 offender resides or the superintendent’s designee.

13 “(d) The following are entitled to copies of material maintained in the
14 supplemental confidential file:

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

17 “(B) Service providers in the case;

18 “(C) School superintendents and their designees in cases under ORS
19 419C.005;

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

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

23 “(F) The juvenile department;

24 “(G) The Department of Human Services;

25 “(H) The Oregon Youth Authority; and

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

29 “(e) A person that obtains copies of material in the supplemental confi-
30 dential file pursuant to paragraph (d) of this subsection is responsible for

1 preserving the confidentiality of the material in the supplemental confiden-
2 tial file. A service provider, school superintendent or superintendent's
3 designee who obtains copies of such material shall destroy the copies upon
4 the conclusion of involvement in the case.

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

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

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

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

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

25 “(B) In the juvenile court proceeding for which the reports, materials or
26 documents were sought 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
30 attorney general representing a party in a juvenile court proceeding, the

1 juvenile department, the Department of Human Services, the Oregon Youth
2 Authority or other parties in the proceeding or their attorneys from dis-
3 closing to each other reports, materials or documents described in sub-
4 sections (1) and (2) of this section if the disclosure is reasonably necessary
5 to perform official duties related to the involvement of the child, ward, youth
6 or youth offender with the juvenile court or the juvenile department. A
7 person to whom reports, materials or documents are disclosed under this
8 subsection is subject to subsection (3) of this section.

9 “(5)(a) Information contained in the supplemental confidential file that,
10 in the professional judgment of the juvenile counselor, caseworker, school
11 superintendent or superintendent’s designee, teacher or detention worker to
12 whom the information in the supplemental confidential file has been pro-
13 vided, indicates a clear and immediate danger to another person or to society
14 shall be disclosed to the appropriate authority and the person who is in
15 danger from the child, ward, youth or youth offender.

16 “(b) A person that discloses information under paragraph (a) of this sub-
17 section has immunity from any liability, civil or criminal, that might other-
18 wise be incurred or imposed for making the disclosure.

19 “(c) Nothing in this subsection affects the provisions of ORS 146.750,
20 146.760, 419B.035, 419B.040 and 419B.045. The disclosure of information under
21 this subsection does not make the information admissible in any court or
22 administrative proceeding if it is not otherwise admissible.

23 “(6) Notwithstanding any other provision of law, and subject to sub-
24 section (8) of this section, the following are not confidential and not exempt
25 from disclosure:

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

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

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

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

3 “(e) That portion of the juvenile court order providing for the legal dis-
4 position of the youth or youth offender when jurisdiction is based on ORS
5 419C.005;

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

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

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

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

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

19 “(c) The name and age of the adult complaining party and the adult vic-
20 tim, unless the disclosure of such information is otherwise prohibited or re-
21 stricted;

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

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

26 “(8) Except as provided in ORS 419A.300 [*and 420.048*] **and unless oth-**
27 **erwise directed by the court**, only the juvenile court, [*and*] the county
28 juvenile department **and the Oregon Youth Authority** may disclose the
29 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**

1 **authority may disclose only information relating to youth offenders**
2 **committed to the youth authority by order of the juvenile court if the**
3 **information is subject to disclosure under subsection (6) or (7) of this**
4 **section.**

5 “(9) Nothing in this section limits access to any juvenile court records
6 by an appellate court reviewing a juvenile court order or judgment. Appel-
7 late court rules may establish procedures for appellate court access to juve-
8 nile records.

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

15 “[~~(10)~~] (11) In addition to any other provision in this section, the Judicial
16 Department may permit county or statewide access to juvenile court records
17 or information by county juvenile departments, the Department of Human
18 Services, the Oregon Youth Authority, district attorney offices, the office of
19 the Attorney General, the office of public defense services, prospective ap-
20 pellate attorneys or public defense providers subject to the following re-
21 strictions:

22 “(a) A prospective appellate attorney or public defense provider granted
23 access under this subsection must agree, pursuant to a written agreement
24 with the Judicial Department, to access:

25 “(A) Party information only for purposes of conflicts screening proce-
26 dures; and

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

30 “(b) Any other person or entity granted access under this subsection must

1 agree, pursuant to a written agreement with the department, to access re-
2 cords or information only as authorized and allowed by this section, subject
3 to applicable state and federal confidentiality laws.

4 “(c) The State Court Administrator shall prescribe standards and proce-
5 dures to implement the provisions of this subsection.

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

9 “[~~(11)~~] **(12)** A petition filed under ORS 419B.851 alleging that a child who
10 is a foreign national is within the jurisdiction of the court, or a motion re-
11 questing an implementation plan other than return of a ward to the ward’s
12 parent, is subject to disclosure to the consulate for the child or ward’s
13 country as provided under ORS 419B.851 (3).

14 “[~~(12)~~] **(13)** Nothing in this section prohibits a guardian appointed under
15 ORS 419B.365 or 419B.366 from disclosing or providing copies of letters of
16 guardianship when so required to fulfill the duties of a guardian.

17 “[~~(13)~~] **(14)** The court shall cooperate in the sharing of information with
18 a court in another state to facilitate an interstate placement of a child or
19 ward.

20 “[~~(14)~~] **(15)** Nothing in this section prohibits the Chief Justice of the Su-
21 preme Court, the Chief Judge of the Court of Appeals or a presiding judge
22 from permitting access to juvenile court records, including the record of the
23 case and the supplemental confidential file in a juvenile court proceeding,
24 or audio or video recordings of a juvenile court proceeding, by researchers
25 or evaluators for the purposes of developing statistics and performing ana-
26 lyses or audits on the effectiveness, cost and other areas of public interest
27 regarding juvenile court programs and activities in accordance with child
28 welfare and juvenile justice state plans and programs related to Title IV-B
29 and IV-E of the Social Security Act and to the Child Abuse Prevention and
30 Treatment Act (42 U.S.C. 5101 et seq). The Chief Justice shall, by rule or

1 order, establish standards and guidelines for the release of juvenile court
2 information for research and evaluation purposes to ensure confidentiality
3 consistent with state and federal law and to promote consistent statewide
4 application of this subsection. Statistics and analyses released by researchers
5 and evaluators under this subsection may not contain any information that
6 identifies any individual person involved in a juvenile court proceeding.

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

9 “419A.255. (1)(a) The clerk of the court shall maintain a record of each
10 case and a supplemental confidential file for each case, except as otherwise
11 provided in ORS 7.120.

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

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

16 “(B) The child;

17 “(C) The ward;

18 “(D) The youth;

19 “(E) The youth offender;

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

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

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

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

27 “(J) The attorneys or prospective appellate attorneys for any of the per-
28 sons listed in subparagraphs (B) to (I) of this paragraph;

29 “(K) The surrogate;

30 “(L) Service providers in the case;

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

3 “(N) The juvenile department;

4 “(O) The Department of Human Services;

5 “(P) The Oregon Youth Authority; and

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

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

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

10 “(B) A party to the extent permitted under ORS 419B.875 (2) or 419C.285
11 (2);

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

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

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

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

30 “(b) A supplemental confidential file is open to inspection by the follow-

1 ing:

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

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

5 “(C) The guardian ad litem for the parent of a child or ward in a de-
6 pendency case;

7 “(D) The parent or guardian of the youth or youth offender in a delin-
8 quency case if the youth or youth offender consents to, or the court author-
9 izes, inspection;

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

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

15 “(G) The court appointed special advocate, and a representative of a
16 CASA Volunteer Program as defined in ORS 458.580, when reasonably nec-
17 essary for the appointment or supervision of court appointed special advo-
18 cates;

19 “(H) The surrogate;

20 “(I) Service providers in the case;

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

22 “(i) The child;

23 “(ii) The ward;

24 “(iii) The youth;

25 “(iv) The youth offender;

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

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

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

30 “(viii) The court appointed special advocate and a representative of a

1 CASA Volunteer Program as defined in ORS 458.580;

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

4 “(L) The juvenile department;

5 “(M) The Department of Human Services;

6 “(N) The Oregon Youth Authority; and

7 “(O) Any other person allowed by the court.

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

11 “(d) The following are entitled to copies of material maintained in the
12 supplemental confidential file:

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

15 “(B) Service providers in the case;

16 “(C) School superintendents and their designees in cases under ORS
17 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
20 party in the case;

21 “(F) The juvenile department;

22 “(G) The Department of Human Services;

23 “(H) The Oregon Youth Authority;

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

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

28 “(e) A person that obtains copies of material in the supplemental confi-
29 dential file pursuant to paragraph (d) of this subsection is responsible for
30 preserving the confidentiality of the material in the supplemental confiden-

1 tial file. A service provider, school superintendent or superintendent's
2 designee who obtains copies of such material shall destroy the copies upon
3 the conclusion of involvement in the case.

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

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

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

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

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

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

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

27 “(D) As provided in ORS 419A.253.

28 “(b) Nothing in this section prohibits the district attorney or assistant
29 attorney general representing a party in a juvenile court proceeding, the
30 juvenile department, the Department of Human Services, the Oregon Youth

1 Authority or other parties in the proceeding or their attorneys from dis-
2 closing to each other reports, materials or documents described in sub-
3 sections (1) and (2) of this section if the disclosure is reasonably necessary
4 to perform official duties related to the involvement of the child, ward, youth
5 or youth offender with the juvenile court or the juvenile department. A
6 person to whom reports, materials or documents are disclosed under this
7 subsection is subject to subsection (3) of this section.

8 “(5)(a) Information contained in the supplemental confidential file that,
9 in the professional judgment of the juvenile counselor, caseworker, school
10 superintendent or superintendent’s designee, teacher or detention worker to
11 whom the information in the supplemental confidential file has been pro-
12 vided, indicates a clear and immediate danger to another person or to society
13 shall be disclosed to the appropriate authority and the person who is in
14 danger from the child, ward, youth or youth offender.

15 “(b) A person that discloses information under paragraph (a) of this sub-
16 section has immunity from any liability, civil or criminal, that might other-
17 wise be incurred or imposed for making the disclosure.

18 “(c) Nothing in this subsection affects the provisions of ORS 146.750,
19 146.760, 419B.035, 419B.040 and 419B.045. The disclosure of information under
20 this subsection does not make the information admissible in any court or
21 administrative proceeding if it is not otherwise admissible.

22 “(6) Notwithstanding any other provision of law, and subject to sub-
23 section (8) of this section, the following are not confidential and not exempt
24 from disclosure:

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

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

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

30 “(d) The act alleged in the petition that if committed by an adult would

1 constitute a crime if jurisdiction is based on ORS 419C.005;

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

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

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

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

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

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

18 “(c) The name and age of the adult complaining party and the adult vic-
19 tim, unless the disclosure of such information is otherwise prohibited or re-
20 stricted;

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

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

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

1 **committed to the youth authority by order of the juvenile court if the**
2 **information is subject to disclosure under subsection (6) or (7) of this**
3 **section.**

4 “(9) Nothing in this section limits access to any juvenile court records
5 by an appellate court reviewing a juvenile court order or judgment. Appel-
6 late court rules may establish procedures for appellate court access to juve-
7 nile records.

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

14 “[~~(10)~~] (11) In addition to any other provision in this section, the Judicial
15 Department may permit county or statewide access to juvenile court records
16 or information by county juvenile departments, the Department of Human
17 Services, the Oregon Youth Authority, district attorney offices, the office of
18 the Attorney General, the office of public defense services, prospective ap-
19 pellate attorneys or public defense providers subject to the following re-
20 strictions:

21 “(a) A prospective appellate attorney or public defense provider granted
22 access under this subsection must agree, pursuant to a written agreement
23 with the Judicial Department, to access:

24 “(A) Party information only for purposes of conflicts screening proce-
25 dures; and

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

29 “(b) Any other person or entity granted access under this subsection must
30 agree, pursuant to a written agreement with the department, to access re-

1 cords or information only as authorized and allowed by this section, subject
2 to applicable state and federal confidentiality laws.

3 “(c) The State Court Administrator shall prescribe standards and proce-
4 dures to implement the provisions of this subsection.

5 “(d) Any person or entity granted access to juvenile court records or in-
6 formation under this subsection must preserve the confidentiality of that
7 information as required under this section.

8 “[11] (12) A petition filed under ORS 419B.851 alleging that a child who
9 is a foreign national is within the jurisdiction of the court, or a motion re-
10 questing an implementation plan other than return of a ward to the ward’s
11 parent, is subject to disclosure to the consulate for the child or ward’s
12 country as provided under ORS 419B.851 (3).

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

16 “[13] (14) The court shall cooperate in the sharing of information with
17 a court in another state to facilitate an interstate placement of a child or
18 ward.

19 “[14] (15) Nothing in this section prohibits the Chief Justice of the Su-
20 preme Court, the Chief Judge of the Court of Appeals or a presiding judge
21 from permitting access to juvenile court records, including the record of the
22 case and the supplemental confidential file in a juvenile court proceeding,
23 or audio or video recordings of a juvenile court proceeding, by researchers
24 or evaluators for the purposes of developing statistics and performing ana-
25 lyses or audits on the effectiveness, cost and other areas of public interest
26 regarding juvenile court programs and activities in accordance with child
27 welfare and juvenile justice state plans and programs related to Title IV-B
28 and IV-E of the Social Security Act and to the Child Abuse Prevention and
29 Treatment Act (42 U.S.C. 5101 et seq). The Chief Justice shall, by rule or
30 order, establish standards and guidelines for the release of juvenile court

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

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

8 **“Sec. 12.** The amendments to ORS 419A.255 by section 11, chapter 417,
9 Oregon Laws 2013, and section 3, **chapter 71, Oregon Laws 2014**, [*of this*
10 *2014 Act*] and the amendments to ORS 419A.256 by section 5, **chapter 71,**
11 **Oregon Laws 2014** [*of this 2014 Act*]:

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

13 “(2) Apply to juvenile court proceedings commenced on or after the op-
14 erative date specified in subsection (1) of this section.

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

18
