

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO
HOUSE BILL 2600**

1 On page 19 of the printed bill, after line 37, insert:

2
3 **“SUNSET AND CORRESPONDING AMENDMENTS**

4
5 **“SECTION 23. Sections 3 to 6 of this 2017 Act are repealed.**

6 **“SECTION 24. Any moneys in the Court Appointed Special Advocate**
7 **Fund on July 1, 2021, that are uncommitted for the purpose specified**
8 **in section 6 of this 2017 Act shall revert to the General Fund and be**
9 **available for general governmental purposes.**

10 **“SECTION 25. Section 24 of this 2017 Act, the amendments to ORS**
11 **131A.360, 137.656, 419A.004, 419A.255 and 419B.112 by sections 26 to 31**
12 **of this 2017 Act and the repeal of sections 3 to 6 of this 2017 Act by**
13 **section 23 of this 2017 Act become operative on July 1, 2021.**

14 **“SECTION 26. ORS 137.656, as amended by section 7 of this 2017 Act, is**
15 **amended to read:**

16 **“137.656. (1) The purpose of the Oregon Criminal Justice Commission is**
17 **to improve the effectiveness and efficiency of state and local criminal justice**
18 **systems by providing a centralized and impartial forum for statewide policy**
19 **development and planning.**

20 **“(2) The primary duty of the commission is to develop and maintain a**
21 **state criminal justice policy and comprehensive, long-range plan for a coor-**

1 dinated state criminal justice system that encompasses public safety, offender
2 accountability, crime reduction and prevention and offender treatment and
3 rehabilitation. The plan must include, but need not be limited to, recom-
4 mendations regarding:

5 “(a) Capacity, utilization and type of state and local prison and jail fa-
6 cilities;

7 “(b) Implementation of community corrections programs;

8 “(c) Alternatives to the use of prison and jail facilities;

9 “(d) Appropriate use of existing facilities and programs;

10 “(e) Whether additional or different facilities and programs are necessary;

11 “(f) Methods of assessing the effectiveness of juvenile and adult
12 correctional programs, devices and sanctions in reducing future criminal
13 conduct by juvenile and adult offenders;

14 “(g) Methods of reducing the risk of future criminal conduct; and

15 “(h) The effective utilization of local public safety coordinating councils.

16 “(3) Other duties of the commission are:

17 “(a) To conduct joint studies by agreement with other state agencies,
18 boards or commissions on any matter within the jurisdiction of the commis-
19 sion.

20 “(b) To provide Oregon criminal justice analytical and statistical infor-
21 mation to federal agencies and serve as a clearinghouse and information
22 center for the collection, preparation, analysis and dissemination of infor-
23 mation on state and local sentencing practices.

24 “(c) To provide technical assistance and support to local public safety
25 coordinating councils.

26 “(d) To receive grant applications to start or expand drug court programs
27 as defined in ORS 3.450, to make rules to govern the grant process and to
28 award grant funds according to the rules.

29 “(e) To prepare the racial and ethnic impact statements described in
30 sections 1 and 3, chapter 600, Oregon Laws 2013.

1 “(f) To implement and carry out the provisions of ORS 419B.112 and sec-
2 tion 4 of this 2017 Act regarding CASA Volunteer Programs and the provision
3 of court appointed special advocates in this state.]

4 “(4) The commission shall establish by rule the information that must be
5 submitted under ORS 137.010 (9) and the methods for submitting the infor-
6 mation. A rule adopted under this subsection must be approved by the Chief
7 Justice of the Supreme Court before it takes effect.

8 “(5) The commission may:

9 “(a) Apply for and receive gifts and grants from any public or private
10 source.

11 “(b) Award grants from funds appropriated by the Legislative Assembly
12 to the commission or from funds otherwise available from any other source,
13 for the purpose of carrying out the duties of the commission.

14 “(c) Adopt rules to carry out the provisions of this subsection.

15 “**SECTION 27.** ORS 137.656, as amended by section 9, chapter 600, Oregon
16 Laws 2013, and section 8 of this 2017 Act, is amended to read:

17 “137.656. (1) The purpose of the Oregon Criminal Justice Commission is
18 to improve the effectiveness and efficiency of state and local criminal justice
19 systems by providing a centralized and impartial forum for statewide policy
20 development and planning.

21 “(2) The primary duty of the commission is to develop and maintain a
22 state criminal justice policy and comprehensive, long-range plan for a coor-
23 dinated state criminal justice system that encompasses public safety, offender
24 accountability, crime reduction and prevention and offender treatment and
25 rehabilitation. The plan must include, but need not be limited to, recom-
26 mendations regarding:

27 “(a) Capacity, utilization and type of state and local prison and jail fa-
28 cilities;

29 “(b) Implementation of community corrections programs;

30 “(c) Alternatives to the use of prison and jail facilities;

1 “(d) Appropriate use of existing facilities and programs;

2 “(e) Whether additional or different facilities and programs are necessary;

3 “(f) Methods of assessing the effectiveness of juvenile and adult
4 correctional programs, devices and sanctions in reducing future criminal
5 conduct by juvenile and adult offenders;

6 “(g) Methods of reducing the risk of future criminal conduct; and

7 “(h) The effective utilization of local public safety coordinating councils.

8 “(3) Other duties of the commission are:

9 “(a) To conduct joint studies by agreement with other state agencies,
10 boards or commissions on any matter within the jurisdiction of the commis-
11 sion.

12 “(b) To provide Oregon criminal justice analytical and statistical infor-
13 mation to federal agencies and serve as a clearinghouse and information
14 center for the collection, preparation, analysis and dissemination of infor-
15 mation on state and local sentencing practices.

16 “(c) To provide technical assistance and support to local public safety
17 coordinating councils.

18 “(d) To receive grant applications to start or expand drug court programs
19 as defined in ORS 3.450, to make rules to govern the grant process and to
20 award grant funds according to the rules.

21 “*[(e) To implement and carry out the provisions of ORS 419B.112 and sec-*
22 *tion 4 of this 2017 Act regarding CASA Volunteer Programs and the provision*
23 *of court appointed special advocates in this state.]*

24 “(4) The commission shall establish by rule the information that must be
25 submitted under ORS 137.010 (9) and the methods for submitting the infor-
26 mation. A rule adopted under this subsection must be approved by the Chief
27 Justice of the Supreme Court before it takes effect.

28 “(5) The commission may:

29 “(a) Apply for and receive gifts and grants from any public or private
30 source.

1 “(b) Award grants from funds appropriated by the Legislative Assembly
2 to the commission or from funds otherwise available from any other source,
3 for the purpose of carrying out the duties of the commission.

4 “(c) Adopt rules to carry out the provisions of this subsection.

5 **“SECTION 28.** ORS 131A.360, as amended by section 9 of this 2017 Act,
6 is amended to read:

7 “131A.360. (1) The provisions of this section apply only to a forfeiting
8 agency other than the state, and apply only to forfeiture proceeds arising out
9 of prohibited conduct as defined by ORS 131A.005 (12)(a).

10 “(2) If the forfeiting agency is not a county, the forfeiting agency shall
11 enter into an agreement, under ORS chapter 190, with the county in which
12 the property was seized to provide a portion of the forfeiture proceeds to the
13 county.

14 “(3) After entry of a judgment of forfeiture, a forfeiting agency shall first
15 pay from the forfeiture proceeds the costs incurred by seizing and forfeiting
16 agencies in investigating and prosecuting the case, including costs, dis-
17 bursements and attorney fees as defined in ORCP 68 A, special expenses such
18 as the provision of currency for undercover law enforcement operations, the
19 cost of disabling a hidden compartment in a motor vehicle and the expenses
20 of maintaining the seized property. The forfeiting agency may not pay ex-
21 penditures made in connection with the ordinary maintenance and operation
22 of a seizing or forfeiting agency under this subsection.

23 “(4) After payment of costs under subsection (3) of this section, the for-
24 feiting agency shall:

25 “(a) Deduct an amount equal to five percent of the forfeiture proceeds and
26 deposit that amount in the Illegal Drug Cleanup Fund established by ORS
27 475.495 for the purposes specified in ORS 475.495 (5) and (6);

28 “(b) Deduct an amount equal to 2.5 percent of the forfeiture proceeds and
29 deposit that amount in the Asset Forfeiture Oversight Account;

30 “(c) Deduct an amount equal to 20 percent of the forfeiture proceeds and

1 deposit that amount in the Oregon Criminal Justice Commission Account
2 established under ORS 137.662 for disbursement to drug court programs as
3 described in ORS 3.450; and

4 “(d) Deduct an amount equal to 10 percent of the forfeiture proceeds and
5 deposit that amount in the Early Learning Division Fund established in ORS
6 326.435 for disbursement to relief nurseries as described in ORS 417.788.

7 “(5) If the forfeiting agency has entered into an agreement with a county
8 under subsection (2) of this section, after paying costs under subsection (3)
9 of this section and making the deductions required by subsection (4) of this
10 section, the forfeiting agency shall pay the county the amounts required by
11 the agreement.

12 “(6) After making all payments and deductions required by subsections (3),
13 (4) and (5) of this section, the forfeiting agency may use the remaining
14 forfeiture proceeds, including amounts received by a county under subsection
15 (5) of this section or by any other public body under an intergovernmental
16 agreement entered into under ORS 131A.355, only for:

17 “(a) The purchase of equipment necessary for the enforcement of laws
18 relating to the unlawful delivery, distribution, manufacture or possession of
19 controlled substances;

20 “(b) Currency for undercover law enforcement operations;

21 “(c) Drug awareness and drug education programs offered in middle
22 schools and high schools;

23 “(d) The expenses of a forfeiting agency in operating joint narcotic oper-
24 ations with other forfeiting agencies pursuant to the terms of an intergov-
25 ernmental agreement, including paying for rental space, utilities and office
26 equipment;

27 “(e) Expenses of a district attorney in criminal prosecutions for unlawful
28 delivery, distribution, manufacture or possession of controlled substances,
29 as determined through intergovernmental agreement between the forfeiting
30 agency and the district attorney;

1 “(f) Drug treatment and programs that support drug treatment; and
2 “(g) A CASA Volunteer Program as defined in [section 3 of this 2017
3 Act] **ORS 419A.004.**

4 “(7) Notwithstanding subsection (6) of this section, growing equipment
5 and laboratory equipment seized by a forfeiting agency that was used, or
6 intended for use, in the manufacturing of controlled substances may be do-
7 nated to a public school, community college or institution of higher educa-
8 tion.

9 “(8) A forfeiting agency shall sell as much property as may be needed to
10 make the distributions required by this section. Distributions required under
11 subsection (4) of this section must be made once every three months and are
12 due within 20 days of the end of each quarter. No interest shall accrue on
13 amounts that are paid within the period specified by this subsection.

14 **“SECTION 29.** ORS 419A.255, as amended by section 11, chapter 417,
15 Oregon Laws 2013, section 8, chapter 439, Oregon Laws 2013, section 3,
16 chapter 71, Oregon Laws 2014, section 2, chapter 293, Oregon Laws 2015,
17 section 7, chapter 95, Oregon Laws 2016, and section 10 of this 2017 Act, is
18 amended to read:

19 “419A.255. (1)(a) The clerk of the court shall maintain a record of each
20 case and a supplemental confidential file for each case, except as otherwise
21 provided in ORS 7.120.

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

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

26 “(B) The child;

27 “(C) The ward;

28 “(D) The youth;

29 “(E) The youth offender;

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

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

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

4 “(I) The court appointed special advocate[,] and a representative of a
5 CASA Volunteer Program [*as defined in section 3 of this 2017 Act*], when
6 reasonably necessary for the appointment or supervision of court appointed
7 special advocates;

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

10 “(K) The surrogate;

11 “(L) Service providers in the case;

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

14 “(N) The juvenile department;

15 “(O) The Department of Human Services;

16 “(P) The Oregon Youth Authority; and

17 “(Q) Any other person or entity allowed by the court pursuant to section
18 9, chapter 95, Oregon Laws 2016.

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

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

22 “(B) A party to the extent permitted under ORS 419B.875 (2) or 419C.285
23 (2);

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

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

27 “(E) Any other person or entity allowed by the court pursuant to section
28 9, chapter 95, Oregon Laws 2016.

29 “(2)(a) Reports and other material relating to the child, ward, youth or
30 youth offender’s history and prognosis in the record of the case or the sup-

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

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

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

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

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

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

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

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

28 “(G) The court appointed special advocate[,] and a representative of a
29 CASA Volunteer Program [*as defined in section 3 of this 2017 Act*], when
30 reasonably necessary for the appointment or supervision of court appointed

1 special advocates;

2 “(H) The surrogate;

3 “(I) Service providers in the case;

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

5 “(i) The child;

6 “(ii) The ward;

7 “(iii) The youth;

8 “(iv) The youth offender;

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

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

11 “(vii) A person allowed to intervene in a proceeding involving the child

12 or ward in a dependency case; or

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

14 CASA Volunteer Program [*as defined in section 3 of this 2017 Act*];

15 “(K) The district attorney or assistant attorney general representing a

16 party in the case;

17 “(L) The juvenile department;

18 “(M) The Department of Human Services;

19 “(N) The Oregon Youth Authority; and

20 “(O) Any other person or entity allowed by the court pursuant to section

21 9, chapter 95, Oregon Laws 2016.

22 “(c) The supplemental confidential file in cases under ORS 419C.005 may

23 be disclosed to the superintendent of the school district in which the youth

24 offender resides or the superintendent’s designee.

25 “(d) The following are entitled to copies of material maintained in the

26 supplemental confidential file:

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

28 direction;

29 “(B) Service providers in the case;

30 “(C) School superintendents and their designees in cases under ORS

1 419C.005;

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

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

5 “(F) The juvenile department;

6 “(G) The Department of Human Services;

7 “(H) The Oregon Youth Authority;

8 “(I) The court appointed special advocate[,] and a representative of a
9 CASA Volunteer Program [*as defined in section 3 of this 2017 Act*], when
10 reasonably necessary for the appointment or supervision of court appointed
11 special advocates; and

12 “(J) Any other person or entity allowed by the court pursuant to section
13 9, chapter 95, Oregon Laws 2016.

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

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

30 “(a) In connection with a presentence investigation after guilt has been

1 admitted or established in a criminal court.

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

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

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

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

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

13 “(D) As provided in ORS 419A.253.

14 “(b) Nothing in this section prohibits the district attorney or assistant
15 attorney general representing a party in a juvenile court proceeding, the
16 juvenile department, the Department of Human Services, the Oregon Youth
17 Authority or other parties in the proceeding or their attorneys from dis-
18 closing to each other reports, materials or documents described in sub-
19 sections (1) and (2) of this section if the disclosure is reasonably necessary
20 to perform official duties related to the involvement of the child, ward, youth
21 or youth offender with the juvenile court or the juvenile department. A
22 person to whom reports, materials or documents are disclosed under this
23 subsection is subject to subsection (3) of this section.

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

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

4 “(c) Nothing in this subsection affects the provisions of ORS 146.750,
5 146.760, 419B.035, 419B.040 and 419B.045. The disclosure of information under
6 this subsection does not make the information admissible in any court or
7 administrative proceeding if it is not otherwise admissible.

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

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

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

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

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

18 “(e) That portion of the juvenile court order providing for the legal dis-
19 position of the youth or youth offender when jurisdiction is based on ORS
20 419C.005;

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

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

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

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

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

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

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

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

11 “(8) Except as provided in ORS 419A.300 and unless otherwise directed
12 by the court, only the juvenile court, the county juvenile department and the
13 Oregon Youth Authority may disclose the information under subsections (6)
14 and (7) of this section if the information is subject to disclosure. The youth
15 authority may disclose only information relating to youth offenders commit-
16 ted to the youth authority by order of the juvenile court if the information
17 is subject to disclosure under subsection (6) or (7) of this section.

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

22 “(10) Nothing in this section prohibits the court from providing to the
23 administrator as defined in ORS 25.010 the date of entry of a judgment ter-
24 minating parental rights or the date of entry of a judgment terminating
25 wardship following entry of a judgment of adoption together with the names
26 and dates of birth of the parents and children subject to the judgment.

27 “(11) In addition to any other provision in this section, the Judicial De-
28 partment may permit county or statewide access to juvenile court records
29 or information by county juvenile departments, the Department of Human
30 Services, the Oregon Youth Authority, district attorney offices, the office of

1 the Attorney General, the office of public defense services, prospective ap-
2 pellate attorneys or public defense providers subject to the following re-
3 strictions:

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

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

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

12 “(b) Any other person or entity granted access under this subsection must
13 agree, pursuant to a written agreement with the department, to access re-
14 cords or information only as authorized and allowed by this section, subject
15 to applicable state and federal confidentiality laws.

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

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

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

26 “(13) Nothing in this section prohibits a guardian appointed under ORS
27 419B.365 or 419B.366 from disclosing or providing copies of letters of
28 guardianship when so required to fulfill the duties of a guardian.

29 “(14) The court shall cooperate in the sharing of information with a court
30 in another state to facilitate an interstate placement of a child or ward.

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

18 “(16) Subject to subsection (11) of this section, the office of public defense
19 services shall be permitted access to juvenile court records for the purposes
20 of performing the office’s duties as set forth in ORS 151.219 to audit or in-
21 vestigate attorney appointment or representation of a party in a juvenile
22 court proceeding in order to ensure adequate representation of parties in
23 juvenile court proceedings consistent with the child welfare state plan re-
24 lated to Title IV-E of the Social Security Act.

25 “(17) Subject to subsection (11) of this section, the Oregon State Bar shall
26 be permitted access to juvenile court records maintained in the record of the
27 case for the purpose of performing the bar’s duties as set forth in ORS 9.005
28 to 9.757 to investigate attorney representation of a party in a juvenile court
29 proceeding and in order to ensure adequate representation of parties in ju-
30 venile court proceedings consistent with the child welfare state plan related

1 to Title IV-E of the Social Security Act.

2 “(18)(a) A child, ward, youth or youth offender, or the parent or guardian
3 of a child, ward, youth or youth offender who is a party to the juvenile court
4 proceeding, who is entitled to inspect or copy the record of the case under
5 subsection (1)(b) and (c) of this section maintains the right to inspect or copy
6 the record of the case after jurisdiction of the court over the child, ward,
7 youth or youth offender terminates and after the child, ward, youth or youth
8 offender has reached the age of majority.

9 “(b) Notwithstanding ORS 419B.524, a parent of a child, ward, youth or
10 youth offender whose parental rights have been terminated maintains the
11 right that existed under subsection (1)(b) and (c) of this section to inspect
12 or copy the record of the case as the record of the case existed up until the
13 time of entry of the judgment terminating the parent’s parental rights and
14 may obtain a copy of the judgment terminating the parent’s parental rights.

15 “(19) When inspection or copying of the record of the case or of the sup-
16 plemental confidential file is allowed pursuant to this section, and unless
17 otherwise required by law, the court that maintains the record of the case
18 or the supplemental confidential file is not required to redact the names of,
19 or information about, siblings or other persons contained in the record of the
20 case or the supplemental confidential file.

21 **“SECTION 30.** ORS 419A.004, as amended by section 46, chapter 106,
22 Oregon Laws 2016, and section 11 of this 2017 Act, is amended to read:

23 “419A.004. As used in this chapter and ORS chapters 419B and 419C, un-
24 less the context requires otherwise:

25 “(1) ‘Age-appropriate or developmentally appropriate activities’ means:

26 “(a) Activities or items that are generally accepted as suitable for chil-
27 dren of the same chronological age or level of maturity or that are deter-
28 mined to be developmentally appropriate for a child, based on the
29 development of cognitive, emotional, physical and behavioral capacities that
30 are typical for an age or age group; and

1 “(b) In the case of a specific child, activities or items that are suitable
2 for the child based on the developmental stages attained by the child with
3 respect to the cognitive, emotional, physical and behavioral capacities of the
4 child.

5 “(2) ‘Another planned permanent living arrangement’ means an out-of-
6 home placement for a ward 16 years of age or older that is consistent with
7 the case plan and in the best interests of the ward other than placement:

8 “(a) By adoption;

9 “(b) With a legal guardian; or

10 “(c) With a fit and willing relative.

11 “(3) ‘CASA Volunteer Program’ means a program that is approved or
12 sanctioned by a juvenile court[,] **and** has received accreditation from the
13 National CASA Association [*and has entered into a contract with the Oregon*
14 *Criminal Justice Commission under section 4 of this 2017 Act*] to recruit, train
15 and supervise volunteers to serve as court appointed special advocates.

16 “(4) ‘Child care center’ means a residential facility for wards or youth
17 offenders that is licensed, certified or otherwise authorized as a child-caring
18 agency as that term is defined in ORS 418.205.

19 “(5) ‘Community service’ has the meaning given that term in ORS 137.126.

20 “(6) ‘Conflict of interest’ means a person appointed to a local citizen re-
21 view board who has a personal or pecuniary interest in a case being reviewed
22 by that board.

23 “(7) ‘Counselor’ means a juvenile department counselor or a county juve-
24 nile probation officer.

25 “(8) ‘Court’ means the juvenile court.

26 “(9) ‘Court appointed special advocate’ means a person in a CASA Vol-
27 unteer Program who is appointed by the court to act as a court appointed
28 special advocate pursuant to ORS 419B.112.

29 “(10) ‘Court facility’ has the meaning given that term in ORS 166.360.

30 “(11) ‘Current caretaker’ means a foster parent who:

1 “(a) Is currently caring for a ward who is in the legal custody of the
2 Department of Human Services and who has a permanency plan or concur-
3 rent permanent plan of adoption; and

4 “(b) Who has cared for the ward, or at least one sibling of the ward, for
5 at least the immediately prior 12 consecutive months or for one-half of the
6 ward’s or sibling’s life where the ward or sibling is younger than two years
7 of age.

8 “(12) ‘Department’ means the Department of Human Services.

9 “(13) ‘Detention’ or ‘detention facility’ means a facility established under
10 ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 for the detention of
11 children, wards, youths or youth offenders pursuant to a judicial commitment
12 or order.

13 “(14) ‘Director’ means the director of a juvenile department established
14 under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063.

15 “(15) ‘Guardian’ means guardian of the person and not guardian of the
16 estate.

17 “(16) ‘Indian child’ means any unmarried person less than 18 years of age
18 who is:

19 “(a) A member of an Indian tribe; or

20 “(b) Eligible for membership in an Indian tribe and is the biological child
21 of a member of an Indian tribe.

22 “(17) ‘Juvenile court’ means the court having jurisdiction of juvenile
23 matters in the several counties of this state.

24 “(18) ‘Local citizen review board’ means the board specified by ORS
25 419A.090 and 419A.092.

26 “(19) ‘Parent’ means the biological or adoptive mother and the legal fa-
27 ther of the child, ward, youth or youth offender. As used in this subsection,
28 ‘legal father’ means:

29 “(a) A man who has adopted the child, ward, youth or youth offender or
30 whose paternity has been established or declared under ORS 109.070 or

1 416.400 to 416.465 or by a juvenile court; and

2 “(b) In cases in which the Indian Child Welfare Act applies, a man who
3 is a father under applicable tribal law.

4 “(20) ‘Permanent foster care’ means an out-of-home placement in which
5 there is a long-term contractual foster care agreement between the foster
6 parents and the department that is approved by the juvenile court and in
7 which the foster parents commit to raise a ward in substitute care or youth
8 offender until the age of majority.

9 “(21) ‘Public building’ has the meaning given that term in ORS 166.360.

10 “(22) ‘Reasonable and prudent parent standard’ means the standard,
11 characterized by careful and sensible parental decisions that maintain the
12 health, safety and best interests of a child or ward while encouraging the
13 emotional and developmental growth of the child or ward, that a substitute
14 care provider shall use when determining whether to allow a child or ward
15 in substitute care to participate in extracurricular, enrichment, cultural and
16 social activities.

17 “(23) ‘Reasonable time’ means a period of time that is reasonable given
18 a child or ward’s emotional and developmental needs and ability to form and
19 maintain lasting attachments.

20 “(24) ‘Records’ means any information in written form, pictures, photo-
21 graphs, charts, graphs, recordings or documents pertaining to a case.

22 “(25) ‘Resides’ or ‘residence,’ when used in reference to the residence of
23 a child, ward, youth or youth offender, means the place where the child,
24 ward, youth or youth offender is actually living or the jurisdiction in which
25 wardship or jurisdiction has been established.

26 “(26) ‘Restitution’ has the meaning given that term in ORS 137.103.

27 “(27) ‘Serious physical injury’ means:

28 “(a) A serious physical injury as defined in ORS 161.015; or

29 “(b) A physical injury that:

30 “(A) Has a permanent or protracted significant effect on a child’s daily

1 activities;

2 “(B) Results in substantial and recurring pain; or

3 “(C) In the case of a child under 10 years of age, is a broken bone.

4 “(28) ‘Shelter care’ means a home or other facility suitable for the safe-
5 keeping of a child, ward, youth or youth offender who is taken into tempo-
6 rary custody pending investigation and disposition.

7 “(29) ‘Short-term detention facility’ means a facility established under
8 ORS 419A.050 (3) for holding children, youths and youth offenders pending
9 further placement.

10 “(30) ‘Sibling’ means one of two or more children or wards related:

11 “(a) By blood or adoption through a common legal parent; or

12 “(b) Through the marriage of the children’s or wards’ legal or biological
13 parents.

14 “(31) ‘Substitute care’ means an out-of-home placement directly supervised
15 by the department or other agency, including placement in a foster family
16 home, group home, child-caring agency as defined in ORS 418.205 or other
17 child caring institution or facility. ‘Substitute care’ does not include care in:

18 “(a) A detention facility, forestry camp or youth correction facility;

19 “(b) A family home that the court has approved as a ward’s permanent
20 placement, when a child-caring agency as defined in ORS 418.205 has been
21 appointed guardian of the ward and when the ward’s care is entirely pri-
22 vately financed; or

23 “(c) In-home placement subject to conditions or limitations.

24 “(32) ‘Surrogate’ means a person appointed by the court to protect the
25 right of the child, ward, youth or youth offender to receive procedural safe-
26 guards with respect to the provision of free appropriate public education.

27 “(33) ‘Tribal court’ means a court with jurisdiction over child custody
28 proceedings and that is either a Court of Indian Offenses, a court established
29 and operated under the code of custom of an Indian tribe or any other ad-
30 ministrative body of a tribe that is vested with authority over child custody

1 proceedings.

2 “(34) ‘Victim’ means any person determined by the district attorney, the
3 juvenile department or the court to have suffered direct financial, psycho-
4 logical or physical harm as a result of the act that has brought the youth
5 or youth offender before the juvenile court. When the victim is a minor,
6 ‘victim’ includes the legal guardian of the minor. The youth or youth
7 offender may not be considered the victim. When the victim of the crime
8 cannot be determined, the people of Oregon, as represented by the district
9 attorney, are considered the victims.

10 “(35) ‘Violent felony’ means any offense that, if committed by an adult,
11 would constitute a felony and:

12 “(a) Involves actual or threatened serious physical injury to a victim; or

13 “(b) Is a sexual offense. As used in this paragraph, ‘sexual offense’ has
14 the meaning given the term ‘sex crime’ in ORS 163A.005.

15 “(36) ‘Ward’ means a person within the jurisdiction of the juvenile court
16 under ORS 419B.100.

17 “(37) ‘Young person’ means a person who has been found responsible ex-
18 cept for insanity under ORS 419C.411 and placed under the jurisdiction of
19 the Psychiatric Security Review Board.

20 “(38) ‘Youth’ means a person under 18 years of age who is alleged to have
21 committed an act that is a violation, or, if done by an adult would constitute
22 a violation, of a law or ordinance of the United States or a state, county or
23 city.

24 “(39) ‘Youth care center’ has the meaning given that term in ORS 420.855.

25 “(40) ‘Youth offender’ means a person who has been found to be within
26 the jurisdiction of the juvenile court under ORS 419C.005 for an act com-
27 mitted when the person was under 18 years of age.

28 **“SECTION 31.** ORS 419B.112, as amended by section 12 of this 2017 Act,
29 is amended to read:

30 “419B.112. (1) In every case under ORS chapter 419B, the court shall ap-

1 point a court appointed special advocate. The court appointed special advo-
2 cate is deemed a party in these proceedings and may be represented by
3 counsel, file pleadings and request hearings and may subpoena, examine and
4 cross-examine witnesses. *[If the court appointed special advocate is repres-*
5 *ented by counsel, counsel shall be paid from funds in the Court Appointed*
6 *Special Advocate Fund established under section 6 of this 2017 Act.]* Counsel
7 representing a court appointed special advocate may not be paid from moneys
8 in the Public Defense Services Account established by ORS 151.225, from
9 moneys appropriated to the Public Defense Services Commission or from
10 Judicial Department operating funds.

11 “(2) Subject to the direction of the court, the duties of the court appointed
12 special advocate are to:

13 “(a) Investigate all relevant information about the case;

14 “(b) Advocate for the child or ward, ensuring that all relevant facts are
15 brought before the court;

16 “(c) Facilitate and negotiate to ensure that the court, the Department of
17 Human Services, if applicable, and the child or ward’s attorney, if any, fulfill
18 their obligations to the child or ward in a timely fashion; and

19 “(d) Monitor all court orders to ensure compliance and to bring to the
20 court’s attention any change in circumstances that may require a modifica-
21 tion of an order of the court.

22 “(3) If a juvenile court does not have a sufficient number of qualified
23 court appointed special advocates available to it, the court may, in fulfill-
24 ment of the requirements of this section, appoint a juvenile department em-
25 ployee or other suitable person to represent the child or ward’s interest in
26 court pursuant to ORS 419A.012 or 419B.195.

27 “(4) Any person appointed as a court appointed special advocate in any
28 judicial proceeding on behalf of the child or ward is immune from any li-
29 ability for defamation or statements made in good faith by that person, orally
30 or in writing, in the course of the case review or judicial proceeding.

1 “(5) Any person appointed as a court appointed special advocate, CASA
2 Volunteer Program director, CASA Volunteer Program employee or member
3 of the board of directors or trustees of any CASA Volunteer Program is im-
4 mune from any liability for acts or omissions or errors in judgment made in
5 good faith in the course or scope of that person’s duties or employment as
6 part of a CASA Volunteer Program.

7 “(6) Whenever the court appoints a court appointed special advocate or
8 other person under subsections (1) to (3) of this section to represent the child
9 or ward, the court may require a parent, if able, or guardian of the estate,
10 if the estate is able, to pay, in whole or in part, the reasonable costs of court
11 appointed special advocate services, including reasonable attorney fees. The
12 court’s order of payment is enforceable in the same manner as an order of
13 support under ORS 419B.408.

14 “(7) Upon presentation of the order of appointment by the court appointed
15 special advocate, any agency, hospital, school organization, division, office
16 or department of the state, doctor, nurse or other health care provider, psy-
17 chologist, psychiatrist, police department or mental health clinic shall permit
18 the court appointed special advocate to inspect and copy, and may consult
19 with the court appointed special advocate regarding, any records relating to
20 the child or ward involved in the case, without the consent of the child, ward
21 or parents.

22 “(8) All records and information acquired or reviewed by a court ap-
23 pointed special advocate during the course of official duties are deemed
24 confidential under ORS 419A.255.

25 “(9) For the purposes of a Child Abuse Prevention and Treatment Act (42
26 U.S.C. 5101 et seq.) grant to this state under P.L. 93-247, or any related state
27 or federal legislation, a court appointed special advocate or other person
28 appointed pursuant to subsections (1) to (3) of this section is deemed a
29 guardian ad litem to represent the interests of the child or ward in pro-
30 ceedings before the court.”.

- 1 In line 41, delete “23” and insert “32”.
- 2 On page 20, line 1, delete “24” and insert “33”.
- 3 _____