

A-Engrossed
Senate Bill 231

Ordered by the Senate March 16
Including Senate Amendments dated March 16

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires court, under certain circumstances, to cause list to be made that identifies reports or material provided to court for consideration but not admitted as exhibits. Provides that transcript of juvenile court proceeding is part of record of case. Establishes access and disclosure requirements for transcripts and other records of juvenile court proceedings.

A BILL FOR AN ACT

1
2 Relating to juvenile court records.

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

4 **SECTION 1. Sections 2, 3 and 4 of this 2005 Act are added to and made a part of ORS**
5 **chapter 419A.**

6 **SECTION 2. (1) When the juvenile court considers or relies upon all or part of a report**
7 **or other material described in ORS 419A.255 (2) for the purpose of a hearing or proceeding**
8 **that results in the entry of an order or judgment and the pertinent parts of the report or**
9 **material are not admitted as exhibits, the court shall cause to be made a list identifying the**
10 **report or material provided to the court for consideration. The list may be included in the**
11 **order or judgment or may be set out in a separate document. If necessary when an appeal**
12 **is taken from the order or judgment, the court shall cause to have any report or material**
13 **listed available to be made part of the record on appeal.**

14 **(2) The list described in subsection (1) of this section is part of the record of the case**
15 **maintained by the clerk of the court under ORS 419A.255 (1).**

16 **(3) Nothing in ORS 419A.255 limits access to any juvenile court records by an appellate**
17 **court reviewing a juvenile court order or judgment. Appellate court rules may establish**
18 **procedures for appellate court access to juvenile court records.**

19 **SECTION 3. (1) Once prepared and filed with the court, a transcript of a juvenile court**
20 **proceeding is part of the record of the case maintained by the clerk of the court under ORS**
21 **419A.255 (1) and is subject to the provisions of ORS 419A.255 (1) and (3) governing access and**
22 **disclosure.**

23 **(2) The official audio, video or other recording of a juvenile court proceeding shall be**
24 **withheld from public inspection but is open to inspection by the child, ward, youth, youth**
25 **offender, parent, guardian, court appointed special advocate, surrogate or a person allowed**
26 **to intervene in a proceeding involving the child, ward, youth or youth offender, and their**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 attorneys.

2 **SECTION 4. (1) The district attorney or assistant attorney general representing the state**
3 **in a juvenile court proceeding, the juvenile department, the Department of Human Services**
4 **and the Oregon Youth Authority may inspect and obtain from the court copies of the re-**
5 **ords, reports and other materials described in ORS 419A.255 (1) and (2) to the same extent**
6 **that attorneys for the other parties and the other parties are authorized to inspect and ob-**
7 **tain copies of the records, reports and other materials. An agency or person that inspects**
8 **or obtains records, reports or materials under this subsection is subject to ORS 419A.255 (3).**

9 **(2) Nothing in ORS 419A.255 prohibits the district attorney or assistant attorney general**
10 **representing the state in a juvenile court proceeding, the juvenile department, the Depart-**
11 **ment of Human Services, the Oregon Youth Authority or the other parties in the proceeding**
12 **or their attorneys from disclosing to each other records, reports and other materials de-**
13 **scribed ORS 419A.255 (1) and (2) if the disclosure is reasonably necessary to perform official**
14 **duties related to the involvement of the child, ward, youth or youth offender with the juve-**
15 **nile court or juvenile department. An agency or person to whom records, reports or mate-**
16 **rials are disclosed under this subsection is subject to ORS 419A.255 (3).**

17 **(3) An agency or person that inspects or obtains records, reports or materials under**
18 **subsection (1) of this section or to whom records, reports or materials are disclosed under**
19 **subsection (2) of this section may not use or disclose the records, reports or materials ex-**
20 **cept:**

21 **(a) As provided in subsections (1) and (2) of this section;**

22 **(b) In the juvenile court proceeding for which the records, reports or materials were**
23 **sought or disclosed;**

24 **(c) With the consent of the court as provided in ORS 419A.255 (2) or (3); or**

25 **(d) As provided in section 2 of this 2005 Act.**

26