

Enrolled Senate Bill 231

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)

CHAPTER

AN ACT

Relating to juvenile court records; and declaring an emergency.

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

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

SECTION 2. (1) When, for the purpose of a hearing or proceeding that will result in the entry of an order or judgment, the juvenile court considers information in a report or other material described in ORS 419A.255 (2) and no party has offered the report or material as an exhibit or asked the court to take judicial notice of the information, the court shall identify on the record the report or material, or the part of the report or material, that the court has considered. Subject to the court’s ruling on objections by the parties, the court shall either take judicial notice of the information pursuant to ORS 40.060 to 40.085 or cause the report or material, or the part of the report or material, to be marked and received as an exhibit. The court shall cause a list to be made that reasonably identifies, by reference to its source, information judicially noticed under this subsection. The list may be included in the order or judgment or may be set out in a separate document attached to the order or judgment. If an appeal is taken from the order or judgment following the hearing or proceeding and the designation of record on appeal includes exhibits, the court or the trial court administrator shall cause the exhibits and any report or other materials containing judicially noticed information to be transmitted to the appellate court as part of the record on appeal.

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

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

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

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

to intervene in a proceeding involving the child, ward, youth or youth offender, and their attorneys.

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

(2) Nothing in ORS 419A.255 prohibits the district attorney or assistant attorney general representing the state in a juvenile court proceeding, the juvenile department, the Department of Human Services, the Oregon Youth Authority or the other parties in the proceeding or their attorneys from disclosing to each other records, reports and other materials described in ORS 419A.255 (1) and (2) if the disclosure is reasonably necessary to perform official duties related to the involvement of the child, ward, youth or youth offender with the juvenile court or juvenile department. An agency or person to whom records, reports or materials are disclosed under this subsection is subject to ORS 419A.255 (3).

(3) An agency or person that inspects or obtains records, reports or materials under subsection (1) of this section or to whom records, reports or materials are disclosed under subsection (2) of this section may not use or disclose the records, reports or materials except:

- (a) As provided in subsections (1) and (2) of this section;
- (b) In the juvenile court proceeding for which the records, reports or materials were sought or disclosed;
- (c) With the consent of the court as provided in ORS 419A.255 (2) or (3); or
- (d) As provided in section 2 of this 2005 Act.

SECTION 5. This 2005 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect on its passage.

Passed by Senate March 22, 2005

Received by Governor:

Repassed by Senate June 20, 2005

.....M.,....., 2005

Approved:

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Secretary of Senate

.....M.,....., 2005

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President of Senate

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Governor

Passed by House June 15, 2005

Filed in Office of Secretary of State:

.....M.,....., 2005

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Speaker of House

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Secretary of State