

Senate Bill 415

Sponsored by Senator GORSEK (at the request of Samantha Dorsch) (Presession filed.)

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 **as introduced**.

Directs Department of Human Services to develop written materials describing how adult who was involved in child welfare matter as a child can obtain access to child welfare records. Directs department to make materials available on department's website.

A BILL FOR AN ACT

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2 Relating to access to child welfare records; creating new provisions; and amending ORS 419A.252.

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

4 **SECTION 1. (1) The Department of Human Services shall prepare written materials explaining the process under ORS 419A.255 for an adult who was involved in a child welfare matter as a child to obtain access to the record of the case and supplemental confidential file. The written materials must also provide instructions for how the adult can obtain access to any other records relating to the child welfare case that are in the custody of the department, including abuse investigation records and reports.**

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10 **(2) The department shall make the information available on the department's website.**

11 **SECTION 2.** ORS 419A.252, as amended by section 56, chapter 14, Oregon Laws 2020 (first special session) (Enrolled House Bill 4214), is amended to read:

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13 419A.252. As used in this section and ORS 419A.253, 419A.255 and 419A.256 **and section 1 of this 2021 Act:**

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15 (1) "Person" means an individual, a public body as defined in ORS 174.109 or a tribe that is a party to a juvenile court proceeding pursuant to ORS 419B.875.

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17 (2) "Prospective appellate attorney" means an attorney designated by the office of public defense services established under ORS 151.216 to potentially represent a child, ward, youth, youth offender, or a parent or guardian of a child, ward, youth or youth offender, in a juvenile case when the case has been referred to the office of public defense services for appeal.

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21 (3) "Public defense provider" means an attorney or a law firm designated by the office of public defense services established under ORS 151.216 to potentially represent a child, ward, youth, youth offender or the parent or guardian of a child, ward, youth or youth offender in a juvenile court proceeding.

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25 (4) "Record of the case" or "record of each case," whether maintained in paper or electronic form, includes but is not limited to the following and includes records filed in juvenile court proceedings commenced before January 1, 2014, when the records are substantially similar to the following:

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27 (a) The summons and other process;

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29 (b) Petitions;

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31 (c) Papers in the nature of pleadings, answers, motions, affidavits and other papers that are filed

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 with the court, including supporting documentation;
- 2 (d) Local citizen review board findings and recommendations submitted under ORS 419A.118 or
- 3 419B.367;
- 4 (e) Guardianship report summaries filed with the court under ORS 419B.367;
- 5 (f) Orders and judgments of the court, including supporting documentation;
- 6 (g) Transcripts under ORS 419A.256;
- 7 (h) Exhibits and materials offered as exhibits whether or not received in evidence; and
- 8 (i) Other documents that become part of the record of the case by operation of law.
- 9 (5) "Supplemental confidential file," whether maintained in paper or electronic form, includes
- 10 reports and other material relating to the child, ward, youth or youth offender's history and
- 11 prognosis, including but not limited to reports filed under ORS 419B.440, and includes similar reports
- 12 and other materials filed in juvenile court proceedings commenced before January 1, 2014, that:
- 13 (a) Are not or do not become part of the record of the case; and
- 14 (b) Are not offered or received as evidence in the case.
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