

A-Engrossed
Senate Bill 1512

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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.

[Specifies conditions under which licensing board, commission or agency may suspend or deny occupational or professional license on basis of applicant's or licensee's criminal history, moral character or similar qualification. Provides that denial must be on basis of conviction that substantially relates to specific duties and responsibilities for which license is required.]

Prohibits licensing board, commission or agency from denying, suspending or revoking occupational or professional license solely for reason that applicant or licensee was convicted of crime or subject to qualifying juvenile adjudication that does not substantially relate to specific duties and responsibilities for which license is required. Specifies criteria for determining whether crime substantially relates to specific duties and responsibilities for which license is required. Specifies additional restrictions on licensing board's, commission's or agency's power to deny occupational or professional license.

Permits person convicted of crime to petition licensing board, commission or agency at any time for determination as to whether conviction will prevent person from receiving occupational or professional license. *[Specifies fees that licensing board, commission or agency may charge and notice that licensing board, commission or agency must provide.]*

Permits licensing board, commission or agency to charge reasonable fee for determination. Provides that final determination is binding upon licensing board, commission or agency unless, at time of petition, person has charges pending, failed to disclose previous crime or was convicted of crime after submitting petition. Requires notice to person before final determination that conviction will result in denial of occupational or professional license. Specifies additional rights of person and additional notice requirements.

Prohibits employer, state agency or licensing board from taking certain actions on basis of record created or maintained under jurisdiction of juvenile court. **Specifies exemptions.**

Provides that adjudication that youth is within jurisdiction of juvenile court does not forfeit any right or privilege or operate as disqualification from holding public office or pursuing or engaging in lawful activity, occupation, profession or calling.

[Specifies certain disclosures to victims or alleged victims of certain acts by adjudicated youths.]

Provides that information about act committed by youth or adjudicated youth may be disclosed to victim of act and to and among law enforcement unit, district attorney, county juvenile authority and certain other entities.

A BILL FOR AN ACT

1
2 Relating to the effects on adjudicated persons of adjudications for criminal acts; amending ORS
3 419A.255, 419C.400, 670.280 and 670.290.

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

5 **SECTION 1.** ORS 670.280 is amended to read:

6 670.280. (1) As used in this section:

7 (a) "License" includes a registration, certification or permit.

8 (b) "Licensee" includes a registrant or a holder of a certification or permit.

9 (c) **"Qualifying juvenile adjudication" means a finding that a person is within the juris-**
10 **isdiction of a juvenile court under ORS 419C.005 for committing an act that, if committed by**

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 **an adult, would constitute a crime listed in ORS 137.707 (4).**

2 (2) Except as provided in ORS [342.143 (3) or 342.175 (3)] **329A.030, 342.143 (3), 342.175 (3) or**
 3 **443.004 and notwithstanding any other provision of law to the contrary,** a licensing board,
 4 commission or agency **that is authorized or required to consider the criminal history, moral**
 5 **character, fitness or similar qualifications of an applicant for a license or a licensee** may not
 6 deny, suspend or revoke an occupational or professional license solely for the reason that the ap-
 7 plicant or licensee has been convicted of a crime[, *but it may consider the relationship of the facts*
 8 *which support the conviction and all intervening circumstances to the specific occupational or profes-*
 9 *sional standards in determining the fitness of the person to receive or hold the license.*] **or subject to**
 10 **a qualifying juvenile adjudication that does not substantially relate to the specific duties and**
 11 **responsibilities for which the license is required.** There is a rebuttable presumption as to each
 12 individual applicant or licensee that an existing or prior conviction for conduct that has been clas-
 13 sified or reclassified as a Class E violation does not make an applicant for an occupational or pro-
 14 fessional license or a licensee with an occupational or professional license unfit to receive or hold
 15 the license.

16 (3) **In determining whether a crime for which an applicant or licensee was convicted or**
 17 **a qualifying juvenile adjudication to which the applicant or licensee was subject substantially**
 18 **relates to the specific duties and responsibilities for which a license is required, a licensing**
 19 **board, commission or agency shall consider, on a case by case basis:**

20 (a) **The nature and seriousness of the crime or the offense underlying the qualifying ju-**
 21 **venile adjudication;**

22 (b) **The amount of time that has passed since the conviction or qualifying juvenile adju-**
 23 **dications;**

24 (c) **The applicant's or licensee's age at the time the applicant or licensee committed the**
 25 **crime or the offense underlying the qualifying juvenile adjudication;**

26 (d) **Evidence that is relevant to show the circumstances of the crime or the offense**
 27 **underlying the qualifying juvenile adjudication, including any aggravating or mitigating cir-**
 28 **cumstances or social conditions within which the crime or the offense underlying the quali-**
 29 **fying juvenile adjudication occurred;**

30 (e) **The nature of the specific duties and responsibilities for which the license is required;**

31 (f) **Evidence of the applicant's or licensee's rehabilitation or treatment since the crime**
 32 **or the offense underlying the qualifying juvenile adjudication occurred; and**

33 (g) **Any other consideration the licensing board, commission or agency deems relevant.**

34 [(3)] (4) Except as **otherwise prohibited under this section or as provided in ORS 329A.030,**
 35 **[342.143 (3) and] 342.175 (3) or 443.004,** a licensing board, commission or agency may [*deny an oc-*
 36 *cupational or professional license or*] impose discipline on a licensee based on conduct that is not
 37 undertaken directly in the course of the licensed activity, but that is substantially related to the
 38 fitness and ability of the [*applicant or*] licensee to engage in the activity for which the license is
 39 required. In determining whether the conduct is substantially related to the fitness and ability of the
 40 [*applicant or*] licensee to engage in the activity for which the license is required, the licensing board,
 41 commission or agency shall consider the relationship of the facts with respect to the conduct and
 42 all intervening circumstances to the specific occupational or professional standards. There is a
 43 rebuttable presumption as to each individual [*applicant or*] licensee that an existing or prior con-
 44 viction for conduct that has been classified or reclassified as a Class E violation is not related to
 45 the fitness and ability of the [*applicant or*] licensee to engage in the activity for which the license

1 is required.

2 (5) Notwithstanding any other provision of law to the contrary, a licensing board, com-
3 mission or agency may not deny an occupational or professional license because of:

4 (a) An arrest or charge that did not result in a criminal conviction, unless charges are
5 pending;

6 (b) An adjudication by a juvenile court that a youth is within the juvenile court's juris-
7 diction, unless a law of this state explicitly authorizes the denial; or

8 (c) A conviction that was pardoned, sealed or set aside.

9 (6) A person who was convicted of a crime may at any time petition a licensing board,
10 commission or agency for a determination as to whether a criminal conviction will prevent
11 the person from receiving an occupational or professional license. The petition may specif-
12 ically address the considerations set forth in subsection (3) of this section. The licensing
13 board, commission or agency may charge a reasonable fee to pay the costs of making the
14 determination. The licensing board's, commission's or agency's final determination is binding
15 upon the licensing board, commission or agency unless, at the time the person submits a
16 complete application, the person has criminal charges pending, has failed to disclose a pre-
17 vious criminal conviction or has been convicted of another crime during the period between
18 the determination and the person's application. The licensing board, commission or agency
19 is not bound by, and may reconsider, a previous determination if an applicant submits a pe-
20 tition for another determination.

21 (7) Before a licensing board, commission or agency makes a final determination that a
22 criminal conviction will result in a denial of an occupational or professional license, the li-
23 censing board, commission or agency shall notify the petitioner or applicant in writing of:

24 (a) The specific conviction that is the basis for the determination;

25 (b) The reasons the licensing board, commission or agency determined that the con-
26 viction was substantially related to the specific duties and responsibilities for which the li-
27 cense is required, including reasons that address each of the considerations listed in
28 subsection (3) of this section; and

29 (c) The petitioner's right to submit within 30 days after the date of the notice additional
30 evidence related to each of the considerations listed in subsection (3) of this section for the
31 licensing board's, commission's or agency's evaluation.

32 (8) A licensing board, commission or agency shall issue in writing any final determination
33 that a criminal conviction will result in a denial of an occupational or professional license.
34 The written determination must also include notice of any right the petitioner or applicant
35 has to appeal, notice of the earliest date on which the petitioner or applicant can reapply for
36 a determination under subsection (6) of this section or apply for a license after a denial and
37 notice that the licensing board, commission or agency may consider evidence of rehabili-
38 tation in a new application. The written determination may also advise a petitioner or ap-
39 plicant of any action that may remedy a previous disqualification.

40 (9) Every licensing board, commission and agency shall include in any application form
41 for a license, and post on the licensing board's, commission's or agency's website, a notice
42 that states:

43 (a) Whether a criminal conviction is a possible basis for denying the license;

44 (b) The considerations set forth in subsection (3) of this section; and

45 (c) That applicants have a right to petition for a determination under subsection (6) of

1 **this section before submitting a completed application for a license.**

2 **(10) A licensing board, commission or agency may adopt rules necessary to implement**
3 **the provisions of this section.**

4 **(11) An applicant's or petitioner's criminal history that a licensing board, commission or**
5 **agency obtains and uses to make a determination under this section is exempt from required**
6 **disclosure under ORS 192.311 to 192.478.**

7 **(12) This section does not apply to:**

8 **(a) A denial, revocation or suspension of a license, certificate, permit or registration re-**
9 **quired for a program or service listed under ORS 409.010 or discipline of a licensee, registrant**
10 **or certificate or permit holder in connection with a program or service listed under ORS**
11 **409.010; or**

12 **(b) A board's, commission's or agency's consideration of an applicant's or licensee's**
13 **criminal history if the board, commission or agency must comply with a provision of federal**
14 **law or if federal law requires the board, commission or agency to consider the history as a**
15 **condition of receiving federal moneys.**

16 **SECTION 2.** ORS 670.290 is amended to read:

17 670.290. (1) *[It shall be unlawful for any]* **An employer**, state agency or licensing board, in-
18 **cluding the Oregon State Bar, [to] may not:**

19 *[(1)]* **(a) Require [that] an applicant for employment, licensing or admission to answer any**
20 **questions regarding the existence or contents of a [juvenile] record that [has been expunged pursuant**
21 **to ORS 419A.260 to 419A.271] was created or maintained under the jurisdiction of a juvenile**
22 **court;**

23 **(b) Inquire in connection with an application for employment, licensing or admission as**
24 **to the existence or contents of a record that was created or maintained under the jurisdic-**
25 **tion of a juvenile court;**

26 *[(2)]* **(c) Bar or discharge from employment or refuse to hire or employ [such] an individual be-**
27 **cause of the existence or contents of a [juvenile] record that [has been expunged pursuant to ORS**
28 **419A.260 to 419A.271] was created or maintained under the jurisdiction of a juvenile court; or**

29 *[(3)]* **(d) Deny, revoke or suspend a license because of the existence or contents of a [juvenile]**
30 **record that [has been expunged pursuant to ORS 419A.260 to 419A.271] was created or maintained**
31 **under the jurisdiction of a juvenile court.**

32 **(2) This section does not apply to or affect:**

33 **(a) An employer, state agency, licensing board or commission that state or federal law**
34 **explicitly requires or authorizes to consider the juvenile adjudication history of an applicant;**

35 **(b) An employer's, state agency's, licensing board's or commission's power or duty to**
36 **view or consider an applicant's or licensee's juvenile adjudication history for offenses listed**
37 **in ORS 137.707 (4), if the employer, state agency, licensing board or commission is authorized**
38 **or required to consider the applicant's or licensee's criminal history, moral character, fitness**
39 **or similar qualifications;**

40 **(c) A licensing board's, commission's, or state agency's power or duty to view or consider**
41 **an applicant's criminal history under ORS 443.004;**

42 **(d) A license the Department of Human Services issues under ORS 443.410 or a license**
43 **that the department or the Oregon Health Authority issues under ORS 443.735;**

44 **(e) Enrollment in the Central Background Registry under ORS 329A.030; or**

45 **(f) The authority of a law enforcement unit, as defined in ORS 181A.355, or the Depart-**

1 **ment of Public Safety Standards and Training, to consider an applicant's criminal history for**
2 **the purpose of evaluating the applicant for employment or certification.**

3 **SECTION 3.** ORS 419A.255 is amended to read:

4 419A.255. (1)(a) The clerk of the court shall maintain a record of each case and a supplemental
5 confidential file for each case, except as otherwise provided in ORS 7.120.

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

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

9 (B) The child;

10 (C) The ward;

11 (D) The youth;

12 (E) The adjudicated youth;

13 (F) The parent or guardian of the child, ward, youth or adjudicated youth;

14 (G) The guardian ad litem for the parent;

15 (H) A person allowed to intervene in a proceeding involving the child, ward, youth or adjudi-
16 cated youth;

17 (I) The court appointed special advocate, and a representative of a CASA Volunteer Program
18 as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court
19 appointed special advocates;

20 (J) The attorneys or prospective appellate attorneys for any of the persons listed in subpara-
21 graphs (B) to (I) of this paragraph;

22 (K) The surrogate;

23 (L) Service providers in the case;

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

25 (N) The juvenile department;

26 (O) The Department of Human Services;

27 (P) The Oregon Youth Authority; and

28 (Q) Any other person or entity allowed by the court pursuant to ORS 419A.258.

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

30 (A) The judge of the juvenile court and those acting under the judge's direction;

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

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

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

35 (E) Any other person or entity allowed by the court pursuant to ORS 419A.258.

36 (2)(a) Reports and other material relating to the child, ward, youth or adjudicated youth's his-
37 tory and prognosis in the record of the case or the supplemental confidential file are privileged and,
38 except at the request of the child, ward, youth or adjudicated youth, shall be withheld from public
39 inspection except that inspection is permitted as set forth in subsection (1)(b) of this section and
40 paragraph (b) of this subsection. The offer or admission of reports and other material in the record
41 of the case or the supplemental confidential file as exhibits in a hearing or trial does not waive or
42 otherwise change the privileged status of the reports and other material, except for purposes of the
43 hearing or trial in which the reports and other material are offered or admitted. Once offered as
44 an exhibit, reports and other material relating to the child, ward, youth or adjudicated youth's his-
45 tory and prognosis that were maintained in the supplemental confidential file become part of the

1 record of the case but are subject to paragraph (e) of this subsection.

2 (b) A supplemental confidential file is open to inspection by the following:

3 (A) The judge of the juvenile court and those acting under the judge's 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 dependency case;

6 (D) The parent or guardian of the youth or adjudicated youth in a delinquency case if the youth
7 or adjudicated youth consents to, or the court authorizes, inspection;

8 (E) The guardian ad litem for the parent of a youth or adjudicated youth in a delinquency case
9 if the youth or adjudicated youth consents to, or the court authorizes, inspection;

10 (F) A person allowed to intervene in a proceeding involving the child, ward, youth or adjudicated youth;

11
12 (G) The court appointed special advocate, and a representative of a CASA Volunteer Program
13 as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court
14 appointed special advocates;

15 (H) The surrogate;

16 (I) Service providers in the case;

17 (J) The attorneys or prospective appellate attorneys for:

18 (i) The child;

19 (ii) The ward;

20 (iii) The youth;

21 (iv) The adjudicated youth;

22 (v) The parent or guardian of the child, ward, youth or adjudicated youth;

23 (vi) The guardian ad litem for the parent;

24 (vii) A person allowed to intervene in a proceeding involving the child or ward in a dependency
25 case; or

26 (viii) The court appointed special advocate and a representative of a CASA Volunteer Program
27 as defined in ORS 184.489;

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

29 (L) The juvenile department;

30 (M) The Department of Human Services;

31 (N) The Oregon Youth Authority; and

32 (O) Any other person or entity allowed by the court pursuant to ORS 419A.258.

33 (c) The supplemental confidential file in cases under ORS 419C.005 may be disclosed to the su-
34 perintendent of the school district in which the adjudicated youth resides or the superintendent's
35 designee.

36 (d) The following are entitled to copies of material maintained in the supplemental confidential
37 file:

38 (A) The judge of the juvenile court and those acting under the judge's direction;

39 (B) Service providers in the case;

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

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

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

43 (F) The juvenile department;

44 (G) The Department of Human Services;

45 (H) The Oregon Youth Authority;

1 (I) The court appointed special advocate, and a representative of a CASA Volunteer Program
2 as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court
3 appointed special advocates; and

4 (J) Any other person or entity allowed by the court pursuant to ORS 419A.258.

5 (e) A person that obtains copies of material in the supplemental confidential file pursuant to
6 paragraph (d) of this subsection is responsible for preserving the confidentiality of the material in
7 the supplemental confidential file. A service provider, school superintendent or superintendent's
8 designee who obtains copies of such material shall destroy the copies upon the conclusion of in-
9 volvement in the case.

10 (3) Except as otherwise provided in subsection (5) of this section, no information appearing in
11 the record of the case or in the supplemental confidential file may be disclosed to any person not
12 described in subsections (1)(b) and (2)(b) of this section, respectively, without the consent of the
13 court, except for purposes of evaluating the child, ward, youth or adjudicated youth's eligibility for
14 special education as provided in ORS chapter 343, and no such information may be used in evidence
15 in any proceeding to establish criminal or civil liability against the child, ward, youth or adjudicated
16 youth, whether such proceeding occurs after the child, ward, youth or adjudicated youth has reached
17 18 years of age or otherwise, except for the following purposes:

18 (a) In connection with a presentence investigation after guilt has been admitted or established
19 in a criminal court.

20 (b) In connection with a proceeding in another juvenile court concerning the child, ward, youth
21 or adjudicated youth or an appeal from the juvenile court.

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

25 (A) As provided in this subsection or under subsection (1) or (2) of this section;

26 (B) In the juvenile court proceeding for which the reports, materials or documents were sought
27 or disclosed;

28 (C) With the consent of the court; or

29 (D) As provided in ORS 419A.253.

30 (b) Nothing in this section prohibits the district attorney or assistant attorney general repre-
31 senting a party in a juvenile court proceeding, the juvenile department, the Department of Human
32 Services, the Oregon Youth Authority or other parties in the proceeding or their attorneys from
33 disclosing to each other reports, materials or documents described in subsections (1) and (2) of this
34 section if the disclosure is reasonably necessary to perform official duties related to the involvement
35 of the child, ward, youth or adjudicated youth with the juvenile court or the juvenile department.
36 A person to whom reports, materials or documents are disclosed under this subsection is subject to
37 subsection (3) of this section.

38 (5)(a) Information contained in the supplemental confidential file that, in the professional judg-
39 ment of the juvenile counselor, caseworker, school superintendent or superintendent's designee,
40 teacher or detention worker to whom the information in the supplemental confidential file has been
41 provided, indicates a clear and immediate danger to another person or to society shall be disclosed
42 to the appropriate authority and the person who is in danger from the child, ward, youth or adju-
43 dicated youth.

44 (b) A person that discloses information under paragraph (a) of this subsection has immunity from
45 any liability, civil or criminal, that might otherwise be incurred or imposed for making the disclo-

1 sure.

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

5 (6) Notwithstanding any other provision of law, and subject to subsection (8) of this section, the
6 following *[are not confidential and not exempt from disclosure]* **information may be disclosed to the**
7 **victim of an act committed by a youth or an adjudicated youth, to a law enforcement unit,**
8 **as defined in ORS 181A.355, to a district attorney, to a county juvenile authority or to any**
9 **entity to which records and information may be disclosed under ORS 419A.257 (2), if the**
10 **disclosure is reasonably necessary for the performance of official duties:**

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

12 (b) The basis for the juvenile court's jurisdiction over the youth or adjudicated youth;

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

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

17 (e) That portion of the juvenile court order providing for the legal disposition of the youth or
18 adjudicated youth when jurisdiction is based on ORS 419C.005;

19 (f) The names and addresses of the youth or adjudicated youth's parents or guardians; and

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

21 (7) Notwithstanding any other provision of law, and subject to subsection (8) of this section,
22 when a youth has been taken into custody under ORS 419C.080, the following information *[shall]*
23 **may be disclosed to a law enforcement unit, as defined in ORS 181A.355, to a district attorney**
24 **and by the district attorney to the victim, to a county juvenile authority and to an entity to**
25 **which records and information may be disclosed under ORS 419.257 (2), if the disclosure is**
26 **reasonably necessary for the performance of official duties** *[unless, and only for so long as, there*
27 *is a clear need to delay disclosure in the course of a specific investigation, including the need to protect*
28 *the complaining party or the victim]:*

29 (a) The youth's name and age and whether the youth is employed or in school;

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

31 (c) The name and age of the adult complaining party and the adult victim, unless the disclosure
32 of such information is otherwise prohibited or restricted;

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

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

36 *[(8) Except as provided in ORS 419A.300 and unless otherwise directed by the court, only the ju-*
37 *venile court, the county juvenile department and the Oregon Youth Authority may disclose the infor-*
38 *mation under subsections (6) and (7) of this section if the information is subject to disclosure. The youth*
39 *authority may disclose only information relating to adjudicated youths committed to the youth authority*
40 *by order of the juvenile court if the information is subject to disclosure under subsection (6) or (7) of*
41 *this section.]*

42 **(8)(a) Except as provided in ORS 419A.300 and unless otherwise directed by the court,**
43 **only the juvenile court, the district attorney, the county juvenile department and the Oregon**
44 **Youth Authority may disclose the information listed under subsections (6) and (7) of this**
45 **section if the information is subject to disclosure. The district attorney, county juvenile de-**

1 **partment and youth authority may disclose to each other information listed under sub-**
2 **sections (6) and (7) of this section. The youth authority may disclose only information**
3 **relating to adjudicated youths committed to the youth authority by order of the juvenile**
4 **court if the information is subject to disclosure under subsections (6) and (7) of this section.**
5 **The district attorney need not disclose information listed under subsections (6) and (7) of this**
6 **section that is not in the district attorney's possession.**

7 **(b) Notwithstanding any other provision of law, the Oregon Youth Authority may disclose**
8 **any information the youth authority possesses about an adjudicated youth after receiving**
9 **written consent for the disclosure from the adjudicated youth.**

10 (9) Nothing in this section limits access to any juvenile court records by an appellate court re-
11 viewing a juvenile court order or judgment. Appellate court rules may establish procedures for ap-
12 pellate court access to juvenile records.

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

17 (11) In addition to any other provision in this section, the Judicial Department may permit
18 county or statewide access to juvenile court records or information by county juvenile departments,
19 the Department of Human Services, the Oregon Youth Authority, district attorney offices, the office
20 of the Attorney General, the office of public defense services, prospective appellate attorneys or
21 public defense providers subject to the following restrictions:

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

24 (A) Party information only for purposes of conflicts screening procedures; and

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

28 (b) Any other person or entity granted access under this subsection must agree, pursuant to a
29 written agreement with the department, to access records or information only as authorized and
30 allowed by this section, subject to applicable state and federal confidentiality laws.

31 (c) The State Court Administrator shall prescribe standards and procedures to implement the
32 provisions of this subsection.

33 (d) Any person or entity granted access to juvenile court records or information under this
34 subsection must preserve the confidentiality of that information as required under this section.

35 (12) A petition filed under ORS 419B.851 alleging that a child who is a foreign national is within
36 the jurisdiction of the court, or a motion requesting an implementation plan other than return of a
37 ward to the ward's parent, is subject to disclosure to the consulate for the child or ward's country
38 as provided under ORS 419B.851 (3).

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

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

44 (15) Nothing in this section prohibits the Chief Justice of the Supreme Court, the Chief Judge
45 of the Court of Appeals or a presiding judge from permitting access to juvenile court records, in-

1 cluding the record of the case and the supplemental confidential file in a juvenile court proceeding,
2 or audio or video recordings of a juvenile court proceeding, by researchers or evaluators for the
3 purposes of developing statistics and performing analyses or audits on the effectiveness, cost and
4 other areas of public interest regarding juvenile court programs and activities in accordance with
5 child welfare and juvenile justice state plans and programs related to Title IV-B and IV-E of the
6 Social Security Act and to the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq).
7 The Chief Justice shall, by rule or order, establish standards and guidelines for the release of juve-
8 nile court information for research and evaluation purposes to ensure confidentiality consistent with
9 state and federal law and to promote consistent statewide application of this subsection. Statistics
10 and analyses released by researchers and evaluators under this subsection may not contain any in-
11 formation that identifies any individual person involved in a juvenile court proceeding.

12 (16) Subject to subsection (11) of this section, the office of public defense services shall be per-
13 mitted access to juvenile court records for the purposes of performing the office's duties as set forth
14 in ORS 151.219 to audit or investigate attorney appointment or representation of a party in a juve-
15 nile court proceeding in order to ensure adequate representation of parties in juvenile court pro-
16 ceedings consistent with the child welfare state plan related to Title IV-E of the Social Security Act.

17 (17) Subject to subsection (11) of this section, the Oregon State Bar shall be permitted access
18 to juvenile court records maintained in the record of the case for the purpose of performing the
19 bar's duties as set forth in ORS 9.005 to 9.757 to investigate attorney representation of a party in
20 a juvenile court proceeding and in order to ensure adequate representation of parties in juvenile
21 court proceedings consistent with the child welfare state plan related to Title IV-E of the Social
22 Security Act.

23 (18)(a) A child, ward, youth or adjudicated youth, or the parent or guardian of a child, ward,
24 youth or adjudicated youth who is a party to the juvenile court proceeding, who is entitled to in-
25 spect or copy the record of the case under subsection (1)(b) and (c) of this section maintains the
26 right to inspect or copy the record of the case after jurisdiction of the court over the child, ward,
27 youth or adjudicated youth terminates and after the child, ward, youth or adjudicated youth has
28 reached the age of majority.

29 (b) Notwithstanding ORS 419B.524, a parent of a child, ward, youth or adjudicated youth whose
30 parental rights have been terminated maintains the right that existed under subsection (1)(b) and (c)
31 of this section to inspect or copy the record of the case as the record of the case existed up until
32 the time of entry of the judgment terminating the parent's parental rights and may obtain a copy
33 of the judgment terminating the parent's parental rights.

34 (19) When inspection or copying of the record of the case or of the supplemental confidential file
35 is allowed pursuant to this section, and unless otherwise required by law, the court that maintains
36 the record of the case or the supplemental confidential file is not required to redact the names of,
37 or information about, siblings or other persons contained in the record of the case or the supple-
38 mental confidential file.

39 (20) Nothing in this section prohibits the court, acting as a certifying agency or official as de-
40 fined in ORS 147.620, from certifying a request under ORS 147.620 and including in the certification
41 document any information obtained from the record of the case or the confidential supplemental file
42 that is necessary to complete the certification.

43 (21) Nothing in this section prohibits a court from providing to the Department of State Police,
44 pursuant to ORS 163A.030 (11), a copy of an order requiring a youth or adjudicated youth to report
45 as a sex offender or a copy of a form that documents the youth's or adjudicated youth's obligation

1 to report as a sex offender.

2 **SECTION 4.** ORS 419C.400 is amended to read:

3 419C.400. (1) The hearing [*shall*] **must** be held by the court without a jury and may be continued
4 from time to time.

5 (2) The facts alleged in the petition showing the youth to be within the jurisdiction of the court
6 as provided in ORS 419C.005, unless admitted, must be established beyond a reasonable doubt.

7 (3) If the youth files written notice of intent to rely on the defense set forth in ORS 419C.522,
8 the youth has the burden of proving the defense by a preponderance of the evidence.

9 (4) For the purpose of determining proper disposition of the youth, testimony, reports or other
10 material relating to the youth's mental, physical and social history and prognosis may be received
11 by the court without regard to their competency or relevancy under the rules of evidence.

12 (5)(a) An adjudication by a juvenile court that a youth is within [*its*] **the juvenile court's** ju-
13 risdiction is not a conviction of a crime or offense. **The adjudication does not find the youth**
14 **guilty or determine that the youth is a criminal.**

15 (b) **A juvenile court's adjudication that a youth is within the juvenile court's jurisdiction**
16 **does not forfeit any right or privilege or disqualify any person from holding any public office.**
17 **Unless a law of this state explicitly authorizes a disqualification, an adjudication in a juvenile**
18 **court does not disqualify a person from pursuing or engaging in any lawful activity, occupa-**
19 **tion, profession or calling.**

20 _____