

Requested by Senator DEMBROW

**PROPOSED AMENDMENTS TO
SENATE BILL 763**

- 1 On page 1 of the printed bill, line 3, after “419A.255,” insert “419A.257,”.
2 Delete lines 5 through 28 and delete pages 2 through 8 and insert:
3 **“SECTION 1. ORS 670.290 is amended to read:**
4 **“670.290. (1) As used in this section:**
5 **“(a) ‘Adjudicated youth’ has the meaning given that term in ORS**
6 **419A.004.**
7 **“(b) ‘Contact’ means an instance in which a person’s act or behav-**
8 **ior, or alleged act or behavior, could result in a referral to a juvenile**
9 **department or a juvenile court’s assumption of jurisdiction under ORS**
10 **419C.005.**
11 **“(c) ‘Record’ means a fingerprint, photograph file, report, exhibit**
12 **or other material that a law enforcement agency, public investigative**
13 **agency, juvenile department, juvenile court or agency of this state**
14 **maintains in any form or by any means and that contains information**
15 **that relates to a person’s contact with a law enforcement agency, ju-**
16 **venile department or juvenile court, the Psychiatric Security Review**
17 **Board, the Department of Human Services, the Oregon Youth Au-**
18 **thority or the Oregon Health Authority.**
19 **“(d) ‘Young person’ means a person who was found responsible ex-**
20 **cept for insanity under ORS 419C.411 and was placed under the juris-**
21 **isdiction of the Psychiatric Security Review Board.**

1 “(e) ‘Youth’ has the meaning given that term in ORS 419A.004.

2 “(2) *[It shall be unlawful for any]* **An employer**, state agency or licensing
3 board, including the Oregon State Bar, *[to]* **may not**:

4 “*[(1)] (a)* Require *[that]* an applicant for employment, licensing or admis-
5 sion **to** answer any questions regarding the existence or contents of a *[juve-*
6 *nile]* record that *[has been expunged pursuant to ORS 419A.260 to*
7 *419A.271;]*:

8 “(A) **Was expunged under ORS 419A.260 to 419A.271;**

9 “(B) **Is a juvenile court record for a youth, an adjudicated youth**
10 **or a young person; or**

11 “(C) **Is a record of a contact;**

12 “(b) **Inquire in connection with an application for employment, li-**
13 **censing or admission as to the existence or contents of a record that:**

14 “(A) **Was expunged under ORS 419A.260 to 419A.271;**

15 “(B) **Is a juvenile court record for a youth, an adjudicated youth**
16 **or a young person; or**

17 “(C) **Is a record of a contact;**

18 “*[(2)] (c)* **Bar or discharge from employment or refuse to hire or employ**
19 ***[such]* an individual because of the existence or contents of a *[juvenile]* re-**
20 **cord that *[has been expunged pursuant to ORS 419A.260 to 419A.271; or]*:**

21 “(A) **Was expunged under ORS 419A.260 to 419A.271;**

22 “(B) **Is a juvenile court record for a youth, an adjudicated youth**
23 **or a young person; or**

24 “(C) **Is a record of a contact; or**

25 “*[(3)] (d)* **Deny, revoke or suspend a license because of the existence or**
26 **contents of a *[juvenile]* record that *[has been expunged pursuant to ORS***
27 ***419A.260 to 419A.271.];***

28 “(A) **Was expunged under ORS 419A.260 to 419A.271;**

29 “(B) **Is a juvenile court record for a youth, an adjudicated youth**
30 **or a young person; or**

1 “(C) Is a record of a contact.

2 “(3) Except as to records that were expunged under ORS 419A.260
3 to 419A.271, this section does not apply to or affect:

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

7 “(b) An employer’s, state agency’s, licensing board’s or
8 commission’s power or duty to view or consider an applicant’s or
9 licensee’s juvenile adjudication history for the following offenses, if
10 the employer, state agency, licensing board or commission is author-
11 ized or required to consider the applicant’s or licensee’s criminal his-
12 tory, moral character, fitness or similar qualifications:

13 “(A) An act that, if committed by an adult, would constitute a
14 crime under ORS 163.107 or 163.115; or

15 “(B) An act that the applicant committed between the ages of 16
16 and 18 that would constitute a crime under ORS 163.185, 163.375,
17 163.405, 163.411 or 163.427;

18 “(c) A licensing board’s, commission’s or state agency’s power or
19 duty to view or consider an applicant’s criminal history under ORS
20 443.004;

21 “(d) A license or certificate the Department of Human Services is-
22 sues under ORS 418.635 or 443.410 or a license that the department or
23 the Oregon Health Authority issues under ORS 443.735;

24 “(e) Enrollment in the Central Background Registry under ORS
25 329A.030; or

26 “(f) The authority of a law enforcement unit, as defined in ORS
27 181A.355, or the Department of Public Safety Standards and Training,
28 to consider an applicant’s criminal history for the purpose of evaluat-
29 ing the applicant for employment or certification.

30 “SECTION 2. ORS 419A.255 is amended to read:

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

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

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

8 “(B) The child;

9 “(C) The ward;

10 “(D) The youth;

11 “(E) The adjudicated youth;

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

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

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

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

20 “(J) The attorneys or prospective appellate attorneys for any of the per-
21 sons listed in subparagraphs (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
25 party in the case;

26 “(N) The juvenile department;

27 “(O) The Department of Human Services;

28 “(P) The Oregon Youth Authority; and

29 “(Q) Any other person or entity allowed by the court pursuant to ORS
30 419A.258.

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

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

4 “(B) A party to the extent permitted under ORS 419B.875 (2) or 419C.285
5 (2);

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

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

9 “(E) Any other person or entity allowed by the court pursuant to ORS
10 419A.258.

11 “(2)(a) Reports and other material relating to the child, ward, youth or
12 adjudicated youth’s history and prognosis in the record of the case or the
13 supplemental confidential file are privileged and, except at the request of the
14 child, ward, youth or adjudicated youth, shall be withheld from public in-
15 spection except that inspection is permitted as set forth in subsection (1)(b)
16 of this section and paragraph (b) of this subsection. The offer or admission
17 of reports and other material in the record of the case or the supplemental
18 confidential file as exhibits in a hearing or trial does not waive or otherwise
19 change the privileged status of the reports and other material, except for
20 purposes of the hearing or trial in which the reports and other material are
21 offered or admitted. Once offered as an exhibit, reports and other material
22 relating to the child, ward, youth or adjudicated youth’s history and
23 prognosis that were maintained in the supplemental confidential file become
24 part of the record of the case but are subject to paragraph (e) of this sub-
25 section.

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

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

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

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

3 “(D) The parent or guardian of the youth or adjudicated youth in a de-
4 linquency case if the youth or adjudicated youth consents to, or the court
5 authorizes, inspection;

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

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

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

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
23 youth;

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

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

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

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

1 “(L) The juvenile department;
2 “(M) The Department of Human Services;
3 “(N) The Oregon Youth Authority; and
4 “(O) Any other person or entity allowed by the court pursuant to ORS
5 419A.258.

6 “(c) The supplemental confidential file in cases under ORS 419C.005 may
7 be disclosed to the superintendent of the school district in which the adju-
8 dicated youth resides or the superintendent’s designee.

9 “(d) The following are entitled to copies of material maintained in the
10 supplemental confidential file:

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

13 “(B) Service providers in the case;

14 “(C) School superintendents and their designees in cases under ORS
15 419C.005;

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

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

19 “(F) The juvenile department;

20 “(G) The Department of Human Services;

21 “(H) The Oregon Youth Authority;

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

25 “(J) Any other person or entity allowed by the court pursuant to ORS
26 419A.258.

27 “(e) A person that obtains copies of material in the supplemental confi-
28 dential file pursuant to paragraph (d) of this subsection is responsible for
29 preserving the confidentiality of the material in the supplemental confiden-
30 tial file. A service provider, school superintendent or superintendent’s

1 designee who obtains copies of such material shall destroy the copies upon
2 the conclusion of involvement in the case.

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

13 “(a) In connection with a presentence investigation after guilt has been
14 admitted or established in a criminal court.

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

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

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

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

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

27 “(D) As provided in ORS 419A.253.

28 “(b) Nothing in this section prohibits the district attorney or assistant
29 attorney general representing a party in a juvenile court proceeding, the
30 juvenile department, the Department of Human Services, the Oregon Youth

1 Authority or other parties in the proceeding or their attorneys from dis-
2 closing to each other reports, materials or documents described in sub-
3 sections (1) and (2) of this section if the disclosure is reasonably necessary
4 to perform official duties related to the involvement of the child, ward, youth
5 or adjudicated youth with the juvenile court or the juvenile department. A
6 person to whom reports, materials or documents are disclosed under this
7 subsection is subject to subsection (3) of this section.

8 “(5)(a) Information contained in the supplemental confidential file that,
9 in the professional judgment of the juvenile counselor, caseworker, school
10 superintendent or superintendent’s designee, teacher or detention worker to
11 whom the information in the supplemental confidential file has been pro-
12 vided, indicates a clear and immediate danger to another person or to society
13 shall be disclosed to the appropriate authority and the person who is in
14 danger from the child, ward, youth or adjudicated youth.

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

18 “(c) Nothing in this subsection affects the provisions of ORS 146.750,
19 146.760, 419B.035, 419B.040 and 419B.045. The disclosure of information under
20 this subsection does not make the information admissible in any court or
21 administrative proceeding if it is not otherwise admissible.

22 “(6) Notwithstanding any other provision of law, and subject to sub-
23 section (8) of this section, the following [*are not confidential and not exempt*
24 *from disclosure*] **information from the record of the case may be dis-**
25 **closed to the victim or to a law enforcement unit, as defined in ORS**
26 **181A.355, if the disclosure is reasonably necessary for the performance**
27 **of official duties:**

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

29 “(b) The basis for the juvenile court’s jurisdiction over the youth or ad-
30 judicated youth;

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

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

5 “(e) That portion of the juvenile court order providing for the legal dis-
6 position of the youth or adjudicated youth when jurisdiction is based on ORS
7 419C.005;

8 “(f) The names and addresses of the youth or adjudicated youth’s parents
9 or guardians; and

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

12 “(7) Notwithstanding any other provision of law, and subject to sub-
13 section (8) of this section, when a youth has been taken into custody under
14 ORS 419C.080, the following information [*shall*] **may be disclosed to a law**
15 **enforcement unit, as defined in ORS 181A.355, to the victim, to a**
16 **county juvenile department, to service providers in the case, to school**
17 **superintendents and designees of school superintendents in cases un-**
18 **der ORS 419C.005, to attorneys of record for the youth, to attorneys**
19 **that represent a party to the case, to the district attorney or assistant**
20 **attorney general that represents a party to the case, to the Depart-**
21 **ment of Human Services, to the court-appointed special advocate and**
22 **to the Psychiatric Security Review Board, if the disclosure is reason-**
23 **ably necessary for the performance of official duties [*unless, and only***
24 *for so long as, there is a clear need to delay disclosure in the course of a*
25 *specific investigation, including the need to protect the complaining party or*
26 *the victim]:*

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

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

30 “(c) The name and age of the adult complaining party and the adult vic-

1 tim, unless the disclosure of such information is otherwise prohibited or re-
2 stricted;

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

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

7 “[*(8) Except as provided in ORS 419A.300 and unless otherwise directed*
8 *by the court, only the juvenile court, the county juvenile department and the*
9 *Oregon Youth Authority may disclose the information under subsections (6)*
10 *and (7) of this section if the information is subject to disclosure. The youth*
11 *authority may disclose only information relating to adjudicated youths com-*
12 *mitted to the youth authority by order of the juvenile court if the information*
13 *is subject to disclosure under subsection (6) or (7) of this section.*]

14 “**(8)(a) Except as provided in ORS 419A.015, 419A.300 and 419A.305**
15 **and unless otherwise directed by the court, only the juvenile court, the**
16 **district attorney, the county juvenile department and the Oregon**
17 **Youth Authority may disclose the information listed under subsections**
18 **(6) and (7) of this section if the information is subject to disclosure.**
19 **The district attorney, county juvenile department and youth authority**
20 **may disclose to each other information listed under subsections (6)**
21 **and (7) of this section. The youth authority may disclose only infor-**
22 **mation relating to adjudicated youths committed to the youth au-**
23 **thority by order of the juvenile court if the information is subject to**
24 **disclosure under subsections (6) and (7) of this section. The district**
25 **attorney need not disclose information listed under subsections (6) and**
26 **(7) of this section that is not in the district attorney’s possession.**

27 “**(b)(A) An entity permitted to disclose the information described in**
28 **subsection (6) or (7) of this section may not disclose the information,**
29 **and a recipient of the disclosure may not use the information, to limit**
30 **or deny access to employment, licensing, housing or any other right,**

1 **benefit or opportunity unless the disclosure or use is necessary:**

2 **“(i) To perform a legitimate law enforcement function; or**

3 **“(ii) To provide services to a juvenile who is under the jurisdiction**
4 **of a juvenile court.**

5 **“(B) Subparagraph (A)(i) of this paragraph does not limit the au-**
6 **thority of an entity described in ORS 670.290 (3) to request or use in-**
7 **formation about the existence or contents of a record created or**
8 **maintained under the jurisdiction of a juvenile court for purposes de-**
9 **scribed in ORS 670.290 (3).**

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

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

19 “(11) In addition to any other provision in this section, the Judicial De-
20 partment may permit county or statewide access to juvenile court records
21 or information by county juvenile departments, the Department of Human
22 Services, the Oregon Youth Authority, district attorney offices, the office of
23 the Attorney General, the office of public defense services, prospective ap-
24 pellate attorneys or public defense providers subject to the following re-
25 strictions:

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

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

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

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

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

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

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

18 “(13) Nothing in this section prohibits a guardian appointed under ORS
19 419B.365 or 419B.366 from disclosing or providing copies of letters of
20 guardianship when so required to fulfill the duties of a guardian.

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

23 “(15) Nothing in this section prohibits the Chief Justice of the Supreme
24 Court, the Chief Judge of the Court of Appeals or a presiding judge from
25 permitting access to juvenile court records, including the record of the case
26 and the supplemental confidential file in a juvenile court proceeding, or au-
27 dio or video recordings of a juvenile court proceeding, by researchers or
28 evaluators for the purposes of developing statistics and performing analyses
29 or audits on the effectiveness, cost and other areas of public interest re-
30 garding juvenile court programs and activities in accordance with child

1 welfare and juvenile justice state plans and programs related to Title IV-B
2 and IV-E of the Social Security Act and to the Child Abuse Prevention and
3 Treatment Act (42 U.S.C. 5101 et seq). The Chief Justice shall, by rule or
4 order, establish standards and guidelines for the release of juvenile court
5 information for research and evaluation purposes to ensure confidentiality
6 consistent with state and federal law and to promote consistent statewide
7 application of this subsection. Statistics and analyses released by research-
8 ers and evaluators under this subsection may not contain any information
9 that identifies any individual person involved in a juvenile court proceeding.

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

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

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

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

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

13 “(20) Nothing in this section prohibits the court, acting as a certifying
14 agency or official as defined in ORS 147.620, from certifying a request under
15 ORS 147.620 and including in the certification document any information
16 obtained from the record of the case or the confidential supplemental file
17 that is necessary to complete the certification.

18 “(21) Nothing in this section prohibits a court from providing to the De-
19 partment of State Police, pursuant to ORS 163A.030 (11), a copy of an order
20 requiring a youth or adjudicated youth to report as a sex offender or a copy
21 of a form that documents the youth’s or adjudicated youth’s obligation to
22 report as a sex offender.

23 **“SECTION 3.** ORS 419A.257 is amended to read:

24 “419A.257. (1)(a) Reports and other materials relating to a child, ward,
25 youth or adjudicated youth’s history and prognosis that are created or
26 maintained by or on behalf of the Oregon Youth Authority or the juvenile
27 department are privileged and, except with the consent of the child, ward,
28 youth or adjudicated youth or with the authorization of the court, [*shall*]
29 **must** be withheld from public inspection.

30 **“(b) The authority may disclose any information the authority**

1 **possesses about an adjudicated youth after receiving from the adjudi-**
2 **cated youth written consent for the disclosure.**

3 “(2) The Oregon Youth Authority and the juvenile department may dis-
4 close and provide copies of reports and other materials relating to the child,
5 ward, youth or adjudicated youth’s history and prognosis, if the disclosure
6 is reasonably necessary to perform official duties relating to the involvement
7 of the child, ward, youth or adjudicated youth with the juvenile court or the
8 juvenile department, to the following:

9 “(a) Each other;

10 “(b) The court;

11 “(c) Service providers in the case;

12 “(d) School superintendents and their designees in cases under ORS
13 419C.005;

14 “(e) Attorneys of record for the child, ward, youth or adjudicated youth;

15 “(f) Attorneys representing a party in the case;

16 “(g) The district attorney or assistant attorney general representing a
17 party in the case;

18 “(h) The Department of Human Services;

19 “(i) The court appointed special advocate; and

20 “(j) The Psychiatric Security Review Board.

21 “(3)(a) The Oregon Youth Authority and county juvenile departments es-
22 tablished under ORS 419A.010 to 419A.020 may disclose and provide copies
23 of reports and other materials relating to the child, ward, youth or adjudi-
24 cated youth’s history and prognosis to the Department of Corrections for the
25 purpose of enabling the Department of Corrections to perform its official
26 duties relating to the exercise of custody or supervision of a person com-
27 mitted to the legal and physical custody of the Department of Corrections.

28 “(b) The Department of Corrections shall limit the use of reports and
29 other materials disclosed and provided to the department under this section
30 to reports and other materials that relate to the history and prognosis of a

1 youth or adjudicated youth as these pertain to:

2 “(A) A person who was transferred to the physical custody of the au-
3 thority under ORS 137.124 and is subsequently transferred to the physical
4 custody of the Department of Corrections under ORS 137.124 or 420.011 or
5 any other statute; or

6 “(B) A person committed to the legal and physical custody of the De-
7 partment of Corrections while the person is under the jurisdiction of the
8 juvenile court under ORS 419C.005, including but not limited to a person in
9 the legal custody of the authority.

10 “(4) A person that obtains copies of reports or other materials under this
11 section is responsible for preserving the confidentiality of the reports or
12 other materials. A service provider, school superintendent or
13 superintendent’s designee who obtains copies of reports or other materials
14 under this section shall destroy the copies upon the conclusion of involve-
15 ment in the case.

16 “(5)(a) Information appearing in reports or other materials relating to the
17 child, ward, youth or adjudicated youth’s history or prognosis may not be
18 disclosed directly or indirectly to any person not described in subsection (2)
19 of this section unless the consent of the child, ward, youth or adjudicated
20 youth or the authorization of the court has been obtained, except for pur-
21 poses of evaluating the child, ward, youth or adjudicated youth’s eligibility
22 for special education as provided in ORS chapter 343.

23 “(b) Information appearing in reports or other materials may not be used
24 in evidence in any proceeding to establish criminal or civil liability against
25 the child, ward, youth or adjudicated youth, whether the proceeding occurs
26 after the child, ward, youth or adjudicated youth has reached 18 years of age
27 or otherwise, except for the following purposes:

28 “(A) In connection with a presentence investigation after guilt has been
29 admitted or established in a criminal court.

30 “(B) In connection with a proceeding in another juvenile court concerning

1 the child, ward, youth or adjudicated youth or an appeal from an order or
2 judgment of the juvenile court.

3 “(6)(a) Information contained in reports and other materials relating to
4 a child, ward, youth or adjudicated youth’s history and prognosis that, in the
5 professional judgment of the Oregon Youth Authority, juvenile department,
6 juvenile counselor, caseworker, school superintendent or superintendent’s
7 designee, teacher or detention worker to whom the information contained in
8 the reports and other materials has been provided, indicates a clear and im-
9 mediate danger to another person or to society, shall be disclosed to the
10 appropriate authority and the person or entity that is in danger from the
11 child, ward, youth or adjudicated youth.

12 “(b) An agency or a person that discloses information under paragraph (a)
13 of this subsection has immunity from any liability, civil or criminal, that
14 might otherwise be incurred or imposed for making the disclosure.

15 “(c) Nothing in this subsection affects the provisions of ORS 146.750,
16 146.760, 419B.035, 419B.040 and 419B.045.

17 “(7) The disclosure of information under this section does not make the
18 information admissible in any court or administrative proceeding if it is not
19 otherwise admissible.

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

21 “419C.400. (1) The hearing [*shall*] **must** be held by the court without a
22 jury and may be continued from time to time.

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

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

29 “(4) For the purpose of determining proper disposition of the youth, tes-
30 timony, reports or other material relating to the youth’s mental, physical and

1 social history and prognosis may be received by the court without regard to
2 their competency or relevancy under the rules of evidence.

3 “(5)(a) An adjudication by a juvenile court that a youth is within [its]
4 **the juvenile court’s** jurisdiction is not a conviction of a crime or offense.
5 **The adjudication does not find the youth guilty or determine that the**
6 **youth is a criminal.**

7 “(b) A juvenile court’s adjudication that a youth is within the ju-
8 venile court’s jurisdiction does not forfeit any right or privilege or
9 disqualify any person from holding any public office. Unless a law of
10 this state explicitly authorizes a disqualification, an adjudication in a
11 juvenile court does not disqualify a person from pursuing or engaging
12 in any lawful activity, occupation, profession or calling.

13 “**SECTION 5. The amendments to ORS 419A.255, 419A.257, 419C.400**
14 **and 670.290 by sections 1 to 4 of this 2023 Act become operative on July**
15 **1, 2024.”**

16
