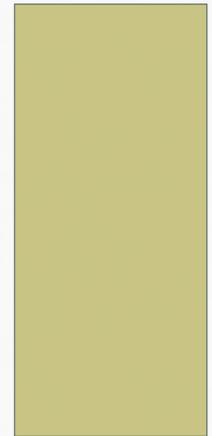




LEGISLATIVE UPDATE

LEOLA MCKENZIE, DIRECTOR
MEGAN HASSEN, JUVENILE LAW AND POLICY COUNSEL
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JUVENILE SEX OFFENDER REGISTRATION

- HB 2320 (2015)
 - Removed automatic registration requirement for felony sex offenses.
 - Hearing required within six months of expected termination of jurisdiction.
- HB 4074 (2016)(fix)
 - New hearing requirement applies to all youth adjudicated for a felony sex offense who were still under court's jurisdiction on 8/12/15.
 - Other minor fixes.

REQUIREMENT TO REPORT

Jurisdiction
terminated prior to
8/12/15

- Required to report.

Jurisdiction
terminated after
8/12/15 and before
4/4/16

- Entitled to notice and provisional appointment of attorney.
- May request a hearing.
- Required to report unless court orders otherwise.

Jurisdiction not
terminated as of
4/4/16

- Entitled to court appointed attorney and hearing.
- Not required to report unless ordered by the court.

OTHER “FIXES”

- Notice to court must be provided by supervising entity when it determines termination of jurisdiction is likely to occur within six months. ORS 163A.030(2)(a).
- Parties defined. ORS 163A.030(13).
- New waiver and failure to appear provisions. ORS 163A.030(6).
- Evaluation and treatment records. The supervising entity must file the records in its possession within 45 days of the hearing. ORS 163A.030(10)(a).
- PSRB cases. Court required to hold hearing within six months of notice from PSRB, which may be after PSRB jurisdiction terminated.

JUVENILE RECORDS

- Oregon Law Commission Juvenile Records Workgroup
 - SB 622 (2013)
 - SB 1536 (2014)
 - SB 405 (2015)
 - HB 4074 (2016)



AMENDMENTS TO ORS 419A.255 EFFECTIVE 9/30/16

Office of Public
Defense Services &
Oregon State Bar

- OPDS access for audit and investigation
- OSB access to investigate bar complaints (ROC only).

Redaction not
required for siblings
and others

- When inspection or copying is allowed, courts are not required to redact information about siblings or others in the court file.

Parent and child
access

- Continue to have access rights after case closed and child has reached age of majority.
- Parents may access records of the proceedings up to entry of judgment terminating parental rights.

ANY OTHER PERSON

- Effective 9/30/16, any person or entity not provided specific access rights may file a motion requesting access to ROC or SCF.
 - Supporting affidavit/declaration required:
 - Reasons why access is requested
 - Relevancy of access to juvenile case
 - How access will balance interests in section (6)
 - Service of motion and affidavit/declaration
 - Discretionary hearing; notice to all parties
 - In camera review



ANY OTHER PERSON

- In determining whether to allow inspection or copying, the court shall weigh:
 - Privacy interests and particular vulnerabilities of the child or of family members that may be affected;
 - Interests of the other parties to, or victims in, the juvenile court proceeding;
 - Interests of the person or entity filing the motion; and
 - The interests of the public.



ANY OTHER PERSON

- In granting a motion:
 - The court shall allow inspection or copying only as necessary to serve the legitimate need of the filing person or entity, as determined by the court;
 - May limit inspection to particular parts of the ROC or SCF; and
 - Shall make protective orders governing the use of the records.



SAFETY OF CHILDREN: CHILD-CARING AGENCIES LICENSED BY DHS

Child / child in care

- A person under 21 years of age who resides in or receives services from a child caring agency

Child Caring Agency / agency licensed by DHS to provide:

- Residential & Day Treatment for children
- Adoption placement services
- Foster care agencies (proctor foster homes)
- Therapeutic/academic boarding schools & outdoor schools
- Homeless runaway transition shelters

Expanded definition of child abuse

- Seclusion
- Financial exploitation
- Unlawful use of restraint

DHS employees must report concerns to designated notification personnel

- Concerns
- Suspicion of crimes involving a child in care or child caring agency reported to LEA

WHAT'S HAPPENING W/EXHIBITS?

Problems Identified

- OPDS & DOJ difficulty finding exhibits when an appeal is filed
- RE as stated on page # of report dated # and marked Exhibit #...
Document is not in ROC in Odyssey... no documentation of RE

Best Practice