

In the Matter of Establishing	)	CHIEF JUSTICE ORDER
Standards and Guidelines for the	)	No. 14-007
Release of Juvenile Court Information	)	
for Research and Evaluation under	)	ORDER ESTABLISHING STANDARDS
Senate Bill 1536 (2014)	)	AND GUIDELINES FOR RELEASE OF
	)	JUVENILE COURT INFORMATION FOR
	)	RESEARCH AND EVALUATION

I HEREBY ORDER, pursuant to ORS 1.002, that:

Senate Bill 1536 (2014) amends ORS 419A.255, adding a new subsection (14) that requires the Chief Justice to establish, by rule or order, standards and guidelines for the release of juvenile court information for research and evaluation purposes to ensure confidentiality consistent with state and federal law and to promote consistent statewide application of new subsection (14).

The following standards and guidelines shall apply to records requests under ORS 419A.255(14) submitted by persons or entities outside of the Oregon Judicial Department.

1. Request to Access Records

A request to access confidential juvenile court records as described in ORS 419A.252 and ORS 419A.255 for research or evaluation purposes must be in writing and include the following supporting documentation:

- a. A concise and clear summary of the research or evaluation project including:
  - i. The goals and research approach;
  - ii. Research methodology;
  - iii. Techniques for data collection, accompanied by a description of data collection instruments and how the data will be analyzed;
  - iv. A timeline or schedule showing when all major project tasks will be conducted and completed; and
  - v. A description of the anticipated results and expected benefits of the proposed research.
- b. The name, contact information including email address, and description of the entity conducting the evaluation and, if applicable, the name, contact information including email address, and description of the entity funding the evaluation;
- c. The names, titles, contact information including email address, experience and credentials of the principal investigator, lead investigators, and research assistants;
- d. A written confidentiality plan that describes:
  - i. Who will have access to the confidential records;
  - ii. How the confidential records will be stored;

- iii. How confidential information will be disposed of at the conclusion of the evaluation; and
  - iv. Identification of any information that the researcher or evaluator wants to retain following the conclusion of the research or evaluation, and a description of how that information will be stored. If the plan includes a post-conclusion retention provision, then the plan must also include an assurance that only non-identifying information will be retained and stored.
- e. The request shall include a copy of the application for Institutional Review Board (IRB) approval and written confirmation that a federally qualified IRB has approved the application.

## 2. Criteria for Release of Confidential Juvenile Court Records

When evaluating requests for access to confidential juvenile court records for purposes of research or evaluation, the Chief Justice of the Supreme Court, the Chief Judge of the Court of Appeals, or a Presiding Judge shall consider whether:

- a. Adequate supporting documentation was submitted under section (1) of this order;
- b. The anticipated results and expected benefits of the proposed research are relevant to the operations of the juvenile court or child welfare system;
- c. The release of confidential information is necessary to produce the anticipated results and expected benefits of the research;
- d. The confidentiality plan is sufficient to ensure that any information that the court releases will remain secure and confidential; and
- e. The confidentiality plan includes proper precautions to ensure that, in compliance with ORS 419A.255(14), no information, statistics or analysis released by the requestor will identify any individual involved in a juvenile court proceeding.

Judges considering whether to grant access to juvenile court records for research or evaluation purposes may seek technical assistance through Juvenile Court Programs (JCP) in the Office of the State Court Administrator, when evaluating the criteria in section (2) of this order.

## 3. Approval of Records Release for Purposes of Research and Evaluation.

- a. The Chief Justice, the Chief Judge of the Court of Appeals or a Presiding Judge shall approve records releases by order. The order shall specify the parameters of the release. The request to access confidential juvenile court records along with supporting documentation shall be attached to the order.
- b. The court that granted the request shall maintain the original order and attachments, and shall provide a copy of the order and attachments to Juvenile Court Programs in the Office of the State Court Administrator.

- c. The court may consult with JCP to determine how best to provide the released records in an electronic or other format to the requestor.

This order takes effect immediately.

Dated this 17th day of March, 2014.

Signature on File

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Thomas A. Balmer  
Chief Justice