



# JUVENILE COURT RECORDS RELEASES

SB 622 (2013); SB 1536 (2014); SB 405 (2015)

- Clerk must maintain both ROC/SCF for new cases filed on or after January 1, 2014.
- Exhibits can still be returned to attorneys.
- Includes electronic records.
- No disclosure to the public except for specific items in delinquency cases with special rules for youth taken into custody. See ORS 419A. 255 (6) & (7).
- Audio and video recordings may be released to certain parties for good cause. ORS 419A.256(4).
- Research and evaluation records releases are governed by 419A.255(15) and CJO 14-007.

<b>ROC</b> <b>(RECORD OF THE CASE)</b>	<b>SCF</b> <b>(SUPPLEMENTAL CONFIDENTIAL FILE)</b>
<ul style="list-style-type: none"> <li>⦿ Summons/other process</li> <li>⦿ Petitions</li> <li>⦿ Papers in nature of pleadings, answers, motions, affidavits, and other papers filed with the court, including supporting documentation</li> <li>⦿ Local CRB findings and recommendations</li> <li>⦿ Guardianship report summary sheet [NEW]</li> <li>⦿ Orders and judgments, including supporting documentation</li> <li>⦿ Transcripts</li> <li>⦿ Exhibits and materials offered as exhibits whether or not received in evidence</li> <li>⦿ Other documents that become part of the record by operation of law (e.g. JUDICIAL NOTICE LIST)</li> </ul>	<ul style="list-style-type: none"> <li>⦿ Reports and other material relating to the child, ward, youth or youth offender's history and prognosis, including but not limited to reports filed under ORS 419B.440 (ie. DHS court reports and case plans) that:               <ul style="list-style-type: none"> <li>➤ (A) Are not or do not become part of the record of the case; and</li> <li>➤ (B) Are not offered or received as evidence in the case.</li> </ul> </li> </ul>
	<p style="text-align: center;"><b>Making a Record</b></p> <p>If the judge relies on material or documents not offered by a party, the judge must create an exhibit (if whole document relied on) or take judicial notice of specific facts or law contained within, subject to objection by the parties.</p> <p>JUDICIAL NOTICE LIST Judge must list facts/law with reference to the source. The JUDICIAL NOTICE LIST and any exhibits created by judge become part of the ROC.</p>

## UNLIMITED RIGHTS TO INSPECT AND COPY ROC AND SCF

- ⊙ The judge, staff and CRB staff <sup>1</sup>
- ⊙ Attorneys/prospective appellate attorneys for:
  - Child/ward/youth/youth offender
  - Parent/guardian of child/ward/youth/youth offender
  - Guardian ad litem for parent
- ⊙ Service providers
- ⊙ CASA and representative of CASA program
- ⊙ DA/AG representing party
- ⊙ Juvenile Department/DHS/OYA
- ⊙ *Any other person the court allows* (Provision not effective until 9/30/16)

## PARTY RIGHTS LIMITED

INSPECT	COPY rights provided by existing law
<ul style="list-style-type: none"> <li>▪ <i>Child/ward/youth/youth offender</i> may inspect ROC but not SCF.</li> <li>▪ <i>Parent/Guardian/GAL</i> may inspect ROC/SCF in dependency case but in delinquency case inspect SCF only with consent of youth/youth offender or authorization from court.</li> <li>▪ <i>Intervenors</i> (includes tribe in ICWA cases) may inspect ROC and SCF.</li> </ul>	<p><b>Dependency:</b> All parties, (defined in ORS 419B.875) may copy as provided in ORS 419B.875: “Petitions, answers, motions and “other papers” (not defined.)</p> <p><b>Delinquency:</b> Parties, (defined in ORS 419C.285 (1)) have right to “copies of the pleadings.”</p> <p>“Parties” include intervenors.</p>

## EDUCATION-RELATED ACCESS RULES

- *Surrogate* (to protect “free appropriate public education”): INSPECT ROC/SCF
- *Superintendent/designee* in delinquency case: INSPECT/COPY SCF but not ROC

<sup>1</sup> CRB although not included in SB 622, has access to any records of the court pertinent to the juvenile case. ORS 419A.102