

**LAW & POLICY JUVENILE LAW GROUP**  
**DELINQUENCY CASES -- STATUTORY ACCESS PERMISSIONS/RESTRICTIONS**  
(Updated 5/12/10, LNL)

Type of Record/ Applicable Statutes	Public	Parties	Lawyers of Record	Identified Agencies	Service Providers in the Case; Superint't	Designated Authority/ Persons in Danger	Judges and Court Staff; Other OJD Personnel	Other State Courts
<p><b>Juvenile Ct. Legal File</b></p> <p><b>ORS 419A.255(1)</b> (e.g., summons/ process, petition, pleadings, motions, orders, &amp; other court filings) (excluding reports/ other material relating to youth/youth offender's history &amp; prognosis)</p> <p><b>ORS 419A.255(5), (6)</b> Certain information not confidential; therefore not exempt from disclosure.</p> <p><b>ORS 419C.285(1)</b> Defining "parties" for purposes of 419C</p> <p><b>ORS 419C.285(2)</b> Defining rights of parties under 419C</p> <p><b>ORS 419A.255(8)</b> County juv. dept., not court, responsible for disclosing youth/youth offender records if subject to disclosure.</p>	<p>No right to inspect/copy, except following info is disclosable (<i>info</i>, but not documents):</p> <ul style="list-style-type: none"> <li>-- youth's name</li> <li>-- youth's DOB</li> <li>-- basis for juv.ct.jurisd.</li> <li>-- date, time, &amp; place of any juv. court proceeding</li> <li>-- act alleged in petition</li> <li>-- part of juv. court dispositional order</li> <li>-- names/addresses of youth or parents/ guardians</li> <li>-- OJIN case register<sup>1</sup> if youth found to have committed offense/crime</li> <li>-- Additional info not exempt if youth taken into custody<sup>2</sup></li> </ul> <p><b>419A.255(1,3,5,6)--</b> (public may view/obtain exempt info, through juv.dept (<b>5,6,8</b>); but record "shall be w/h from public inspection" ("public" not defined) (<b>1</b>); except for parties/ attys of rec'd, public safety &amp; special ed., no case record info disclosed w/o court consent (<b>3</b>))</p>	<p>Parties include:</p> <p><u>at adjudication:</u></p> <ul style="list-style-type: none"> <li>-- youth</li> <li>--state</li> <li>-- juv. dept.</li> </ul> <p><u>at disposition:</u></p> <ul style="list-style-type: none"> <li>-- above (incl'g youth offender),</li> </ul> <p><u>plus:</u></p> <ul style="list-style-type: none"> <li>-- parent</li> <li>-- guardian</li> <li>-- CASA</li> <li>-- OYA or other child-care agency, if tem'y committed</li> <li>-- intervenors per ORS 109.119</li> </ul> <p>others who may inspect include: -- surrogate</p> <p><b>419C.285(1)--</b> Lists parties</p> <p><b>419A.255(1)--</b> Listed parties plus surrogate may inspect at any time, but not copy (exceptions for attorneys, juv. dept, OYA, DHS);</p> <p><b>419C.285(2)--</b> In own cases, parties entitled to copies of pleadings</p>	<p>Lawyers include:</p> <ul style="list-style-type: none"> <li>-- Attorneys for all persons who are "parties"</li> <li>-- District Attorney or AAG representing state</li> </ul> <p><b>419A.255(1)--</b> Lawyers of record may inspect AND copy</p> <p><b>419A.257(1)--</b> District Attorneys and AAG representing state may inspect/copy legal file materials to same extent as lawyers of record</p>	<ul style="list-style-type: none"> <li>-- juv. dept. (also "party")</li> <li>-- DHS (also "party")</li> <li>-- OYA</li> </ul> <p><b>419A.257(1)-</b> Juv. dept, DHS, &amp; OYA may inspect/ copy same as lawyers of record</p> <p><b>419A.255(3)-</b> Inspection also permitted for purpose of evaluating special ed eligibility</p>	<p>(Not mentioned)</p> <p>(but see next page)</p>	<p>(Not mentioned)</p> <p>(but see next page)</p>	<p>(Judges/staff not mentioned)</p> <p>-- local Citizen Review Boards</p> <p><b>(Judges and court staff --</b> Inferred authority to inspect and copy when necessary)</p> <p><b>419A.102--</b> local CRBs have access to court records as pertinent to case; CRB access is same as internal OJD employees</p>	<p>Other state courts involved in placement of Oregon child/ward (can include delinquent runaway)</p> <p><b>419A.255(11)</b> Oregon courts must cooperate in sharing file information with court of another state to facilitate interstate placement of ward or child</p> <p><b>417.010-.105;</b> <b>417.200-.260</b> Interstate compact for Juveniles/ Placement of Children; info provided by juvenile dept. and/or OYA, not juvenile court</p>

<sup>1</sup> Juvenile OJIN is a person-based system; access to a juvenile OJIN register includes only the "display petition" command.

<sup>2</sup> Following information not confidential unless (and only so long as) a clear need exists to delay disclosure in course of investigation (including need to protect complaining party or victim): youth's name/age and whether employed or in school; offense for which taken into custody; name/age of adult complaining party and adult victim, unless otherwise restricted; identity of investigating/arresting agency; and time/place taken into custody, whether resistance or pursuit occurred or whether weapon used while taking into custody.

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<p><b>Juvenile court "social file"</b></p> <p><b>(ORS 419A.255(2))</b></p> <p>(e.g., reports and other material relating to youth, or youth offender's history and prognosis)</p> <p><b>42 USC 5101-116i</b> (Child Abuse Prevention and Treatment Act) (CAPTA)</p> <p>(Federal CAPTA and implementing CFRs require states to preserve confidentiality of all records concerning child abuse "to protect the rights of the child and the child's parents or guardians, 42 USC § 5106a(b)(2)(A)(vii), and to enact protections such that "all records concerning reports * * * of child abuse and neglect are confidential and that their unauthorized disclosure is a criminal offense," 45 CFR § 1340.14(i)(1).)</p>	<p>No right to inspect or copy</p> <p><b>419A.255(2,3)-</b> Social file is privileged; may not be disclosed to anyone absent request of child/ward, other than those statutorily enumerated (right); court approval otherwise required (no disclosure to general public)</p>	<p>Parties include:</p> <ul style="list-style-type: none"> <li>-- youth/youth offender</li> <li>-- parent</li> <li>-- guardian</li> <li>-- putative father (with conditions)</li> <li>-- state</li> <li>-- juv. dept.</li> <li>-- CASA</li> <li>-- DHS or other child-caring agency, if has temp'y custody</li> <li>-- tribe - if intervened per ICWA</li> <li>-- surrogate</li> <li>-- interven's per per ORS 109.119</li> </ul> <p><b>419A.255(2),(3)-</b> Social file is privileged; child/ward may grant permission to disclose (&amp; court approval required) to those other than lawyers, service providers, judge and court staff, &amp; superintend'ts (see generally, columns to right)</p> <p>No express provision permitting parties to inspect/copy.</p>	<p>Lawyers include:</p> <ul style="list-style-type: none"> <li>-- Attorneys for all persons who are "parties"</li> <li>-- District Attorney or AAG representing state</li> </ul> <p><b>419A.255(2)--</b> Lawyers for following parties may inspect AND copy: child, ward, parent, guardian, CASA, surrogate, or permitted intervenor</p> <p><b>419A.257(1)--</b> DAs and AAG may inspect/copy social file materials to same extent as lawyers of record</p>	<p>-- juv. dept. (also "party")</p> <p>-- DHS (also "party")</p> <p>-- OYA</p> <p><b>419A.257(1)-</b> Juv. dept, DHS, and OYA may inspect/copy materials to same extent as lawyers of record</p> <p><b>419A.255(3)--</b> Inspection also permitted for purposes of evaluating special ed eligibility per ORS ch 343</p> <p style="text-align: center;">2</p>	<p>"Service Providers" in the case</p> <p>Superintendent of the school district in which youth offender resides or designee</p> <p><b>419A.255(2)--</b> Service providers in the case, superintendent or superint.'s designee, and their attorneys, may inspect and copy; must return copies to court upon conclusion of involvement</p> <p><b>See also 419A.255(7)</b> (juvenile counselor or caseworker specifically may inspect history and prognosis materials that reflect impending danger)</p>	<p>Appropriate Authority or Person in Danger</p> <p><b>419A.255(7)--</b> Information in social file that, in profess'l judgment of juvenile counselor, caseworker, school superintendent or designee, teacher or detention worker, indicates clear and immediate danger to another person or to society may be disclosed to the appropriate authority and the person in danger (no obligation on juv. court to provide info)</p>	<p>-- Judge and court staff</p> <p>-- local Citizen Review Boards</p> <p><b>419A.255(2)--</b> Judge and court staff acting under judge's direction inspect (no "copy" provision or prohibition)</p> <p><b>419A.102--</b> local CRBs have access to court records as pertinent to case; CRB access is same as internal OJD employees</p>	<p>Other state courts involved in placement of Oregon child/ward (can include delinquent runaway)</p> <p><b>419A.255(11)</b> Oregon courts must cooperate in sharing file information with court of another state to facilitate interstate placement of ward or child</p> <p><b>417.010-.105; 417.200-.260</b> Interstate compact for Juveniles/ Placement of Children; info provided by juvenile dept. and/or OYA, not juvenile court</p>

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<b>Juvenile Court transcripts, once prepared and filed with court</b>  <b>ORS 419A.256(1)</b>	Subject to same restrictions as juvenile court legal file, with one exception for victims, 419A.256(1,b):  if transcript, audiotape or videotape has been prepared in any proceeding under ORS chapter 419C, victim may obtain copy by paying actual cost of preparation.	(Subject to same restrictions as juvenile court legal file)	(Subject to same restrictions as juvenile court legal file)	(Subject to same restrictions as juvenile court legal file)	(Subject to same restrictions as juvenile court legal file)	(Subject to same restrictions as juvenile court legal file)	(Subject to same restrictions as juvenile court legal file)	(Subject to same restrictions as juvenile court legal file)
<b>Juvenile Court video, audio, and other recordings</b>  <b>ORS 491A.256(2)</b>	No right to inspect	(same parties may inspect as those who may inspect juvenile court legal file)	(same lawyers may inspect as those who may inspect and copy juvenile court legal file)	(not mentioned)	(not mentioned)	(not mentioned)	(Judges and court staff -- Inferred right to inspect)	(not mentioned)

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<p><b>Drug Court Program files/records</b></p> <p>(includes family dependency, drug treatment, and other "specialty courts" created under ORS 3.450)</p> <p>(drug-court program records must be maintained separately from other court records)</p> <p><b>ORS 3.450(3)</b></p>	<p>No right to inspect or copy</p> <p><b>3.450(3)--</b> (Records confidential and may not be disclosed except as provided under federal rule)</p>	<p>(Party definitions not separately articulated in ORS 3.450)</p> <p><b>3.450(3)--</b> Disclosure governed by federal rules promulgated under 42 USC 290dd-2 (consent of patient required, etc.)</p>	<p>(not mentioned)</p> <p><b>3.450(3)--</b> Disclosure governed by federal rules promulgated under 42 USC 290dd-2 (consent of patient required, etc.)</p>	<p>(not mentioned)</p> <p><b>3.450(3)--</b> Disclosure governed by federal rules promulgated under 42 USC 290dd-2 (consent of patient required, etc.)</p>	<p>(not mentioned)</p> <p><b>3.450(4)--</b> With patient consent, disclosure to local drug court team permitted, for identified purposes</p> <p><b>3.450(3)--</b> Disclosure governed by federal rules promulgated under 42 USC 290dd-2 (consent of patient required, etc.)</p>	<p>(not mentioned)</p> <p><b>3.450(3)--</b> Disclosure governed by federal rules promulgated under 42 USC 290dd-2 (consent of patient required, etc.)</p>	<p>(not mentioned)</p> <p><b>3.450(3)--</b> Disclosure governed by federal rules promulgated under 42 USC 290dd-2 (consent of patient required, etc.)</p>	<p>(not mentioned)</p> <p><b>3.450(3)--</b> Disclosure governed by federal rules promulgated under 42 USC 290dd-2 (consent of patient required, etc.)</p>