



## RELEASING JUVENILE COURT RECORDS TO “ANY OTHER PERSON OR ENTITY”

Oregon’s juvenile court records law (ORS 419A.255) lists the persons entitled to inspect or copy the record of the case or the supplemental confidential file. At the end of each statutory provision setting out the list of persons entitled to access the records, is a catch-all provision authorizing juvenile courts to allow access to “any other person allowed by the court.” The 2016 Oregon Legislative Assembly passed HB 4074. This bill establishes a process to allow persons or entities to petition the Court for access to confidential juvenile court records. The goal in developing this process was to balance the best interest of juveniles with the constitutional requirement for open courts while also giving juvenile court judges sufficient guidance when considering requests for access to juvenile records.

<p><b>Motion Requirements</b></p>	<p>The motion must include a sworn affidavit or declaration under penalty of perjury that includes:</p> <ol style="list-style-type: none"> <li>1) A statement detailing the reasons why the person or entity would like to inspect or copy the record;</li> <li>2) Any relevancy of the inspection or copying to the juvenile proceeding; and</li> <li>3) How the inspection or copying will serve to balance:             <ol style="list-style-type: none"> <li>i. The privacy interest and particular vulnerabilities of the child, ward, youth, or youth offender or his or her family members;</li> <li>ii. The interests of the other parties of the proceeding or the victims in the proceeding;</li> <li>iii. The interests of the person or entity filing the motion; and</li> <li>iv. The interests of the public.</li> </ol> </li> </ol>
<p><b>Notice Requirements</b></p>	<p>No later than 14 days before the court considers the motion, the person or entity filing the motion must serve all parties and attorneys of record to the juvenile court proceeding with:</p> <ol style="list-style-type: none"> <li>1) a copy of the motion and affidavit or declaration, and</li> <li>2) written notice that the party or attorney of record has until 14 days after the date of service to file a response or objection to the motion, unless the court provides an alternative timeline.</li> </ol> <p>Service must be consistent with the provisions of ORS 419B.851 and 419B.854.</p> <p>If the person or entity filing the motion does not know the identity or</p>

	<p>address of the party or attorney of record the court is required to mail notice of the time to respond or object to a party or the attorney of record at their last known address and also note the date the notice was mailed. The court is required to mail the notice at least 14 days before the court considers the motion.</p> <p>The court may reduce or extend the time for service on its own motion or upon application of the person or entity filing the motion for good cause shown.</p>
<p><b>Court Considerations &amp; Requirements</b></p>	<ol style="list-style-type: none"> <li>1) The court may summarily deny the motion if the motion and notice requirements are not met.</li> <li>2) The court may set a hearing to consider the motion and shall send notice of the time and place of the hearing to all parties.</li> <li>3) The court is required to conduct an <i>in camera</i> review, taking into account any responses or objections made by a party.</li> <li>4) The four factors the court must weigh in determining whether to allow inspection or copying of the record of the case or supplemental confidential file: <ol style="list-style-type: none"> <li>i. The privacy interest and particular vulnerabilities of the child, ward, youth, or youth offender or his or her family members;</li> <li>ii. The interests of the other parties of the proceeding or the victims in the proceeding;</li> <li>iii. The interests of the person or entity filing the motion; and</li> <li>iv. The interests of the public.</li> </ol> </li> <li>5) The court may allow inspection or copying only as necessary - the court may limit inspection or copying to particular parts of the record of the case or the supplemental confidential file.</li> <li>6) The court may specify the timing and procedure for allowing inspection or copying.</li> <li>7) The court shall make protective orders governing the use of the materials inspected or copied.</li> </ol>
<p><b>Operative date: September 30, 2016</b></p>	<p>Applies to juvenile court proceedings pending or commenced before, on or after September 30, 2016.</p>