



Juvenile Court Records Releases

Changes Effective September 30, 2016

The primary statutes in ORS Chapter 419A governing records releases in juvenile cases were amended by HB 4074 during the 2016 session. The amendments were requested by the Oregon Law Commission as the final piece of the legislative work on juvenile records that included SB 622 (2013), SB 1536 (2014), and SB 405 (2015). The amendments apply to all juvenile cases, effective September 30, 2016. The changes include the following:

- Office of Public Defense Services (OPDS). A new subsection (16) to ORS 419A.255 makes it clear that the Office of Public Defense Services is permitted access for purposes of its responsibility to audit or investigate attorney representation. Please note OPDS is also allowed statewide access under ORS 419A.255(11). ORS 419A.255 (16).
- Oregon State Bar (OSB). A new subsection (17) provides the Oregon State Bar access to the record of the case to investigate bar complaints arising out of juvenile case representation. ORS 419A.255(17).
- Parent and child access after case closed. A new subsection (18) makes it clear that a parent, child, ward, youth, and youth offender maintain existing rights to inspect and copy records after the case is closed and after the child reaches the age of majority. A parent who has his or her rights terminated retains access rights to juvenile court records for proceedings before, up to and including the judgment terminating his or her parental rights. ORS 419A.255(18).
- Redaction. A new subsection (19) clarifies that when inspection or copying is allowed, courts do not need to redact information about siblings or other persons contained in the record of the case and the supplemental confidential file. ORS 419A.255(19)
- “Any other person or entity” access. Section 9 of the bill provides a process by which a person or entity not provided access under the provisions of ORS 419A.255 may request that the court allow inspection or copying of the record of the case, the supplemental confidential file, and audio or video recordings of the proceeding.

To view the enrolled version of HB 4074, use the following link:

<https://olis.leg.state.or.us/liz/2016R1/Downloads/MeasureDocument/HB4074/Enrolled>