

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF GRANT and HARNEY

In the Matter of Providing Inspection ) PRESIDING JUDGE ORDER NO. 26-014  
Of and Copies of Audio Recordings of )  
Juvenile Court Proceedings ) Case No. DPJO1  
)  
) ORDER ALLOWING ELECTRONIC COPY  
) OF AUDIO IN JUVENILE PROCEEDINGS  
)

In the courts of dependency and delinquency cases in Juvenile Court, an attorney for a party may need access to an audio record of one or more hearings. ORS 419A.256 controls both the inspection and copy-access rights to such audio records. This statute authorizes certain individuals access to inspect (listen to) the audio record unconditionally and allows the Court to authorize certain other individuals to receive a copy of audio recordings of a juvenile court proceeding on a finding of good cause and subject to any conditions the Court finds appropriate.

The terms of this order set out the situations in which good cause is presumed to exist for attorneys receiving a copy of an audio record of a Grant or Harney County juvenile court proceeding. This order also details the conditions under which the copy of the audio record is provided in situations of presumed good cause, unless other conditions are stated by court order in an individual case.

The individuals for whom ORS 419A.256 provides Court discretion to allow receipt of a copy of an audio record of a Grant or Harney County Juvenile Court Proceeding on a finding of good cause are:

- Judge or person directed by Judge
- CASA (or CASA Program representative if necessary for appointment or supervision)
- District Attorney or Attorney General who is representing a party
- Juvenile Department
- Department of Human Services
- Attorney (including prospective attorney on appeal) for:
  - Child, Ward, Youth or Youth Offender
  - Parent/Guardian of Child, Ward, Youth or Youth Offender
  - Guardian ad Litem for Parent
  - Intervenor
  - Court Appointed Special Advocate (CASA) and CASA Program representative
- Oregon Youth Authority

It is ORDERED THAT the Circuit Court Clerk shall provide an electronic copy of the audio of a dependency or delinquency proceeding, on written request, to attorneys entitled under ORS 419A.256. The attorney making the request represents that the use of the audio recording is necessary for the following purposes and acknowledges awareness of the protective terms set out in this Order:

- Her or his representations of (or services to) a party to the particular juvenile case; or
- Compliance with the discovery requirements in ORS 419B.881 and 419C.270(5)and (6).

Use of the audio recording provided under this Standing Order is subject to the following conditions:

1. The attorney receiving this recording shall not copy the recording, nor cause the recording to be copied, for any purpose except one necessary to (1) facilitate representation/services of a party in this proceeding or (2) comply with the discovery requirements in ORS 419B.881 and 419C.270(5) and (6). An attorney providing a copy of this record to another person for representation or discovery purposes shall provide written notice to the receiving person of the terms of paragraph 1-3 of this standing order.
2. The receiving attorney and all persons acting at this attorney's direction shall refrain from playing the recording for any person who's hearing the record is not necessary to facilitate representation/services in this proceeding or to comply with the discovery requirements as cited in the preceding paragraph.
3. Except as detailed in paragraph 4, the receiving attorney (and any third person to whom the receiving attorney provided a copy) shall destroy or delete the copy of the audio within 60 days after the earlier of (1) the end of the receiving attorney's involvement in the case or (2) final (appellate if any) resolution of the petition. The receiving attorney shall file a certificate with the Court by that deadline verifying that all copies were destroyed or deleted and setting out the receiving attorney's statement that all third parties to whom a copy was provided have reported to the receiving attorney that the copy was destroyed or deleted.
4. If the receiving party is an attorney whose representation on a case terminates before the case is resolved and who has provided a third party (outside the law firm) with a copy of the audio record, this attorney shall include with his or her withdrawal motion a certificate to this effect and disclose the identity to successor counsel when asked by this counsel. Successor counsel is responsible for the certificate required by paragraph 3 when prior counsel's withdrawal motion certifies the fact of provision to a third party outside the law firm.

The terms of this standing order do not preclude consideration of requests for a copy of an audio record based on good cause shown for purpose not detailed here.

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Robert S. Raschio  
Robert S. Raschio, Circuit Court Judge