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February 17, 1989

Robert D. Woods
Cass Scott Woods & Smith
101 East Broadway
Suite 200
Eugene, OR 97401

Re: **Petition for Public Records Disclosure Order; Lane County Juvenile Court Records**

Dear Mr. Woods:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on February 15, 1989, asks the Attorney General to direct the clerk of the Lane County Juvenile Court to disclose to your client, Guard Publishing Company, juvenile court files concerning three named minors. For the reasons stated below, we deny your petition.

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exceptions. In this instance, the relevant provision is ORS 192.502(8), which exempts from disclosure "[p]ublic records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law." ORS 419.567 prohibits disclosure of the records your client seeks. That statute provides, in pertinent part:

> "(1) The clerk of the [juvenile] court shall keep a record of each case, including therein the summons and other process, the petition and all other papers in the nature of pleadings, motions, orders of the court and other papers filed with the court, but excluding reports

> and other material relating to the child's history and prognosis. The record of the case shall be withheld from public inspection but shall be open to inspection by the child, parent, guardian or surrogate and their attorneys. The attorneys are entitled to copies of the record of the case.
>
> "(2) Reports and other material relating to the child's history and prognosis are privileged and, except at the request of the child, shall not be disclosed directly or indirectly to anyone other than the judge of the juvenile court, those acting under the judge's direction and to the attorneys of record for the child or the child's parent, guardian or surrogate. The attorneys are entitled to examine and obtain copies of any reports or other material relating to the child's history and prognosis. Any attorney who examines or obtains copies of such reports or materials shall be responsible for preserving their confidentiality and shall return the copies to the court upon the conclusion of the attorney's involvement in the case.
>
> "(3) No information appearing in the record of the case or in reports or other material relating to the child's history or prognosis may be disclosed to any person not described in subsection (2) of this section without the consent of the court, except for purposes of evaluating the child's eligibility for special education as provided in ORS chapter 343 * * *." (Emphasis added.)

This statute unambiguously bars the juvenile court clerk from disclosing juvenile court records to anyone other than specified individuals without consent of the court. Your client is not among those individuals who may receive those records. Nor does your petition suggest that you personally are one of the individuals who may inspect those records. Accordingly, the clerk correctly denied your client's request to inspect the requested juvenile court files.

ORS 419.567(5) provides a narrow exception to the prohibition on disclosure quoted above. That subsection states:

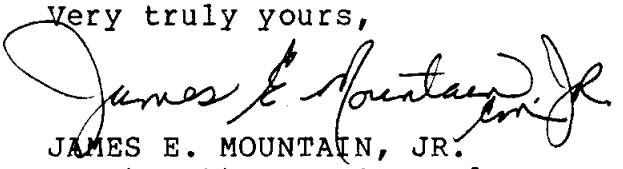
> "Notwithstanding any other provision of law, the name of the juvenile, the basis for the juvenile court's jurisdiction over the juvenile, the date, time and place of any juvenile court proceeding in which the juvenile is involved and that portion of the juvenile court order

> providing for the legal disposition of the juvenile where jurisdiction is based on ORS 419.476(1)(a) [juvenile has committed an act which is a violation, or which if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county or city] or (g) [juvenile who has filed a petition for emancipation] shall not be confidential."

If your client requests access to that limited information, the juvenile court clerk must grant that request.

For these reasons, we respectfully deny your petition.

Very truly yours,



JAMES E. MOUNTAIN, JR.
Deputy Attorney General

JEM:cm
cc: Norman Meyer
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