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Justice Building
Salem, Oregon 97310
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June 30, 1987

Aaron Eastlund
2703 S.E. Evans
Troutdale, OR 97060

Re: Public Records Request
Juvenile Court Clerk

Dear Mr. Eastlund:

This letter constitutes a supplementary response to your letter, dated June 22, 1987, which the Attorney General received June 23, 1987, for documentation concerning the jurisdiction of the Juvenile Court for Multnomah County over a certain juvenile. After investigating the circumstances, we have determined that your initial request was directed not to a representative of the County Juvenile Department, but to the clerk of the juvenile court, who is a state officer. Therefore, the Attorney General is authorized by the Public Records Law to review your request. See ORS 192.450(1) (authorizing Attorney General review of the denial of inspection of a public record of a state agency). For the reasons that follow, we grant your petition in part.

You have asked to inspect the following:

> "Documentation relating the basis of the juvenile court's jurisdiction over a certain [juvenile], a juvenile they have established jurisdiction over. This request is pursuant to ORS 419.567(5)."

The Public Records Law exempts "[p]ublic records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under ORS * * * 419.567." ORS 192.500(2)(h). Therefore, we may not order the disclosure of information protected under ORS 419.567, a part of the Juvenile Code.

ORS 419.567(1) makes the record of a juvenile case generally confidential, stating in part:

> "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."

ORS 419.567(2) provides that reports and other material relating to the juvenile's history and prognosis also are privileged. These records may not be disclosed to anyone other than the juvenile court judge, those acting under the judge's direction, or the attorneys of the parties except at the request of the child. Under ORS 419.567(3), no information appearing in the record of the case or other material relating to the juvenile's history or prognosis may be disclosed to anyone other than the judge, persons acting under the direction of the judge or the attorneys for the child or the child's parent or guardian without the consent of the court.

ORS 419.567(5) contains the sole exception to these provisions. See generally 42 Op Atty Gen 17, 20 (1981) (permissible under ORS 419.567 for police to disclose name of juvenile at time of apprehension, and the grounds for the arrest). That subsection provides:

> "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) or (g) shall not be confidential."

Thus, where the juvenile court's jurisdiction is based on ORS 419.476(1)(a) (juvenile's commission of an act which, if committed by an adult, would constitute a violation of a law or ordinance of the United States or a state, county or city) or ORS 419.476(1)(g) (juvenile's filing of a petition for emancipation), four types of information are not confidential:

(1) the juvenile's name;

(2) the basis for the juvenile court's jurisdiction over the juvenile;

(3) the date, time and place of any juvenile court proceeding in which the juvenile is involved; and

(4) the portion of the juvenile court order providing for the legal disposition of the juvenile.

In cases in which the juvenile court's jurisdiction is based on provisions other than ORS 419.476(1)(a) or (g), all information about the juvenile except the first three categories listed above is confidential.

In allowing you to inspect public records containing nonconfidential information, the juvenile court clerk must excise all portions of those records that contain confidential information. ORS 192.500(3).

As indicated below, we have sent a copy of this order to the juvenile court clerk.

Very truly yours,

WILLIAM F. GARY
Deputy Attorney General

mlm:8:Eastlund.l

cc: Shannon Stewart
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