August 1, 2001
Program Committee
Oregon Law Commission
245 Winter Street SE
Salem, Oregon 97301

Re: Delinquency procedures/statutes proposal

Dear Program Committee:

There are no procedure rules in the delinquency section (419C) of the Juvenile Code. ORS 419C.270 has incorporated rules of criminal procedure in the Juvenile Code by referencing back to the Criminal Code. This is confusing and difficult for non-lawyers to use and follow. Additionally, there are rules of criminal procedure that have not been incorporated into the juvenile code, even though the rules are routinely followed in juvenile courts. It would be helpful to have rules of procedure for juvenile delinquency actions incorporated in the Juvenile Code.

During the 2001 legislative session, the Legislature adopted rules of procedure for dependency actions (HB 2611). Drafting and developing rules for juvenile delinquency actions is the logical next step.

The scope of the project will be limited to drafting procedures for juvenile delinquency matters. Since the Juvenile Code already incorporates by reference rules of criminal procedure, the project will be limited to redrafting those rules and discussing the rules that were not incorporated by reference to see if they should also be added to a juvenile delinquency procedure code.

This is a good project for the Juvenile Code Revision workgroup of the Oregon Law Commission because the workgroup is comprised of representatives from all of the different participants in the juvenile system, including district attorneys, defense attorneys, juvenile departments, judges, OYA, SCF and the community. It will be important for all of these stakeholders to agree on how the rules should work and what the rules should be included in a delinquency procedure code. Additionally, there is no other group who would take on this project, as evidenced by lack of previous efforts to clarify delinquency rules of procedure.

The project participants should include representatives from the following groups: district attorneys, defense attorneys, judges, juvenile department directors, OYA, SCF and the community.

Thank you for your consideration of this proposal.

Kathie Osborn