August 1, 2001

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

Re: Re: Juvenile Expunction Statute

Dear Program Committee:

The juvenile expunction statutes (ORS 419A.260-419A.262) are confusing. Additionally, there are statutes in the Criminal Code which reference back to the juvenile expunction statutes, but there is no mention in the juvenile expunction statutes of the Criminal Code citations. Defense Attorneys, district attorneys and judges have all expressed confusion when trying to work with the current statutes. Considering many juvenile court expunctions are handled pro se, it is necessary to rewrite and restructure the statutes so they are more logical and are complete. There are significant differences of opinion among juvenile court practitioners regarding the policy decisions in the juvenile expunction statutes, but it is not anticipated that the Juvenile Code Revision workgroup would try to resolve those differences or make any policy changes in the juvenile expunction statutes.

The Juvenile Code underwent a major revision in 1993. This revision was focused mainly on splitting the juvenile code into three sections - general provisions, dependency and delinquency. Since then small changes have been made in the juvenile expunction statutes in 1995 and 1999. There has not been a rewriting or reorganization focused on just the juvenile expunction statutes.

The scope of the project will be very limited to only making the juvenile expunction statutes easier to understand for the pro se applicant. As mentioned previously, the Juvenile Code Revision workgroup will not attempt to deal with any suggested policy changes.

The revision of the juvenile expunction statutes is a good subject for involvement by the Oregon Law Commission because there has been broad-based frustration with the expunction statutes as written. One of the goals of the Juvenile Code Revision workgroup is to make the Juvenile Code more useable for use by non-lawyers. This would be especially helpful in the area of juvenile expunction applications since juveniles are not eligible to obtain court-appointed attorneys to assist them in their application process.

The project participants should include a representative from a district attorney's office, a juvenile defense attorney, representatives from State Office of Services to Children and Families and the Oregon Youth Authority, a representative from a county juvenile department, and a juvenile court judge. All of these groups are represented on the Juvenile Code Revision workgroup.

Thank you for considering this proposal.

Kathie Osborn