DAVE FROHNMAYER
ATTORNEY GENERAL
STATE OF OREGON

WILLIAM F. GARY
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

July 17, 1987

Liana Colombo
Attorney at Law
Kulongoski, Durham, Drummonds
& Colombo
1020 SW Taylor Street/Suite 530
Portland, Oregon 97205-2510

Re: Public Records Request - Iwaniw

Dear Liana:

This letter responds to your request for my assistance in your efforts to obtain a copy of a record in the custody of the Children's Services Division (CSD). Specifically, you seek disclosure of a portion of a CSD Form 307 relating to a report of suspected child abuse involving your client Alex Iwaniw. If I were to treat your request as a petition for an Attorney General's public records disclosure order, this office would respectfully deny the petition on the basis of ORS 418.770.

The record you seek was compiled under the provisions of the child abuse reporting laws, ORS 418.750 to 418.762. By virtue of ORS 418.770(1), this record is "confidential" and "not accessible for public inspection," notwithstanding the provision of the Public Records Law, ORS 192.410 to 192.550. In fact, a specific provision of the Public Records Law, ORS 192.550(2)(h), unqualifiedly exempts from disclosure requirements "[p]ublic records or information the disclosure of which is prohibited or restricted or otherwise made confidential . . . under ORS . . . 418.770 . . . ."

We recognize that you seek disclosure of only a part of the Form 307 record relating to the disposition of the report of suspected child abuse. We also realize that ORS 418.770 is subject to certain limited exceptions. See ORS 418.770(1)(a) through (d) and (2). Your request for partial disclosure, however, does not fall within the statutory exceptions.

I understand that your client is aware that CSD determined that the report of child abuse was invalid. I note that CSD has assured your client that none of the information concerning the complaint will be filed with the Central State Child Abuse Registry established under ORS 418.765. I hope this information will satisfy you and your client; in our view, CSD officials are barred by ORS 418.770(4) from releasing the record information you wish to copy.

If you have any further questions, please give me a call.

Very truly yours,

Jim

JAMES E. MOUNTAIN, JR.
Special Counsel to the
Attorney General

JEM:cm
cc: Deborah Wilson, Assistant Attorney General
0481a