HARDY MYERS
ATTORNEY GENERAL

PETER D. SHEPHERD
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

1162 Court Street NE
Justice Building
Salem, Oregon 97301-4096
Telephone: (503) 378-4400
TTY: (503) 378-5938

September 6, 2005

James Forbes
835 NW Bond Street, Ste 200
Bend, OR 97701

Re: Petition for Public Records Disclosure Order:
Oregon Department of Justice, Division of Child Support Records

Dear Mr. Forbes:

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 August 30, 2005, asks the Attorney General to order "the Child Support Program and its employees to produce a complete copy of both of my child support files* * *." For the reason that follows, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.410. The Public Records Law generally provides that a person denied the right to inspect or receive a copy of a public record by a state agency or official may petition the Attorney General to order the release of a public record. ORS 192.450(1). However, the Attorney General's jurisdiction does not extend to petitions for the disclosure of records either in the custody of an elected official or for which an elected official claims the right to withhold disclosure. ORS 192.480.

By statute, the Department of Justice is responsible for the state's Child Support Program, which is administered by the Department's Division of Child Support. ORS 180.345. By virtue of the Department's responsibilities under ORS 180.345 and the Attorney General's status as an elected official, the Attorney General does not have authority to consider your petition.

Even if we were authorized by law to consider your petition, we would deny it due to the fact that the Division of Child Support has not denied your request. By letter dated August 31, 2005, the Division notified you that it is prepared to disclose the requested records upon receipt of the balance of its costs to do so, namely $13.23.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS16223
c: Tammy Bersin, DCS Constituent Liaison
Ronelle Shankle