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April 2, 2012

Rachael Townsend
Western Farm Workers Association
725 SE 7th Ave.
Hillsboro, OR 97123

Re: Petition for Public Records Disclosure Order
Department of Human Services Records
DOJ File No.: 100136-GA0026-12

Dear Ms. Townsend:

This letter is the Attorney General's order in response to your petition asking the Attorney General to direct the Department of Human Services (DHS) to disclose certain public records to you. You submitted this petition in your role as a volunteer with the Western Farm Workers Association, on behalf of an individual for whom you are serving as an advocate (for the sake of convenience, we will refer to this individual as your "client," but that term should not be understood to imply anything in particular about the legal status of your relationship).

The records in question are police reports generated by the Cornelius Police Department (CPD) in 1995, when CPD was investigating a report of child abuse. Your client, who is now an adult, was the victim of the child abuse that CPD was investigating. You state that your client's attorney has advised your client to obtain these records to support her application for a "u-visa" that would allow your client to lawfully remain in this country.

DHS denied your request, citing the confidentiality rule of ORS 419B.035. That statute renders confidential documents compiled under Oregon's Child Abuse Reporting Statutes, ORS 419B.010 to 419B.050. ORS 419B.035 contains a handful of exceptions to its confidentiality requirements, but none of them expressly permits disclosure to a minor victim of abuse after that victim reaches the age of majority. ORS 419B.035(3) does permit DHS to disclose records, but only if DHS finds that "disclosure is necessary to administer its child welfare services and is in the best interests of the affected child, or that such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect children from abuse and neglect or for research."

DHS has reviewed this matter again following your petition. We now understand that DHS has provided the records on the basis of ORS 419(B).035(3). Your petition is consequently moot, and we respectfully deny it on that basis.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

MHW:smg/3313800-v1
c: Caroline Burnell