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April 18, 2018

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Seattle, WA 98111

Re: Petition for Public Records Disclosure Order
Oregon Department of Human Services
DOJ File No. 100101-GA0022-18

Dear Ms. Karol, Ms. Young, Mr. Heye, and Ms. Shapiro:

This letter is the Attorney General's response to your separate petitions for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petitions, which we received between April 5-17, 2018,[1] ask the Attorney General to order the Oregon Department of Human Services (DHS) to produce Child Protective Services (CPS) records involving Jennifer and Sarah Hart and their six adopted children. For the reasons discussed below, we respectfully deny your petitions as moot.

On March 26, 2018, the Hart family's SUV was discovered at the bottom of a 100 foot ocean-side cliff in Mendocino County, California. The bodies of Jennifer and Sarah Hart, and four of their six adopted children were recovered at the scene. The two remaining children have

[1] We received Ms. Karol's petition on April 5, 2018. We received Ms. Young's petition on April 6, 2018. Mr. Heye's request was submitted as a Consumer Complaint on April 4, 2018, but we agreed to treat as a petition effective April 9, 2018. Thanks to each of you for granting an extension on the deadline to issue this order. We received Ms. Shapiro's petition on April 16, 2018.

not been located, but investigators believe they were also in the SUV at the time of the crash and they are presumed dead. The Mendocino County Sheriff is treating the incident as a crime. Subsequent reporting indicates the Hart parents were the subject of child abuse allegations while living in Minnesota in 2011, in Oregon in 2013, and most recently in Washington. Media reports indicate the Hart family left their Washington home in the SUV several hours after officials from Washington CPS attempted to contact them at home on March 23, 2018.

This tragedy has received nationwide attention and there remains considerable public interest in the ongoing investigation. In support of your reporting on this case, you requested DHS provide CPS records related to the 2013 child abuse allegations. DHS denied your requests, claiming that the records are confidential under ORS 409.225 and ORS 419B.035, and therefore exempt from public disclosure under ORS 192.355. Those denials prompted your respective petitions.

DHS informs us that – in light of new information disclosed by the media subsequent to your petitions – it will release the records you seek pursuant to its discretionary authority under ORS 419B.035(3). DHS explains that it must review those records for potentially exempt material, such as the personal information of third parties, before releasing it. We expect that review will take no more than a couple of days.

Because DHS has agreed to produce the requested records, we respectfully deny your petitions as moot. See ORS 192.411(1) (Attorney General may order disclosure only when the records request has been denied).

Sincerely,

Frederick M. Boss
Deputy Attorney General

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