DAN RAYFIELD
ATTORNEY GENERAL

BENJAMIN GUTMAN
INTERIM DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-6002

November 13, 2025

VIA E-MAIL ONLY: peter@layitoutfoundation.org

Peter Madsen
704 NW Georgia Ave,
Bend, Oregon 97703

Re: Petition for Public Records Disclosure Order
Oregon Department of Human Services
DOJ File No.: 100101-GA0157-25

Dear Mr. Madsen:

This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to order the Department of Human Services (ODHS) to disclose child welfare records related to an ODHS child abuse case that you are interested in.

The Public Records Law confers the right to inspect public records in Oregon, unless such records are exempt under ORS 192.338, 192.345, or 192.355. ORS 192.314(1). The law is a disclosure law and exemptions from disclosure must be express. Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.411(1). The agency carries the burden to sustain its actions. ORS 192.411(1).

We contacted Caroline Burnell, Public Records Administrator for ODHS, regarding your petition. She explained that the records you seek were compiled under Oregon's Child Abuse Reporting Statutes, ORS 419B.010 to 419B.050, and are therefore confidential under ORS 419B.035(1).[1] And, she noted, records made confidential by state law are expressly exempt from disclosure under the Public Records Law. *See* ORS 192.355(9)(a). Although ORS 419B.035(1) contains exceptions that permit ODHS to disclose confidential child abuse records in limited circumstances, she explained ODHS' position that none of those exceptions

[1] ORS 419B.035(1) states, in relevant part, that notwithstanding the provisions of the Oregon Public Records Law, "reports and records compiled under the provisions of ORS 419B.010 to 419B.050 are confidential and may not be disclosed except as provided in this section * * * ."

apply to your request.[2] Ms. Burnell also explained that under ORS 419B.035(3), ODHS has limited discretion to release child abuse records when necessary to promote certain prescribed purposes.[3] In this instance, however, ODHS has determined that disclosing the requested records to you is not necessary to promote those limited purposes at this time.

After discussing the requested records with Ms. Burnell, we find that they were compiled under Oregon's Child Abuse Reporting Statutes. They are therefore confidential under ORS 419B.035 and expressly exempt from public disclosure under ORS 192.355(9)(a). None of the exceptions listed in ORS 419B.035(1) appear to apply to your request. Although ODHS has limited discretion to disclose the records, it has determined that disclosing them to you at this time would not promote the limited purposes detailed in ORS 419B.035(3). Under the circumstances, we have no reason to second-guess ODHS' statutorily entrusted determination and therefore conclude that ODHS was permitted to withhold the records. We therefore respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Interim Deputy Attorney General

KG9:pjn:of1
c via e-mail only: Caroline Burnell (ODHS)

[2] Regarding the exceptions to the general rule of confidentiality, ORS 419B.035(1) generally requires ODHS to disclose child abuse records – in limited circumstances and for limited purposes – to: law enforcement agencies; certain medical providers; attorneys or other parties in juvenile court proceedings; certain citizen review boards; court appointed special advocates in certain proceedings; the Office of Child Care; the Office of Children's Advocate; the Teacher Standards and Practices Commission for certain investigations; Disability Rights Oregon, and to any person in cases where a child, as the result of abuse, died or suffered *serious* physical injury.

[3] ORS 419B.035(3) permits ODHS to make records compiled under Oregon's Child Abuse Reporting Statutes available to any person "when the department determines that such 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, [and] to protect children from abuse * * * ."