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March 9, 2026

VIA E-MAIL ONLY: dwn4my6@gmail.com

Shannon Moon
4601 Se Cesar E Chavez Blvd
Portland, OR 97202
dwn4my6@gmail.com

Re: Petition for Public Records Disclosure Order
Department of Human Services
DOJ File No.: 100101-GA0048-26

Dear Ms. Moon:

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 Oregon Department of Human Services (ODHS) to disclose certain child welfare records related to you.

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).

Your petition stems from a request for child protective services assessments concerning yourself. Your petition explains that ODHS released some records to you but declined to release other assessments. Your petition explains that you need the records to identify "third-party reporters and the nature of allegations made" against you.

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We contacted Mallory Kenney, Public Records Unit Manager 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] Although ORS 419B.035(1) contains limited exceptions permitting ODHS to release confidential child abuse records, she stated that none of those exceptions apply here.[2] She further explained that ODHS has limited discretion under ORS 419B.035(3) to release such records when necessary to promote certain specified purposes.[3] ODHS provided records related to the children for whom you retain parental rights. Ms. Kenney explained, however, that with respect to children for whom you are no longer the legal parent, 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. Kenney, 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 the department was permitted to withhold the records. We therefore respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only: Mallory Kenney (ODHS)

[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 * * * ."

[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 * * * ."