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June 2, 2026

VIA E-MAIL ONLY: haltomliv@gmail.com

Liv Haltom
3400 SE Midvale Dr #C104
Corvallis, OR 97333

Re: Petition for Public Records Disclosure Order
Department of Human Services
DOJ File No.: 100101-GA0107-26

Dear Ms. Haltom:

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 pertaining 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 records request seeking "my complete and unredacted case file from my time as a ward of the state * * * including all caseworker notes" and other communications related to your placements. You challenge the redactions ODHS made to the records provided to you, and you request an order requiring ODHS to produce your case file in completely unredacted form.

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We contacted Mallory Kenney, ODHS Public Records Unit Manager, regarding your petition. Ms. Kenney explained that the records you seek are confidential child welfare records that are generally exempt from disclosure under ORS 409.225(1).[1] But ODHS can release records specifically concerning you.[2] Ms. Kenney explained that ODHS compiled and produced records pertaining to you. ODHS redacted portions of those records related to other individuals.

We compared the redacted records you were provided against the originals. As Ms. Kenney explained, most redactions applied by ODHS pertain to information concerning other children and other individuals. ORS 409.225(1) requires ODHS to maintain the confidentiality of this information and the exception provided by ORS 409.225(2) does not apply because the redacted records relate to other individuals, not you.[3]

Ms. Kenney stated that ODHS also withheld or redacted certain records that were compiled under Oregon's Child Abuse Reporting Statutes, ORS 419B.010 to 419B.050, and are therefore confidential under ORS 419B.035(1).[4] She explained that although ORS 419B.035(1) contains limited exceptions requiring disclosure of confidential child abuse records, ODHS determined that none of those exceptions apply to your request.[5] She further noted that ODHS has discretion under ORS 419B.035(3) to release child abuse records when necessary to promote certain specified purposes.[6] In this instance, however, ODHS concluded that disclosure is not necessary to advance those purposes at this time.

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[1] Specifically, ORS 409.225(1) makes all "child welfare records, files, papers or communications" confidential and not available for public inspection.

[2] Regarding the exceptions to the general rule making child welfare records confidential, ORS 409.225(2) requires DHS to disclose such records: to a recipient of services if the recipient is 18 years of age or older or is legally emancipated, unless prohibited by court order; regarding a specific individual if the individual gives written authorization to release; to the parent or guardian of a child receiving services on a voluntary basis; to the juvenile court in proceedings regarding the child; and to the parent or guardian of a child who is or has been in the custody of the department, except when the child objects or if disclosure would be contrary to the best interests of any child or could be harmful to the person caring for the child.

[3] ODHS also cited the personal privacy exemption provided by ORS 192.355(2)(a) as an additional basis to protect the notes and contact information of these other individuals. Because we find the information is protected by ORS 409.225(1), we do not reach this argument.

[4] 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 * * * ."

[5] Regarding the exceptions to the general rule of confidentiality, ORS 419B.035(1) generally requires DHS 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.

[6] ORS 419B.035(3) permits DHS 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 * * * ."

Pursuant to ORS 419B.035(1), ODHS withheld eight Child Protective Services assessments in full and redacted two portions of the records released to you. Specifically, ODHS redacted a report made to the child abuse hotline, and ODHS redacted an assessment related to an allegation of child abuse. None of the exceptions listed in ORS 419B.035(1) apply to these redacted records, and ODHS has determined that disclosing the records to you 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. For these reasons, we respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

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