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July 13, 2026

VIA E-MAIL ONLY: irontulip@gmail.com

Rebecca Sandgren
P.O. Box 285
Ashland, OR 97250

Re: Petition for Public Records Disclosure Order
Department of Human Services
DOJ File No.: 100101-GA0130-26

Dear Ms. Sandgren:

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 your children. For the reasons that follow, we respectfully dismiss your petition in part, and we deny your petition in part.

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 requests made to ODHS for cases files, police reports, medical reports, and any other records pertaining to your family. You challenge the redactions ODHS made to the records provided to you, and you request an order requiring ODHS "to disclose the records it has withheld and redacted, and to justify each withholding record by record."

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We contacted Mallory Kenney, ODHS Public Records Unit Manager, regarding your petition. Ms. Kenney stated that ODHS has reopened your records request and is currently conducting a review of any case notes that may be responsive to it. Ms. Kenney explained that ODHS caseworkers and other employees document case-related communications within the case notes. After completing this supplemental review, ODHS intends to make an additional disclosure of any non-exempt communications responsive to your requests.

Additionally, ODHS is conducting a further review of the records withheld as exempt including redactions made to the assessments. Because ODHS has reopened your request with the intent of disclosing additional information to you, we respectfully dismiss your petition as moot as it relates to the information that has been redacted or withheld (except as described further below). After ODHS completes its supplemental response, you may, of course, file a new petition if you believe ODHS has improperly withheld records from you.

Ms. Kenney stated that ODHS would not be removing redactions or producing records associated with certain sensitive child abuse investigation materials. Ms. Kenney 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] She said 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.[2] She further noted that ODHS has discretion under ORS 419B.035(3) to release child abuse records when necessary to promote certain specified purposes.[3]

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[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 * * * ."

Your petition states that "as the children's parent and a party to the dependency cases, I am entitled to these records under ORS 419B.035(1)(c) and OAR 413-010-0045." We respectfully disagree. ORS 419B.035(1)(c) requires release of confidential child abuse records to the *attorneys of record* for certain parties to juvenile court proceedings including parents, but it does not permit release directly to those parties. The administrative rule you cite requires disclosure of certain records to parents, but remains subject to any exemptions from disclosure "under the Public Records Law,"[4] which includes prohibition on the release of child abuse records found at ORS 419B.035(1).

Because 419B.035(1) applies, ODHS can only release records to you if ODHS "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 * * * ." Ms. Kenney explained that ODHS exercised its discretion and released a substantial number of records to you, including assessments, screening reports, police reports, and related materials involving your family. Ms. Kenney stated, however, that ODHS withheld records concerning two topics: (1) Sexual Assault Nurse Examiner (SANE) exams, and (2) a forensic interview conducted at the Children's Advocacy Center (CAC). Ms. Kenney indicated that ODHS had determined that it is not in the best interest of the affected children or necessary to release these highly sensitive materials to you.

We reviewed the material withheld or redacted by ODHS related to the SANE exams and the CAC interview.[5] None of the exceptions listed in ORS 419B.035(1) apply to these withheld 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 as it pertains to these materials.

ODHS also redacted sections of multiple records for information obtained through the Oregon Vital Events Registration System (OVERS). "Vital records and reports, and documents, data and information related to vital records and reports, are exempt from public disclosure * * *." ORS 432.350. We find these redactions appropriate, and we deny your petition as it relates to redactions of OVERS information.

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[4] *See* OAR 410-010-0045(2).

[5] Redactions concerning the forensic interview were made to pages 18-19 of the September 25, 2025, assessment. ODHS indicates that it is not a custodian of the recorded interview or a transcript of the interview. Redactions relating to the SANE examinations were made to pages 19-20 of the May 11, 2025, ARRMC medical records and the October 5, 2025, ARRMC medical records.

Your petition identifies the "written criteria governing which reports are assigned and investigated" and your "November 28, 2025, complaint against" a particular ODHS supervisor as records that are missing from the ODHS production. ODHS states that it has not searched for those documents because it believes they are not responsive to the requests you submitted, which seek records pertaining to your family, not ODHS policies or personnel complaints. Having reviewed your records requests, we agree with ODHS that these records are not responsive. As result, we decline to order their production.

For the foregoing reasons, we respectfully deny your petition as it pertains to the SANE exams, forensic interview, OVERS information, ODHS policies, and ODHS personnel investigations. We dismiss the remainder of your petition as moot because ODHS has reopened its review of those records. You are free to resubmit your petition after ODHS completes its production.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

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