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October 13, 2026

VIA E-MAIL ONLY: ortonpatrick@hotmail.com

Patrick Orton
ortonpatrick@hotmail.com

Re: Petition for Public Records Disclosure Order
Department of Human Services
DOJ File No.: 100101-GA0199-26

Dear Mr. Orton:

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.

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 child welfare records related to an incident involving you. ODHS denied your request citing the confidentiality provision of ORS 419B.035(1). Your petition followed.

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We reviewed the records withheld by ODHS, which consist of a Child Protective Services (CPS) assessment and a related report issued by the Douglas County child abuse multidisciplinary team (MDT). The information in the MDT report is confidential, and ODHS cannot disclose it to you. *See* ORS 418.795(1).

We contacted Mallory Kenney, ODHS Public Records Unit Manager, regarding the CPS assessment. Ms. Kenney stated that ODHS withheld the assessment because it was compiled under Oregon's Child Abuse Reporting Statutes, ORS 419B.010 to 419B.050, and is therefore confidential under ORS 419B.035(1).[1] 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.[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] In this instance, however, ODHS concluded that disclosure is not necessary to advance those purposes at this time.

After reviewing the requested records and discussing them 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 exempt from disclosure under ORS 192.355(9)(a). None of the exceptions listed in ORS 419B.035(1) apply to the 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's 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 (ODHS)

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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 * * * ."