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November 16, 2026

VIA E-MAIL ONLY: gregoryrobertmckelvey@gmail.com

Gregory McKelvey
gregoryrobertmckelvey@gmail.com

Re: Petition for Public Records Disclosure Order
Department of Human Services
DOJ File No.: 100101-GA0231-26

Dear Mr. McKelvey:

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 challenges several aspects of the Oregon Department of Human Services' (ODHS) response to your public records request for certain child welfare records pertaining to your children. For the reasons set forth below, 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).

You made a records request to ODHS on November 13, 2025. On April 29, 2026, we ordered ODHS to complete its production and disclose responsive records by April 29, 2026. ODHS produced a portion of the responsive records on May 14, 2026. Your petition challenges the information that ODHS redacted or withheld in that response and also seeks an order to disclose the remaining responsive records.

We contacted Mallory Kenney, ODHS Public Records Unit Manager, regarding these records. With respect to the portion of the petition relating to records disclosed to you on May 14, Ms. Kenney stated that ODHS reopened your records request following your petition. ODHS then conducted a review of the information and records redacted or withheld from

disclosure as exempt, and redisclosed records responsive to your request with additional non-exempt material disclosed to you for the first time. Because ODHS reopened your request and disclosed 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). You may, of course, file a new petition if you believe ODHS has improperly withheld records from you in its supplemental response.

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]

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. Ms. Kenney stated, however, that ODHS withheld records concerning forensic interviews conducted at a 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 materials withheld or redacted by ODHS related to the CAC forensic interviews. 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's statutorily entrusted determination and therefore conclude that ODHS was permitted to withhold the records. For these reasons, we respectfully deny your petition as it pertains to these materials.

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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 * * * ."

With respect to the remaining records responsive to your request that had not been disclosed to you as of the date of your petition, ODHS has now produced the records responsive to your request. Because ODHS has now wholly completed its response to your original November 13, 2025, request and closed that request as complete, we respectfully dismiss this portion of your petition as moot. Again, you may, of course, file a new petition if you believe ODHS has improperly withheld records from you in this response.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

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