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**Exemption Statute and Title: [ORS 432.228\(5\)](#) Issuance of Certified Copy of Record of Live Birth to Adopted Person**

**Summary:** Contact Preference Forms completed by the birth parents of an adoptee are confidential and placed in a secure file until matched with the adopted person's record of live birth and the Contact Preference Form is placed in the adopted person's record.

**Relevant Text:** [ORS 432.228](#)

(5) A completed Contact Preference Form shall be confidential and shall be placed in a secure file until a match with the adopted person's record of live birth is made and the Contact Preference Form is placed in the adopted person's record.

**Key Terms, Definitions and References:** N/A.

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 109.308](#) Confidentiality of Petitioners**

**Summary:** In contested adoption cases, court may keep names and addresses of petitioners for adoption confidential if the court decides it is in the best interest of the child.

**Relevant Text:**

In an adoption proceeding that is contested or in which a summons is required to be served, the court may preserve the confidentiality of the names and addresses of the petitioners for the adoption if the court finds that to do so is in the best interest of the child.

**Key Terms & Definitions:** N/A.

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 109.503\(1\)](#) Access to Adoption Records for Search;  
Duties of Searcher**

**Summary:** When instructed to conduct a search for a birth parent, DHS or an Oregon licensed adoption agency may examine adoption records maintained by the department and by private agencies under ORS 109.435 (adoption records to be permanently maintained). All records and information found in the records shall be kept confidential.

**Relevant Text:**

- (1) When the Department of Human Services or an Oregon licensed adoption agency has been instructed to conduct a search, the department or an Oregon licensed adoption agency may examine adoption records maintained by the department and by private adoption agencies under ORS 109.435. However, the department or an Oregon licensed adoption agency may examine the adoption records of a private adoption agency only if the private adoption agency allows the examination. The department or an Oregon licensed adoption agency shall keep the records and information located in the records confidential.

**Key Terms & Definitions:** N/A.

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 432.250](#) Access to Adoption Records**

**Summary:** Prescribes the conditions under which the State Registrar of the Center for Health Statistics can open adoption records. Records may be opened only upon receiving an order from a court of competent jurisdiction or when requested by an agency operating a voluntary adoption registry established under ORS 109.450 (child placement agency to maintain registry) in order to facilitate the identification of persons registering under the provisions of ORS 109.425 (definitions for ORS 109.425 to 109.507).

**Relevant Text:**

The documents forwarded to the State Registrar of the Center for Health Statistics or sealed under ORS 432.245 (replacing records of live birth) may be opened by the state registrar only upon receiving an order from a court of competent jurisdiction or when requested by an agency operating a voluntary adoption registry established under ORS 109.450 (child placement agency to maintain registry) for the purpose of facilitating the identification of person registering under the provisions of ORS 109.425 (definitions for ORS 109.425 to 109.507) to 109.507 (access to department of human services records required).

**Key Terms & Definitions:**

-“Agency” means any public or private organization licensed or authorized under the laws of this state to place children for adoption.

-“Registry” means a voluntary adoption registry established under ORS 109.450 (child placement agency to maintain registry).

**Enumerated Exceptions or Public Interest Balancing Test? No.**

**Cited in Court Cases, AG Opinions and/or Public Records Orders? No.**

**Exemption Statute and Title: [ORS 109.317\(5\)](#) Adoption Summary and Segregated Information Statement**

**Summary:** Generally makes confidential the Adoption Summary, Segregated Information Statement, and certain exhibits filed with petitions for adoption of a minor child.

**Relevant Text:**

(5) The Adoption Summary and Segregated Information Statement and the exhibits submitted under subsection (2) of this section are confidential and may not be inspected or copied except as otherwise provided under ORS 109.305 (interpretation of adoption laws) to 109.410 (certificate of adoption) or 109.425 (definitions for ORS 109.425 to 109.507) to 109.507 (access to Department of Human Services records required). The Adoption Summary and Segregated Information Statement and the exhibits submitted under this section must be segregated in the record of the adoption case from other records, papers and files in the record of the adoption case.

**Key Terms & Definitions:** N/A.

**Enumerated Exceptions or Public Interest Balancing Test?** Not for purposes of public inspection.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 109.445\(1\)](#) Information of Registry Confidential**

**Summary:** Generally prohibits disclosure of information acquired by any voluntary adoption registry under freedom of information legislation, rules or practice.

**Relevant Text:**

- (1) Notwithstanding any other provision of law, the information acquired by any voluntary adoption registry shall not be disclosed under any freedom of information legislation, rules or practice.
- (2) A class action suit shall not be maintained in any court of this state to require the registry to disclose identifying information.

**Key Terms & Definitions:** N/A.

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 109.315\(4\)](#) Petition for Adoption**

**Summary:** Makes confidential petitions for adoption and certain exhibits.

**Relevant Text:**

- (3) The petition and documents filed as exhibits under subsection (3) of this section are confidential and may not be inspected or copied except as provided under ORS 109.305 (certificate of adoption) to 109.410 (certificate of adoption) and 109.425 (definitions for ORS 109.425 to 109.507) to 109.507 (access to Department of Human Services records required).

**Key Terms & Definitions:** N/A

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.



**Exemption Statute and Title: [ORS 109.767\(5\)](#) Information to be Submitted to Court**

**Summary:** Requires courts in child custody hearings to seal identifying information if a party alleges that the safety or liberty of a party or child would be jeopardized by the disclosure of identifying information.

**Relevant Text:**

- (5) If a party alleges in the first pleading, or in an attached affidavit or declaration under penalty of perjury, that the health, safety or liberty of a party or child would be jeopardized by disclosure of identifying information, the information must be sealed and may not be disclosed to the other party or the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety or liberty of the party or child and determines that the disclosure is in the interest of justice. Costs incurred by the court when special notice procedures are made necessary by the nondisclosure of identifying information shall be paid by the parties as deemed appropriate by the court.

**Key Terms & Definitions:** N/A.

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 107.179\(4\)](#) Request for Joint Custody of Children;  
Mediation**

**Summary:** Communications made as part of court ordered mediation in child custody cases are privileged and inadmissible as evidence in any civil or criminal proceeding.

**Relevant Text:**

- (4) Communications made by or to a mediator or between parties as a part of mediation ordered under this section are privileged and are not admissible as evidence in any civil or criminal proceeding.

**Key Terms & Definitions:** N/A.

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 25.260\(2\)](#) Confidentiality of Records; Rules**

**Summary:** Child support records, including data contained in the Child Support Program’s automated system are confidential and may be disclosed or used only as necessary for the administration of the program.

**Relevant Text:**

- (1) As used in this section, “Child Support Program” means:
  - (a) The program described in ORS 180.345 (child support program)
  - (b) The Administrator of the Division of Child Support of the Department of Justice;
  - (c) A district attorney; and
  - (d) The administrator’s or district attorney’s authorized representative.
- (2) Unless otherwise authorized by law, child support records, including data contained in the Child Support Program’s automated system, are confidential and may be disclosed or used only as necessary for the administration of the program.

**Key Terms & Definitions:** N/A

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 25.792](#) Confidentiality**

**Summary:** ORS 25.790 requires employers to report hiring and rehiring information to DOJ's Division of Child Support. ORS 25.792 makes the information submitted by employers confidential and exempt from public disclosure.

**Relevant Text:**

Information received under ORS 25.790 (hiring or rehiring individual) is confidential and exempt from public disclosure, except that the Division of Child Support of the Department of Justice shall provide information to other public agencies, upon request, as required by law.

**Key Terms & Definitions:** N/A.

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [180.320](#) Cooperation with Division in Enforcement; Confidentiality of Information Furnished to Division**

**Summary:** Makes confidential all information submitted by public bodies to DOJ's Division of Child Support to establish or enforce various child support obligations.

**Relevant Text:**

- (1) All state agencies, district attorneys and all police officers of the state, county or any municipality or court thereof, shall cooperate with the Division of Child Support of the Department of Justice in furnishing and making available information, records and documents necessary to assist in establishing or enforcing support obligations or paternity, in performing the duties set out in ORS 25.080 (entity primarily responsible for support enforcement services) and in determining the location of any absent parent or child for the purpose of enforcing any state or federal law regarding the unlawful taking or restraint of a child or for the purpose of making or enforcing a child custody determination. Notwithstanding the provisions of ORS 109.225 (notice to Center for Health Statistics after petition filed) or 416.430 (establishing paternity of child) or ORS chapter 432, records pertaining to the parentage of a child shall be made available upon written request of an authorized representative of the Division of Child Support. Any information obtained pursuant to this subsection is confidential, and shall be used only for the purposes set out in this subsection.

**Key Terms & Definitions:** N/A.

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 25.783](#) Confidentiality of Information**

**Summary:** DOJ may pursue the suspension of professional and occupational licenses, certificates, permits or registrations of persons who are in arrears in their child support obligations. Licensing agencies that receive inquiries about such persons who have had a license, certificate, permit or registration suspended shall only respond that the permission was suspended. Licensing agencies may not release or make other use of information they receive relating to such suspensions.

**Relevant Text:**

Any entity described in ORS 25.756 (identifying persons holding licenses, certificates, permits and registrations) that receives an inquiry as to the status of a person who has had a license, certificate, permit or registration suspended under ORS 25.750 (suspension of licenses, certificates, permits and registrations) to 25.783 (confidentiality of information) shall respond only that the license, certificate, permit or registration was suspended pursuant to ORS 25.750 (suspension of licenses, certificates, permits and registrations) to 25.783 (confidentiality of information). The entity shall not release or make other use of information that it receives pursuant to ORS 25.750 (suspension of licenses, certificates, permits and registrations) to 25.783 (confidentiality of information).

**Key Terms & Definitions:** N/A.

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 412.094](#) Public Officials to Cooperate in Locating and Furnishing Information Concerning Parents of Children Receiving or Applying to Receive Public Assistance and in Prosecuting Nonsupport Cases; Use of Information Restricted**

**Summary:** All public officers and employees shall cooperate in locating parents who have abandoned, deserted, or are failing to support children receiving or applying to receive public assistance. Information provided to enforcement agencies shall be used only for enumerated official purposes and shall not be disclosed for any other purposes.

**Relevant Text:**

- (1) All state, county and city agencies, officers and employees shall cooperate in the location of parents who have abandoned or deserted, or are failing to support, children receiving or applying to receive public assistance and shall on request supply the Department of Human Services, the Division of Child Support of the Department of Justice or the district attorney of any county in the state with all information on hand relative to the location, income and property of such parents, including information disclosed to the Division of Child Support under ORS 314.840(2)(j). The granting of aid to the applicant shall not be delayed or contingent upon receipt of the answer to such requests by the Department of Human Services, the Division of Child Support or the district attorney. The Department of Human Services shall use such information only for the purposes of administration of public assistance to such children, and the district attorney and the Division of Child Support shall use such information only for the purpose of enforcing the liability of such parents to support such children, and neither shall use the information or disclose it for any other purpose. Any person who violates this prohibition against disclosure, upon conviction, is punishable as provided in ORS 34.991(2).
- (2) The Department of Human Services shall cooperate with the Division of Child Support or the district attorney prosecuting or considering the prosecution of such parent for nonsupport and shall report to the Division of Child Support or the district attorney all information contained in the case record which concerns the question of nonsupport and the suitability of prosecuting as a method of obtaining support for the child in each case.

**Key Terms & Definitions:** N/A.

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 192.355\(34\)](#) Public Records Exempt from Disclosure**

**Summary:** Expressly exempts certain contact and personally identifiable information in a judgment or order establishing parentage or including a provision concerning child support if the Chief Justice of the Supreme Court designates the information confidential by rule.

**Relevant Text:** The following public records are exempt from disclosure under ORS 192.311 to 192.478 to 192.478:

(34) The information specified in ORS 25.020(8) if the Chief Justice of the Supreme Court designates the information as confidential by rule under ORS 1.002.

**Key Terms & Definitions:** *See* [ORS 25.020](#).

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.



**Exemption Statute and Title: [ORS 25.020\(8\)](#) When Support Payment to be Made to Department of Justice**

**Summary:** In child support matters, permits a court to withhold otherwise required information from certain orders and documents upon a finding that disclosure would unreasonably put at risk the health, safety or liberty of a party or child.

**Relevant Text:**

- (8) (a) Except as provided in paragraphs (d) and (e) of this subsection, a judgment or order establishing parentage or including a provision concerning support must contain:
- (A) The residence, mailing or contact address, final four digits of the Social Security number, telephone number and final four digits of the driver license number of each party;
  - (B) The name, address and telephone number of all employers of each party;
  - (C) The names and dates of birth of the joint children of the parties; and
  - (D) Any other information required by rule adopted by the Chief Justice of the Supreme Court under ORS 1.002 (Supreme Court).
- (b) The judgment or order shall also include notice that the obligor and obligee:
- (A) Must inform the court and the administrator in writing of any change in the information required by this subsection within 10 days after the change; and
  - (B) May request that the administrator review the amount of support ordered after three years, or such shorter cycle as determined by rule of the Department of Justice, or at any time upon a substantial change of circumstances.
- (c) The administrator may require of the parties any additional information that is necessary for the provision of support enforcement services under ORS 25.080 (entity primarily responsible for support enforcement services).
- (d) (A) Upon a finding, which may be made ex parte, that the health, safety or liberty of a party or child would unreasonably be put at risk by the disclosure of information specified in this subsection or by the disclosure of other information concerning a child or party to a parentage or support proceeding or if an existing order so requires, a court or administrator or administrative law judge, when the proceeding is

administrative, shall order that the information not be contained in any document provided to another party or otherwise disclosed to a party other than the state.

- (B) The Department of Justice shall adopt rules providing for similar confidentiality for information described in subparagraph (A) of this paragraph that is maintained by an entity providing support enforcement services under ORS 25.080 (entity primarily responsible for support enforcement services).

**Key Terms & Definitions:** N/A.

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 409.225](#) Confidentiality of Child Welfare Records, Files, Papers and Communications**

**Summary:** The Department of Human services will keep all child welfare records, files, papers or communications confidential, and will only use them for the direct purpose of administration of child welfare laws or as required or authorized by statute. General information is not protected so long as it cannot be linked to a child, family, or recipient of services.

**Relevant Text:**

(1) In the interest of family privacy and for the protection of children, families and other recipients of services, the Department of Human Services shall not disclose or use the contents of any child welfare records, files, papers or communications that contain any information about an individual child, family or other recipient of services for purposes other than those directly connected with the administration of child welfare laws or unless required or authorized by ORS 419A.255 or 419B.035. The records, files, papers and communications are confidential and are not available for public inspection. General information, policy statements, statistical reports or similar compilations of data are not confidential unless such information is identified with an individual child, family or other recipient of services or protected by other provision of law.

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(4) Any record disclosed under subsection (1), (2), or (3) of this section shall be kept confidential by the person or entity to whom the record is disclosed and shall be used only for the purpose for which disclosure was made.

**Key Terms & Definitions:** N/A.

**Enumerated Exceptions or Public Interest Balancing Test?** See ORS [419A.255](#) and ORS [419B.035](#).

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** Yes.

- [PRO Welch](#) (12/4/2009); [PRO Cole](#) (2/3/2009); [PRO Matteo-Boehm](#) (9/2/2005); [PRO Davenport](#) (3/1/2002)

**Exemption Statute and Title: [ORS 40.255](#) Husband-Wife Privilege**

**Summary:** Confidential communications between spouses are privileged.

**Relevant Text:**

- (1) As used in this section, unless the context requires otherwise:
  - a. “Confidential communication” means a communication by a spouse to the other spouse and not intended to be disclosed to any other person.
  - b. “Marriage” means a marital relationship between two individuals, legally recognized under the laws of this state.
  - c. “Spouse” means an individual in a marriage with another individual.
- (2) In any civil or criminal action, a spouse has a privilege to refuse to disclose and to prevent the other spouse from disclosing any confidential communication made by one spouse to the other during the marriage. The privilege created by this subsection may be claimed by either spouse. The authority of the spouse to claim the privilege and the claiming of the privilege is presumed in the absence of evidence to the contrary.
- (3) In any criminal proceeding, neither spouse, during the marriage, shall be examined adversely against the other as to any other matter occurring during the marriage unless the spouse called as a witness consents to testify.
- (4) There is no privilege under this section:
  - a. In all criminal actions in which one spouse is charged with bigamy or with an offense or attempted offense against the person or property of the other spouse or of a child of either, or with an offense against the person or property of a third person committed in the course of committing or attempting to commit an offense against the other spouse;
  - b. As to matters occurring prior to the marriage; or
  - c. In any civil action where the spouses are adverse parties.

**Key Terms & Definitions:** N/A.

**Enumerated Exceptions or Public Interest Balancing Test?** Yes – limited exceptions defined above.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 107.600](#) Privacy of Proceedings; Confidentiality of Communications; Records**

**Summary:** Makes confidential all communications between spouses and from spouses to counselors, the court, attorneys, doctors or others engaged in various conciliation proceedings.

**Relevant Text:**

- (1) All hearings, conferences and other proceedings held pursuant to circuit court exercise of conciliation jurisdiction pursuant to ORS 107.450 or 107.550 shall be held in private, and all persons other than officers of the court, conciliation services personnel, the spouses, their counsel and witnesses shall be excluded.
- (2) All communications, verbal or written, between spouses and from spouses to counselors, the court, attorneys, doctors or others engaged in the conciliation proceedings, made in conciliation conferences, hearings and other proceedings had pursuant to the exercise of the court's conciliation jurisdiction shall be confidential. A spouse or any other individual engaged in conciliations proceedings shall not be examined in any civil or criminal action as to such communications. Exceptions to testimonial privilege otherwise applicable under ORS 40.225 to 40.295 do not apply to communications made confidential under this subsection.
- (3) All records of the court with respect to exercise of conciliation jurisdiction shall be closed. However, any petition filed under ORS 107.550, any written reconciliation agreement between the spouses and any court order made in the matter may be opened to inspection by either spouse or counsel upon written authorization by a judge of the court.

**Key Terms & Definitions:** *See* [ORS 107.450](#), [ORS 107.550](#), [ORS 40.225](#), and [ORS 40.295](#).

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 418.642](#) Confidentiality of Information About Person Who Maintains Foster Home; Exceptions; Rules**

**Summary:** Makes confidential certain information about persons who maintain foster homes. The Department of Human Services can adopt rules allowing disclosure of information if in the best interest of the child or necessary for child welfare laws.

**Relevant Text:**

- (1) Notwithstanding ORS 192.311 to 192.478, the name, address and other identifying information about a person who maintains a foster home are confidential and not accessible for public inspection.
- (2) Notwithstanding subsection (1) of this section, the Department of Human Services may adopt rules that allow the department to disclose information about a person who maintains a foster home if the department deems:
  - a. It necessary or advisable to protect the best interests of a child; or
  - b. It necessary for the administration of the child welfare laws.

**Key Terms & Definitions:**

-“Person” includes any natural person, corporation, partnership, firm, association or member or committee of the Legislative Assembly.

**Enumerated Exceptions or Public Interest Balancing Test?** *See* ORS 192.311 and ORS 192.478.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

[PRO Matteo-Boehm](#) (9/2/2005)

**Exemption Statute and Title: [ORS 419B.234](#) Qualifications; Duties; Privilege**

**Summary:** Makes privileged certain confidential communications by a guardian ad litem for a parent.

**Relevant Text:**

- (6) (a) A parent for whom a guardian ad litem has been appointed under ORS 419B.231 has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional services to the parent:
  - (A) Between the guardian ad litem and the parent's attorney or a representative of the attorney; or
  - (B) Between the guardian ad litem and the parent.
- (b) The privilege created by this subsection:
  - (A) May be claimed by the parent or the guardian ad litem. The guardian ad litem may claim the privilege only on behalf of the parent.
  - (B) Is subject to ORS 40.280, 40.285 and 40.290.

**Key Terms & Definitions:** N/A.

**Enumerated Exceptions or Public Interest Balancing Test?** *See* ORS 40.280, ORS 40.285, and ORS 40.290.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 418.305](#) Access to Child Receiving Care or Services**

**Summary:** The Department of Human Services may require any child-caring agency to disclose the location and relationship of any its children. Implies that such information is otherwise confidential.

**Relevant Text:**

- (1) The Department of Human Services may require any child-caring agency subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.970 to disclose to the department the location and circumstances of any child for whom the agency is providing care or services.
- (2) The child-caring agency shall permit immediate access to a child receiving care or services, and to any area of the premises upon which the child receives care or services, to the following:
  - a. Employees and representatives of the department;
  - b. The child's attorney;
  - c. The child's court appointed special advocate;
  - d. The parent or legal guardian of the child if the child has not been committed to the custody of the department or the Oregon Youth Authority;
  - e. Any governmental agency or unit that has a contract with the child-caring agency to provide care or services to the child; and
  - f. Any other person authorized by the department.
- (3) The purposes for which access to a child or premises under this section may be allowed include, but are not limited to, the following:
  - a. To ascertain the circumstances and condition of a child placed with the child-caring agency.
  - b. To determine the quality of the care or services provided to a child by the agency.
  - c. To ensure the health, safety and welfare of a child receiving care or services from the agency.

**Key Terms & Definitions: N/A**

**Enumerated Exceptions or Public Interest Balancing Test? No.**

**Cited in Court Cases, AG Opinions and/or Public Records Orders? No.**



**Exemption Statute and Title: [ORS 418.250](#) Supervision of Child-Caring Agencies**

**Summary:** Makes confidential certain information furnished to the Department of Human Services to enable it to supervise all child-caring agencies and institutions, and all homeless or neglected children in the state.

**Relevant Text:**

- (1) In order to enable it to supervise all child-caring agencies and institutions in this state, public and private, and also all homeless or neglected children in this state, whether kept in such agencies or institutions or not, the Department of Human Services may require such agencies or institutions, and also any court functioning as a juvenile court, to furnish at any time, on blanks prepared or recommended by the department, such information as the department in its judgment may require in regard to each child in any such agency or institution or any record of each child that has been placed out under order of any such court. The agency, institution or court shall furnish such information to the department upon request. All such information so requested and received by the department shall be considered and treated at all times as confidential and not as a public record.
  
- (2) No employee of the department shall disclose any such information contrary to the provisions of subsection (1) of this section.

**Key Terms & Definitions:** N/A.

**Enumerated Exceptions or Public Interest Balancing Test?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.

**Exemption Statute and Title: [ORS 107.785](#) Privacy of Proceedings; Confidentiality of Communications; Records**

**Summary:** Makes confidential communications between parties in mediation related to child custody.

**Relevant Text:**

- (1) All mediation proceedings under ORS 107.755 to 107.795 shall be held in private, and all persons other than mediation services personnel, the parties, their counsel and children of the parties shall be excluded.
- (2) All communications, verbal or written, made in mediation proceedings shall be confidential. A party or any other individual engaged in mediation proceedings shall not be used in any civil or criminal action without the consent of the parties to the mediation. Exceptions to testimonial privilege otherwise applicable under ORS 40.225 to 40.295 do not apply to communications made confidential under this subsection.
- (3) All records of the court with respect to mediation proceedings shall be closed except for:
  - a. Records reflecting which cases have been referred for mediation under ORS 107.765(1);
  - b. The mediator's report to the court made under the provisions of ORS 107.765(2)
  - c. Information used to compile statistical data.

**Key Terms & Definitions:** N/A.

**Enumerated Exceptions or Public Interest Balancing Test?** Yes, as enumerated in ORS 107.785(3).

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** No.