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**(updated a/o Apr 13, 2022)**

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**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.

**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](#) Petition for Adoption**

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

**Relevant Text:**

- (4) 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 to 109.410 and 109.425 to 109.507.

**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](#) 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 to 109.410 or 109.425 to 109.507. 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.

**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 109.319](#) Separate Record of the Case**

**Summary:** Requires the sealing of adoption case records maintained by the courts and DHS.

**Relevant Text:**

(2) The clerk, court administrator and any other person having custody of the records, papers and files in the court's record of an adoption case shall cause the records, papers and files, both prior to entry of judgment and after entry of judgment of adoption, to be sealed. The clerk, court administrator and any other person having custody of the records, papers and files shall not unseal or allow inspection or copying of or disclose any information in the records, papers and files to any person or entity, except as provided in this section or pursuant to [ORS 109.305](#) to [109.410](#) or [109.425](#) to [109.507](#).

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(7)(a) Any documents, writings, information and other records retained by the Department of Human Services or a child-caring agency as defined in [ORS 418.205](#) in the department's or agency's record of an adoption case that are not records, papers and files in the court's record of the adoption case are confidential and must be sealed. Any records, documents or information, including records, papers and files in the court's record of the adoption case, retained by the department or agency in its record of an adoption case may be accessed, used or disclosed only as provided in this section or [ORS 109.305](#) to [109.410](#) or [109.425](#) to [109.507](#), or pursuant to a court order for good cause.

**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 109.385](#) Readoption Proceeding**

**Summary:** In readoption proceedings, makes the Adoption Summary and Segregated Information Statement and the exhibits confidential.

**Relevant Text:**

(10) (a) An Adoption Summary and Segregated Information Statement must be filed concurrently with every petition for readoption of a minor child. The statement must summarize information in the readoption proceeding and include additional information and attached exhibits as required under this subsection. The statement must contain, at a minimum, the following information if known or readily ascertainable by the petitioner \*\*\*

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(d) The Adoption Summary and Segregated Information Statement and the exhibits submitted under this subsection are confidential and may not be inspected or copied except as otherwise provided under [ORS 109.305](#) to [109.410](#) or [109.425](#) to [109.507](#). 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.

**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](#) Information of Registry Confidential**

**Summary:** Generally prohibits the 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.

**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](#) Access to Adoption Records for Search; Duties of Searcher**

**Summary:** Adoption records and related information examined during a search for a birth parent are 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.

**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 432.228](#) 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.

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

(2) A birth parent may at any time request from the state registrar or from a voluntary adoption registry a Contact Preference Form that shall accompany a certified copy issued under subsection (1) of this section. The Contact Preference Form shall provide the following information to be completed at the option of the birth parent:

(a) I would like to be contacted;

(b) I would prefer to be contacted only through an intermediary; or

(c) I prefer not to be contacted at this time. If I decide later that I would like to be contacted, I will register with the voluntary adoption registry. I have completed an updated medical history and have filed it with the voluntary adoption registry. Attached is a certificate from the voluntary adoption registry verifying receipt of the updated medical history.

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(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.

**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 sealed adoption records.

**Relevant Text:**

The documents forwarded to the State Registrar of the Center for Health Statistics or sealed under ORS 432.245 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 for the purpose of facilitating the identification of person registering under the provisions of ORS 109.425 to 109.507.

**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.

**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](#) 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.

**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](#) Information to be Submitted to Court**

**Summary:** Requires courts in a 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.

**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](#) When Support Payment to be Made to Department of Justice**

**Summary:** In child support proceedings, upon a finding the health, safety or liberty of a party or child would unreasonably be put at risk by disclosure of information concerning a child or party to paternity, support proceeding, or an existing order to disclose, the information may be ordered to be not contained in any document disclosed to another, other than the state. Also see [ORS 192.355\(34\)](#).

**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).

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- (b) 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).
- (c) (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).

**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](#) 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.

**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:** Prohibits licensing agencies from releasing or using information they receive from DOJ relating to the suspension of professional and occupational licenses, certificates, permits or registrations of persons who are in arrears in their child support obligations.

**Relevant Text:**

Any entity described in ORS 25.756 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 to 25.783 shall respond only that the license, certificate, permit or registration was suspended pursuant to ORS 25.750 to 25.783. The entity shall not release or make other use of information that it receives pursuant to ORS 25.750 to 25.783.

**Key Terms:**

Under ORS 25,756, an “entity” means:

- (1) The Oregon Liquor Control Commission;
- (2) All entities that issue licenses, certificates, permits or registrations that a person is required by state law to possess to engage in an occupation, profession or recreational hunting or fishing or to use a particular occupational or professional title; and
- (3) The Department of Transportation.

**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:** Makes hiring information submitted by employers to DOJ's Division of Child Support under ORS 25.790 confidential and exempt from public disclosure.

**Relevant Text:**

Information received under ORS 25.790 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.

**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 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 or 416.430 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.

**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](#) 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:**

(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 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 for 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).

**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.

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

(6) Notwithstanding subsection (1) of this section, unless exempt from disclosure under ORS chapter 192, the department shall disclose information related to the department's activities and responsibilities in a case where child abuse or neglect has resulted in a child fatality or near fatality or where an adult has been charged with a crime related to child abuse or neglect.

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

- [Kahn v. Pony Express Courier Corp.](#), 173 Or App 127 (2001) (reports and other material relating to child's history and prognosis within meaning of ORS 419A.255 are privileged against discovery under ORCP 36, whereas other reports and material may be confidential under ORS 409.225 but not privileged).

- [Dept. of Human Services v. E.J.](#), 316 Or App 537 (2021) (same as [Kahn](#)).

- [PRO Miller](#) (5/19/21) (denying petition seeking disclosure of child welfare and abuse records because none of the statutory exceptions to ORS 409.225 or 419B.035 applied to the request)
- [PRO Wishnia](#) (7/8/2019) (denying petition of father seeking disclosure of child welfare and abuse records of deceased child because none of the statutory exceptions to ORS 409.225 or 419B.035 applied to the request)
- [PRO Chapman](#) (6/26/19) (child welfare records to which petitioner may have been entitled under ORS 409.225 did not include a subset of child abuse records, which were expressly exempt under ORS 419B.035)
- [PRO Young](#) (5/2/18) (application of the confidentiality provisions in ORS 419B.035 and 409.225 (child welfare records) do not turn on the public interest)
- [PRO Zheng](#) (7/10/14) (denying media petition seeking names of children in foster care whose claims for abuse were settled by DAS because disclosure would result in an unreasonable invasion of privacy; observing that ORS 409.225 is one of a number of statutes that specifically prohibit disclosure of information about children)
- [PRO Welch](#) (12/4/09) (denying, in part, a petition seeking disclosure of child welfare records because none of the statutory exceptions applied to some of the records)
- [PRO Cole](#) (2/3/09) (exception in ORS 409.225(6) did not require disclosure of certain child welfare records to the media where the information was “exempt disclosure under ORS chapter 192” and did not reflect upon DHS’ “activities and responsibilities”)
- [PRO Matteo-Boehm](#) (9/2/05) (substantially the same as [PRO Cole](#))
- [PRO Davenport](#) (3/1/02) (denying petition where requester was not a person to whom DHS must disclose child welfare records)
- [PRO Black](#) (12/11/98) (denying a step-father’s petition seeking disclosure of child welfare records pertaining to his step-children or their mother)

**Exemption Statute and Title: [ORS 40.255](#) Spousal Privilege**

**Summary:** Communications between spouses not intended to be disclosed are confidential.

**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.

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

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** Not in the public records context.

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

**Summary:** All proceedings in circuit court ordered conciliation jurisdiction are private. All communications to those involved in conciliation proceedings are confidential. All court records regarding conciliation proceedings will be closed. With authorization by a judge, either spouse or counsel can get access to certain information.

**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.

**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:** Mediation proceedings are held in private and all communications involved in mediation are confidential, except for records showing cases referred to mediation under ORS 107.765(1); the mediator's report to the court under ORS 107.765(2); and statistical data.

**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 reflection 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.

**Enumerated Exceptions or Public Interest Balancing Test?** Yes. ORS 107.785(3) – records reflecting which cases have been referred for mediation; the mediator's report to the court; and information used to compile statistical data.

**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:** The Department of Human Services may require all child-caring agencies and institutions in the state, including juvenile courts, to disclose information as the department requires in order to supervise all child-caring agencies. All such information is confidential and not public record.

**Relevant Text:**

In order to enable the Department of Human Services to supervise and monitor all child-caring agencies subject to [ORS 418.205](#) to [418.327](#), [418.470](#), [418.475](#) or [418.950](#) to [418.970](#) and all providers of care or services to children in this state, and to safeguard children receiving care or services from such agencies or providers, the department may require the child-caring agency or provider, and any juvenile court as defined in [ORS 419A.004](#), to provide at any time, in the manner prescribed by rules adopted by the department, such information as the department requires with respect to a child who is receiving care or services from the agency or provider, or who is the subject of an order entered by the juvenile court. All information requested or received by the department under this section is confidential and not subject to public disclosure or inspection.

**Key Terms & Definitions:**

-“Child-caring agency” as defined in ORS 418.205.

**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:** Identifying information of those maintaining foster homes is confidential. 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? No.**

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

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

**Summary:** An appointed guardian ad litem has a privilege to refuse disclosure and prevent others from disclosing confidential communications to facilitate the providing of professional services to 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?** No.

**Cited in Court Cases, AG Opinions and/or Public Records Orders?** Yes, but not regarding this part of the statute.

**Exemption Statute and Title: [ORS 432.245](#) Replacing Records of Live Birth**

**Summary:** An original record of live birth and all evidence submitted with a request for replacement must be placed under seal when a replacement record of live birth is substituted for the original.

**Relevant Text:**

(4) When a replacement for a record of live birth is prepared, the city, county and date of live birth must be included in the replacement for the record of live birth. The replacement for the record of live birth must be substituted for the original record of live birth. The original record of live birth and all evidence submitted with the request or court order for the replacement for the record of live birth must be placed under seal and is not subject to inspection, except upon the order of a court of competent jurisdiction in this state or as provided by rule of the state registrar.

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

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