

Recommendations on the attached list of family law related exemptions:

As an initial matter, a lot of the comments received by the sunshine committee on some of these records exemptions revolved around victims and victim's advocates being denied access to records exempt from disclosure under the public records law. We don't feel it is the place of the sunshine committee to wade into victim access to records as it is separate and distinct from general public access to government records. That being said, we would encourage the legislature to work with the necessary stakeholders to develop a process by which victims have a standard of access to their own records that is separate and distinct from the public records law.

Specific to the exemptions related to child support, we received a large amount of input from the Department Of Justice's Child Support division. From this we learned most of these exemptions are mandated by federal law and often recitations of federal privacy requirements related to child support. Accordingly, they cannot really be modified in any meaningful way and we have no suggestions.

The remaining exemptions appear to be rooted in sound policy judgments supporting confidentiality. That being said, absolute prohibitions without the ability to make a public interest balancing test were a concern to some members. If the exemptions were conditional the requestor would at least be able to make an argument in an extreme case that the materials should be released. The consensus of the subcommittee agreed that the remaining exemptions could be converted to conditional exemptions, provided the requestor has the burden of demonstrating the public interest in disclosure.

Index of Exemptions Relating to Child Custody and Support
(updated a/o Apr 13, 2022)

Exemptions relating to adoption records:

- ORS 109.308 – adoption petitioners names and addresses in contested proceedings or summons
- ORS 109.315 – required contents and confidentiality of petitions for adoption
- ORS 109.317 – adoption summary, segregated information statement, and exhibits
- ORS 109.319 – adoption court records to be sealed
- ORS 109.385 – various record and exhibits in readoption proceedings to be sealed
- ORS 109.445 – confidentiality of information of voluntary adoption registry
- ORS 109.503 – confidentiality of records subject to search by DHS or Oregon licensed agency
- ORS 432.228 – disclosure of adoption contact preference form
- ORS 432.250 – documents sealed or sent to the State Registrar of the Center for Health Statistics

Exemptions relating to child custody:

- ORS 107.179 – ordered mediation communications privileged
- ORS 109.767 – nondisclosure of potentially harmful identifying information

Exemptions relating to child support:

- ORS 25.020 – confidential info under judgment or order establishing paternity or support
- ORS 25.260 – confidentiality of records in Child Support Program
- ORS 25.783 – disclosure of suspended license status
- ORS 25.792 – confidentiality of information regarding hiring or rehiring
- ORS 180.320 – confidentiality of information used in cooperation with enforcement
- ORS 192.355 – confidentiality of timing of support payments
- ORS 412.094 – disclosure of information used by cooperating agencies to locate parents

Exemption relating to child welfare:

- ORS 409.225 – confidentiality of identifying information in child welfare records

Miscellaneous exemptions:

- ORS 40.255 – confidentiality of privileged communication between spouses
- ORS 107.600 – confidentiality and privacy of conciliation proceedings
- ORS 107.785 – privacy of family mediation proceedings and confidentiality of mediation
- ORS 418.250 – DHS access to information regarding supervision of child-caring agencies
- ORS 418.642 – confidentiality of information about a person who maintains foster home
- ORS 419B.234 – qualifications, duties, and privilege of guardian ad litem
- ORS 432.245 – original record of live birth that is later replaced