



# Oregon

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RE: Hart Public Records Request

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Dear Ms. Karol, Ms. Young, Mr. Heye, and Ms. Shapiro:

In accordance with ORS 192.324(2), this letter responds to the request for Department of Human Services (DHS) records regarding the Hart family.

DHS previously denied requests for these records after determining there was not a basis to disclose under ORS 419B.035 or ORS 409.225. However, after consideration of additional information received after the original requests, including the call for a national child abuse registry and the strong interest in ensuring systems are in place to protect children who cross state lines from abuse and neglect, DHS has determined, pursuant to the department's discretion under ORS 419B.035 (3), that disclosure is in the best interest of helping inform measures to be taken to prevent a similar incident from happening again in Oregon or any other state. To the extent that

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the records contain information the disclosure of which is not necessary to protect children from abuse and neglect or to prevent abuse and neglect that information has been redacted.

We believe the release of these records may help avoid future tragedies by encouraging consideration of a national clearinghouse for records or identification of other systems or processes for the prevention and protection from child abuse and neglect, particularly as to children and families who move across state lines.

During the course of the assessment of this family, CPS workers interviewed each of the children individually as well as the parents, a physician examined all of the children and DHS gathered information about the family from other individuals who had contact with the family. It was determined that there was insufficient evidence to establish reasonable cause to believe abuse and neglect was occurring at the time of the assessment. DHS had no further contact with the family and received no further reports about them.

Since the time of the Hart family's assessment, DHS has shifted practice from incident based investigations to comprehensive safety assessments that consider multiple factors of a family's functioning to better determine the immediate and ongoing safety needs of a child.

DHS continues to strive to improve our assessment of reports of child abuse and neglect. Since late 2013, DHS Child Welfare has greatly increased efforts to provide ongoing training to CW supervisors and casework staff on Oregon's Safety Model (OSM). Under the OSM, caseworkers are required to assess each individual child's vulnerability on all assigned reports of abuse and neglect. Case workers are trained to assess factors that contribute to a child's vulnerability such as isolation. Children who have no outsiders observing them are considered highly vulnerable under the model and this factor must be considered throughout the assessment and when making child safety decisions.

Due to the comprehensive nature of a CPS Assessment, a recent change in Oregon administrative rule was implemented that allows a CPS worker up to 60 days to complete the safety assessment which often involves multiple contacts with children, parents and collaterals, such as friends, family and medical providers, during the assessment period. New case workers entering the child welfare workforce receive mandatory training on the safety model and are required to participate in a series of

OSM computer based training as a prerequisite. Program experts in child safety and permanency are housed in child welfare offices around the state and provide ongoing training, coaching and consultation on OSM to child welfare staff.

The following records were requested pursuant to the public records law ORS 192.311 et seq.:

1. Child protective service records related to Jennifer Hart, Sarah Hart and their six adopted children.

The records requested are public records as defined in ORS 192.311(5). ORS 192.314(1) provides for disclosure of public records unless the records sought fall within a statutory exemption. The exemptions are discussed below in detail.

ORS 192.355 (2) (a) exempts from disclosure personal information that would constitute an unreasonable invasion of privacy. To the extent that the records contain any such information, that information has been redacted.

ORS 192.355(9) exempts from disclosure public records that are confidential, privileged, or otherwise not subject to disclosure under state law. Records responsive to your request contain information which one or more of the following state laws make confidential.

ORS 181A.220 exempts from public inspection certain criminal offender information (the fingerprints, photographs, records and reports compiled under ORS 137.225, 181A.010, 181A.160, 181A.175, 181A.230, 805.060 and ORS 181A.220). To the extent that the records contain any such information, that information has been redacted.

ORS 419B.035 (1) provides:

Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.338 and 192.820 to 192.868 relating to confidentiality and accessibility for public inspection of public records and public documents, reports and records compiled under the provisions of ORS 419B.010 to 419B.050 [the Child Abuse Reporting Law], are confidential and may not be disclosed except as provided in this section.

Gabrielle Karol, Molly Young, Bob Heye, and Nina Shapiro

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Under ORS 419B.035(3), DHS may disclose records compiled under the Child Abuse Reporting Law if it determines that disclosure prevents abuse and neglect and/or protects children from abuse and neglect. Even if disclosure is authorized, identifying information about the reporter of child abuse is confidential and may not be disclosed. Additional information has been redacted from the records because its disclosure is not necessary to protect children from abuse and neglect or to prevent abuse and neglect.

For the reasons discussed and subject to any redactions noted above, the requested records are attached.

A review of DHS' response may be sought pursuant to ORS 192.401, 192.411, 192.415, 192.418, 192.422, 192.427 and 192.431. The following link is the Department of Justice's webpage. It provides instruction on filing an appeal.

<https://www.doj.state.or.us/oregon-department-of-justice/public-records/petition-for-public-records-order/>

Sincerely,



Caroline Burnell  
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Department of Human Services

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