

Via email

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Re: Public records request related to juvenile administrative fees

We make this request under the Oregon Public Records Law.

We at Youth, Rights and Justice (YRJ), a nonprofit law firm dedicated to children and families, write to request the release of public records from Oregon Youth Authority (OYA), pursuant to the Oregon Public Records Law.

We seek records relating to OYA's imposition and collection of any administrative fees assessed to youth and families in juvenile delinquency cases, including child support fees. Throughout this request, the term "records" includes but is not limited to any paper or electronic information, reports, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas, meeting minutes, internal guidance, policies, training materials, diagrams, forms, DVDs, tapes, CDs, notes, or other similar materials.

According to the OYA's website, the Oregon Department of Child Services (DCS) calculates, imposes, and collects child support fees charged to the parents of youth in OYA custody.¹

As detailed below, we request disclosure of all records in your possession that were prepared, received, transmitted, or maintained by OYA and any other state agency or entity that describe or relate to fees, costs, or surcharges imposed by OYA on youths or families involved in the juvenile court system.

Records Requested

1. All records related to the total OYA fees assessed, collected, and outstanding in FY 16/17, FY 18/19, and FY 19/20 (monthly amounts by fee category, race/ethnicity, gender, socioeconomic status, and county).
2. All records related to the total costs to OYA of assessing and collecting fees in FY 16/17, FY 18/19, and FY 19/20, including, but not limited to, the number and cost of employees, benefits, overhead, supplies, and all other personnel and non-personnel expenses.
3. All records related to the number of families currently impacted by OYA fees, including those currently being assessed fees and those with outstanding fees (current snapshot by fee category, race/ethnicity, gender, socioeconomic status, and county).
4. All records related to the number of families in collection proceedings for outstanding OYA fees, including, but not limited to, wage and tax garnishing or suspension, bank levies, or property liens (current snapshot by fee category, race/ethnicity, gender, socioeconomic status, and county).

¹ <https://www.oregon.gov/oya/Pages/childsupport.aspx>

5. All records related to OYA or any other state entity's policies and procedures for determining ability to pay fees, including, but not limited to, any notice to families, decision-making criteria, due process, and appeal rights.
6. All records related to OYA or any other state entity's fee collection process (including, but not limited to, collections actions taken, thresholds and rates for garnishing wages and tax returns, and fees for interest).

Please respond as soon as practicable and without unreasonable delay. As of January 1, 2018, you must acknowledge receipt within five business days of receiving the request, and you must complete your response to this request within the next ten business days (i.e., fifteen business days after receiving this request).² Please consider this an ongoing request and include any records that come into the Department's possession before final response.

YRJ requests that responsive records be provided electronically in their native file format, if possible, with all metadata and load files. Alternatively, YRJ requests that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession, and that the records be provided in separate, Bates-stamped files. We request that you produce responsive materials in their entirety, including all attachments, appendices, enclosures, and exhibits. To facilitate a speedy response, we ask that records responsive to this request be produced on a rolling basis and provided by email or share link to the extent possible.

YRJ will accept records that have been redacted pursuant to the Health Insurance and Portability Accountability Act, Family Educational Rights and Privacy Act, or other statutes or regulations protecting the privacy of individual inmates. If you deny this request in any part or withhold records or portions of records, please cite each specific exemption(s) upon which you rely.³

Fee Waiver

As a nonprofit public interest organization, YRJ requests a waiver of the costs associated with this request. A public body "may furnish copies without charge or at a substantially reduced fee if the custodian determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public."⁴ Waiving or reducing fees is "in the public interest when the furnishing of the record has utility—indeed, its greatest utility—to the community or society as a whole," in contrast to a concern or interest of a private individual or entity."⁵

The requested records are part of a statewide project to assess the impact of juvenile fees on Oregon's youth and their families and are useful only as a resource to the community. **Please provide an estimate of the time it will take to fulfill the request and the estimated amount of fees that cannot be waived.**

Thank you for your prompt attention to this matter.

² ORS 192.329.

³ ORS 192.324(1); 192.338.

⁴ ORS 192.324(5).

⁵ *In Defense of Animals v. O.H.S.U.*, 199 Or. App. 160, 188 (2005).