

Senate Bill 597

Sponsored by Senator BROWN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expands category of persons who may enter into written agreements with adoptive parents to continue contact with adopted child to include birth relatives. Provides that Department of Human Services is not responsible for costs associated with making agreement. Specifies that working on agreement does not constitute good cause for delaying juvenile court proceeding.

A BILL FOR AN ACT

1
2 Relating to adoptions; amending ORS 109.305.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 109.305 is amended to read:

5 109.305. (1) The rule that statutes in derogation of common law are to be strictly construed does
6 not apply to the adoption laws of this state.

7 (2) Nothing in the adoption laws of this state shall be construed to prevent the adoptive parents,
8 the birth [*parents*] **relatives** and the child from entering into a written agreement, approved by the
9 court, to permit continuing contact between the birth relatives and the child or the adoptive par-
10 ents. As used in this subsection, "birth relatives" includes birth parents, grandparents, siblings and
11 other members of the child's birth family.

12 (3) Failure to comply with the terms of an agreement made under subsection (2) of this section
13 is not grounds for setting aside an adoption judgment or revocation of a written consent to an
14 adoption.

15 (4)(a) An agreement made under subsection (2) of this section may be enforced by a civil action.
16 However, before a court may enter an order requiring compliance with the agreement, the court
17 must find that the party seeking enforcement participated, or attempted to participate, in good faith
18 in mediating the dispute giving rise to the action prior to filing the civil action.

19 (b) The court may modify an agreement made under subsection (2) of this section if the court
20 finds that the modification is necessary to serve the best interests of the adopted child, that the
21 party seeking modification participated, or attempted to participate, in good faith in mediation prior
22 to seeking modification of the agreement and that:

23 (A) The modification is agreed to by all parties to the original agreement; or

24 (B) Exceptional circumstances have arisen since the parties entered into the agreement that
25 justify modification of the agreement.

26 **(5) The Department of Human Services is not responsible for any costs associated with**
27 **the negotiation, mediation, drafting, execution, implementation or modification of an agree-**
28 **ment described in subsection (2) of this section when the department has legal custody of a**
29 **child pursuant to a court order under ORS 419B.337.**

30 **(6) The negotiation, mediation, drafting, execution or implementation of an agreement**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **described in subsection (2) of this section does not constitute good cause for delaying a ju-**
2 **venile court proceeding, including but not limited to an adoption proceeding or a proceeding**
3 **to terminate parental rights, concerning a child in the custody of the department.**

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