

Senate Bill 598

Sponsored by Senator BROWN (at the request of Mark Kramer)

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**.

Describes ways court may show approval of open adoption agreement.

A BILL FOR AN ACT

Relating to open adoption; creating new provisions; and amending ORS 109.305.

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

SECTION 1. ORS 109.305 is amended to read:

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

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

(3) The court may show approval of an agreement made under subsection (2) of this section:

(a) By signing the agreement or a separate court document that indicates the court's approval of the agreement; or

(b) By incorporating the agreement by reference and indicating the court's approval of the agreement in the adoption judgment.

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

[(4)(a)] **(5)(a)** An agreement made under subsection (2) of this section may be enforced by a civil action. However, before a court may enter an order requiring compliance with the agreement, the court must find that the party seeking enforcement participated, or attempted to participate, in good faith in mediating the dispute giving rise to the action prior to filing the civil action.

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

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

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

SECTION 2. ORS 109.304 and 109.305 (2) to (5) are added to and made a part of ORS

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 **109.305 to 109.410.**

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