

Enrolled
House Bill 3471

Sponsored by Representatives HUNT, TOMEI, Senators COURTNEY, MONNES ANDERSON; Senator MORRISETTE

CHAPTER

AN ACT

Relating to intercountry adoptions of children in custody of the Department of Human Services; and declaring an emergency.

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

SECTION 1. (1) As used in this section:

(a) "Central Authority" means the entity designated by any Convention country as such under Article 6(1) of the Convention or, in the case of the United States, the United States Department of State.

(b) "Central Authority function" means any duty required to be carried out by a Central Authority under the Convention or by an entity authorized to perform Central Authority functions under the Convention.

(c) "Convention" means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, concluded May 29, 1993, and entered into force for the United States on April 1, 2008.

(d) "Convention adoption" means the adoption of a child resident in a Convention country by a United States citizen, or the adoption of a child resident in the United States by an individual residing in a Convention country when, in connection with the adoption, the child has moved or will move between the United States and the Convention country.

(e) "Convention country" means a country that is a party to the Convention and with which the Convention is in force for the United States.

(f) "Foreign authorized entity" means a foreign Central Authority or foreign entity authorized to perform Central Authority functions, other than a United States authorized entity, in a Convention adoption case.

(g) "Intercountry Adoption Act of 2000" means the Intercountry Adoption Act of 2000, 42 U.S.C. 14901 et seq.

(h) "Outgoing Convention adoption" means a Convention adoption of a child in the custody of the Department of Human Services by an individual residing in a Convention country when, in connection with the adoption, the child has moved or will be moving from the United States to the Convention country.

(2) The Department of Human Services shall work with the United States Department of State to implement the Convention requirements for Convention adoptions.

(3) To the extent consistent with the Convention and the Intercountry Adoption Act of 2000, the rules, policies and procedures adopted by the Department of Human Services under

this section must provide that the Department of Human Services shall, in cooperation with a foreign authorized entity of another Convention country:

(a) Develop minimum requirements for the placement and supervision of a child who is the subject of an outgoing Convention adoption.

(b) Require the exchange and provision of appropriate written reports, including but not limited to background and home studies, between the Department of Human Services and the foreign authorized entity as necessary to meet the requirements developed under paragraph (a) of this subsection.

(c) Establish minimum requirements regarding visits:

(A) To the prospective adoptive parent's home;

(B) With the child;

(C) With the prospective adoptive parents;

(D) With other persons living in the prospective adoptive parents' home; and

(E) With other persons who may have information about the child's adoptive placement.

SECTION 2. (1) Section 1 of this 2009 Act applies to Convention adoptions, as defined in section 1 of this 2009 Act, pending or initiated in Oregon on or after the operative date of section 1 of this 2009 Act.

(2) Section 1 of this 2009 Act becomes operative on July 1, 2010.

SECTION 3. The Department of Human Services may take any action before the operative date specified in section 2 of this 2009 Act that is necessary to enable the department to establish the rules, policies and procedures required by section 1 of this 2009 Act on or after the operative date specified in section 2 of this 2009 Act.

SECTION 4. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by House May 1, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate May 29, 2009

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President of Senate

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

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Secretary of State