

House Bill 3471

Sponsored by Representatives HUNT, TOMEI, Senators COURTNEY, MONNES ANDERSON

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**.

Requires Department of Human Services to enter into agreement or arrangement with United States Department of State to be authorized to perform Central Authority functions under Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption in Oregon.

Requires Department of Human Services to develop certain minimum requirements in cooperation with foreign authorized entity for Convention adoptions.

Becomes operative July 1, 2010.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to intercountry adoptions of children in custody of the Department of Human Services; and
3 declaring an emergency.

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

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

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

9 (b) **“Central Authority function” means any duty required to be carried out by a Central**
10 **Authority under the Convention or by an entity authorized to perform Central Authority**
11 **functions under the Convention.**

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

15 (d) **“Convention adoption” means the adoption of a child resident in a Convention country**
16 **by a United States citizen, or the adoption of a child resident in the United States by an in-**
17 **dividual residing in a Convention country when, in connection with the adoption, the child**
18 **has moved or will move between the United States and the Convention country.**

19 (e) **“Convention country” means a country that is a party to the Convention and with**
20 **which the Convention is in force for the United States.**

21 (f) **“Foreign authorized entity” means a foreign Central Authority or foreign entity au-**
22 **thorized to perform Central Authority functions, other than a United States authorized en-**
23 **tity, in a Convention adoption case.**

24 (g) **“Intercountry Adoption Act of 2000” means the Intercountry Adoption Act of 2000,**
25 **42 U.S.C. 14901 et seq.**

26 (h) **“Outgoing Convention adoption” means a Convention adoption of a child in the cus-**
27 **tody of the Department of Human Services by an individual residing in a Convention country**
28 **when, in connection with the adoption, the child has moved or will be moving from the**

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 United States to the Convention country.

2 (2) The Department of Human Services shall enter into any agreement or arrangement
3 necessary with the Central Authority for the United States to enable the Department of
4 Human Services to become an authorized entity under the Convention and to perform those
5 Central Authority functions that can be appropriately delegated to the Department of Human
6 Services in Convention adoption cases.

7 (3) To the extent consistent with the Convention and the Intercountry Adoption Act of
8 2000, the rules, policies and procedures adopted by the Department of Human Services under
9 this section must provide that the Department of Human Services shall, in cooperation with
10 a foreign authorized entity of another Convention country:

11 (a) Develop minimum requirements for placement, supervision and preadoption and
12 post-adoption monitoring of a child who is the subject of an outgoing Convention adoption in
13 Oregon.

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

18 (c) Establish minimum requirements regarding visits:

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

20 (B) With the child;

21 (C) With the prospective adoptive parents;

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

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

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

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

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

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