

SENATE AMENDMENTS TO SENATE BILL 1536

By COMMITTEE ON JUDICIARY

February 14

- 1 On page 1 of the printed bill, line 3, after “ORS” insert “109.319,”.
- 2 On page 15, after line 29, insert:
- 3 “**SECTION 7.** ORS 109.319 is amended to read:
- 4 “109.319. (1) The clerk or court administrator of any court having jurisdiction over adoption
- 5 proceedings shall keep a separate record of the case for each adoption proceeding filed with the
- 6 court. Adoption proceedings shall not be entered upon the general records of the court.
- 7 “(2) The clerk, court administrator or other person having custody of the records, papers and
- 8 files in the court’s record of an adoption case shall cause all records, papers and files relating to
- 9 the adoption proceeding that are filed with the court, both prior to entry of judgment and after entry
- 10 of judgment, to be sealed in the court’s record of the adoption case. The clerk, court administrator
- 11 or any other person having custody of records, papers and files in the court’s record of an adoption
- 12 case shall not unseal the court’s record of the adoption case or allow inspection or copying of or
- 13 disclose any information in the records, papers and files in the court’s record of the adoption case
- 14 to any person or entity, except as provided in this section or pursuant to ORS 109.305 to 109.410
- 15 or 109.425 to 109.507.
- 16 “(3) Prior to entry of judgment in an adoption proceeding, and after entry of judgment in an
- 17 adoption proceeding but prior to the minor child who is the subject of the adoption proceeding at-
- 18 taining 18 years of age, the following may inspect and copy sealed records, papers and files in the
- 19 court’s record of an adoption case without a court order:
- 20 “(a) Judges of the court operating under the Judicial Department and court staff or other per-
- 21 sons operating under the direction of the judges;
- 22 “(b) Petitioners and their attorneys of record; and
- 23 “(c) The Department of Human Services.
- 24 “(4) After entry of judgment in an adoption proceeding and after the minor child who is the
- 25 subject of the adoption proceeding has attained 18 years of age, the following may inspect and copy
- 26 sealed records, papers and files in the court’s record of the adoption case without a court order:
- 27 “(a) Judges of the court operating under the Judicial Department and court staff or other per-
- 28 sons operating under the direction of the judges;
- 29 “(b) The person who was the minor child in the adoption proceeding, except that the person who
- 30 was the minor child in the adoption proceeding may not inspect or copy the home study or evidence
- 31 of a home study approved under ORS 109.309 (7) except pursuant to a court order and with good
- 32 cause;
- 33 “(c) Petitioners and their attorneys of record; and
- 34 “(d) The Department of Human Services.
- 35 “(5)(a) After entry of judgment in an adoption proceeding and after the minor child who is the

1 subject of the adoption proceeding has attained 18 years of age, an individual whose consent for the
2 adoption is required under ORS 109.321 may file a motion with the court to inspect and copy sealed
3 records, papers and files in the court's record of the adoption case.

4 “(b) Except as provided in paragraph (c) of this subsection, the court shall grant the motion
5 except for good cause but must exclude from inspection and copying:

6 **“(A) For adoption cases filed on or after January 1, 2014:**

7 “[*(A)*] (i) The Adoption Summary and Segregated Information Statement [*and any exhibits at-*
8 *tached to the statement that are contained in the court's record of the adoption case; or*] **filed in ac-**
9 **cordance with ORS 109.317; and**

10 “[*(B)*] For adoption cases filed before January 1, 2014, any information, record, document or exhibit
11 described in ORS 109.317.]

12 **“(ii) Exhibits described in ORS 109.317 (2) that are contained in the court's record of the**
13 **adoption case.**

14 **“(B) For adoption cases filed before January 1, 2014:**

15 **“(i) Statements, exhibits and other documents provided for purposes of the Uniform Child**
16 **Custody Jurisdiction and Enforcement Act pursuant to ORS 109.767;**

17 **“(ii) A home study or written evidence that a home study was approved;**

18 **“(iii) A report of adoption on a form prescribed and furnished by the State Registrar of**
19 **the Center for Health Statistics under ORS 432.223 or a similar document in which the court**
20 **has certified to the state registrar the facts of the live birth of the person adopted;**

21 **“(iv) A medical history described in ORS 109.342 or a similar document provided to the**
22 **court for the purpose of describing the medical history of the minor child or of the biological**
23 **parents; and**

24 **“(v) Addresses, phone numbers and Social Security numbers of persons or entities de-**
25 **scribed in ORS 109.317 (1)(a) to (d) that are contained in the court's record of the adoption**
26 **case.**

27 **“(c) If the Department of Human Services consented or has the authority to consent to the**
28 **adoption of a minor child under ORS 109.325 or 419B.529:**

29 **“(A) A parent who has signed a release and surrender to the department under ORS 418.270,**
30 **that was accepted by the department, or whose parental rights were terminated under ORS 419B.500**
31 **and 419B.502 to 419B.524, may file a motion with the court to inspect or copy sealed records, papers**
32 **and files maintained in the court's record of the adoption case but may not be granted the right to**
33 **inspect or copy:**

34 **“(i) For adoption cases filed on or after January 1, 2014:**

35 “[*(i)*] **(I) The Adoption Summary and Segregated Information Statement [*and exhibits attached to***
36 ***the statement; or*] filed in accordance with ORS 109.317; and**

37 **“(II) Exhibits described in ORS 109.317 (2) that are contained in the court's record of the**
38 **adoption case.**

39 **“(ii) For adoption cases filed before January 1, 2014[*, any information, record, document or exhibit***
40 ***described in ORS 109.317.];***

41 **“(I) Statements, exhibits and other documents provided for purposes of the Uniform**
42 **Child Custody Jurisdiction and Enforcement Act pursuant to ORS 109.767;**

43 **“(II) A home study or written evidence that a home study was approved;**

44 **“(III) A report of adoption on a form prescribed and furnished by the State Registrar of**
45 **the Center for Health Statistics under ORS 432.223 or a similar document in which the court**

1 **has certified to the state registrar the facts of the live birth of the person adopted; and**

2 **“(IV) A medical history described in ORS 109.342 or a similar document provided to the**
3 **court for the purpose of describing the medical history of the minor child or of the biological**
4 **parents.**

5 **“(B) The court may grant the motion for good cause. The name, address, phone number, Social**
6 **Security number** or other identifying information of any individual or entity other than the parent
7 filing the motion contained in the records, papers and files must be redacted and may not be dis-
8 closed as part of the inspection or copying allowed under this paragraph.

9 **“(6) Except as provided in subsection (5)(c) of this section, an individual or entity that signed**
10 **a record, paper or document in a file contained in the court’s record of the adoption case is entitled**
11 **to inspect and obtain a copy of that record, paper or document without a court order. The signature**
12 **of any other individual or entity on the same record, paper or document must be redacted or oth-**
13 **erwise not disclosed as part of the inspection and copying permitted under this subsection.**

14 **“(7) The Department of Human Services or an Oregon licensed child-caring agency as defined**
15 **in ORS 418.205 may, without a court order, access, use or disclose records, papers and files in the**
16 **court’s record of an adoption case that are in the possession of the department or the agency for**
17 **the purpose of providing adoption services or the administration of child welfare services that the**
18 **department or agency is authorized to provide under applicable federal or state law.**

19 **“(8) Except as otherwise provided in this section, a court may grant a motion and enter an order**
20 **allowing inspection, copying or other disclosure of records, papers and files in the court’s record**
21 **of an adoption case for good cause.**

22 **“(9) Nothing contained in this section shall prevent the clerk or court administrator from cer-**
23 **tifying or providing copies of a judgment of adoption to the petitioner in an adoption proceeding, to**
24 **the petitioner’s attorney of record or to the Department of Human Services.**

25 **“(10) The provisions of this section do not apply to the disclosure of information under ORS**
26 **109.425 to 109.507.**

27 **“(11) The court may impose and collect fees for copies and services provided under this section,**
28 **including but not limited to filing, inspection and research fees.**

29 **“(12) Unless good cause is shown, when the court grants a motion to inspect, copy or otherwise**
30 **disclose records, papers and files in the court’s record of an adoption case, the court shall order a**
31 **prohibition or limitation on redisclosure of the records, papers and files, or of information contained**
32 **in the records, papers and files.**

33 **“(13) When inspection, copying or disclosure is allowed under this section, the court may require**
34 **appropriate and reasonable verification of the identity of the requesting person to the satisfaction**
35 **of the court.”.**

36 In line 30, delete “7” and insert “8”.

37 In line 37, delete “8” and insert “9”.

38 On page 16, line 2, delete “9” and insert “10”.

39 In line 4, after “ORS” insert “109.319,”.

40 In line 5, delete “8” and insert “9”.

41 In line 8, delete “10” and insert “11”.