

**PROPOSED AMENDMENTS TO
SENATE BILL 1536**

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 juris-
5 diction over adoption proceedings shall keep a separate record of the case
6 for each adoption proceeding filed with the court. Adoption proceedings shall
7 not be entered upon the general records of the court.

8 “(2) The clerk, court administrator or other person having custody of the
9 records, papers and files in the court’s record of an adoption case shall cause
10 all records, papers and files relating to the adoption proceeding that are filed
11 with the court, both prior to entry of judgment and after entry of judgment,
12 to be sealed in the court’s record of the adoption case. The clerk, court ad-
13 ministrator or any other person having custody of records, papers and files
14 in the court’s record of an adoption case shall not unseal the court’s record
15 of the adoption case or allow inspection or copying of or disclose any infor-
16 mation in the records, papers and files in the court’s record of the adoption
17 case to any person or entity, except as provided in this section or pursuant
18 to ORS 109.305 to 109.410 or 109.425 to 109.507.

19 “(3) Prior to entry of judgment in an adoption proceeding, and after entry
20 of judgment in an adoption proceeding but prior to the minor child who is
21 the subject of the adoption proceeding attaining 18 years of age, the follow-
22 ing may inspect and copy sealed records, papers and files in the court’s re-

1 cord of an adoption case without a court order:

2 “(a) Judges of the court operating under the Judicial Department and
3 court staff or other persons operating under the direction of the judges;

4 “(b) Petitioners and their attorneys of record; and

5 “(c) The Department of Human Services.

6 “(4) After entry of judgment in an adoption proceeding and after the mi-
7 nor child who is the subject of the adoption proceeding has attained 18 years
8 of age, the following may inspect and copy sealed records, papers and files
9 in the court’s record of the adoption case without a court order:

10 “(a) Judges of the court operating under the Judicial Department and
11 court staff or other persons operating under the direction of the judges;

12 “(b) The person who was the minor child in the adoption proceeding, ex-
13 cept that the person who was the minor child in the adoption proceeding
14 may not inspect or copy the home study or evidence of a home study ap-
15 proved under ORS 109.309 (7) except pursuant to a court order and with good
16 cause;

17 “(c) Petitioners and their attorneys of record; and

18 “(d) The Department of Human Services.

19 “(5)(a) After entry of judgment in an adoption proceeding and after the
20 minor child who is the subject of the adoption proceeding has attained 18
21 years of age, an individual whose consent for the adoption is required under
22 ORS 109.321 may file a motion with the court to inspect and copy sealed
23 records, papers and files in the court’s record of the adoption case.

24 “(b) Except as provided in paragraph [(c)] (d) of this subsection, the court
25 shall grant the motion except for good cause but must exclude from in-
26 spection and copying:

27 “(A) The Adoption Summary and Segregated Information Statement and
28 any exhibits attached to the statement that are contained in the court’s re-
29 cord of the adoption case; or

30 “(B) For adoption cases filed before January 1, 2014, any [*information,*

1 *record, document or exhibit described in ORS 109.317.] of the following:*

2 **“(i) Statements or exhibits provided for purposes of the Uniform**
3 **Child Custody Jurisdiction and Enforcement Act;**

4 **“(ii) A home study or written evidence that a home study has been**
5 **approved;**

6 **“(iii) A report of adoption on a form prescribed and furnished by**
7 **the State Registrar of the Center for Health Statistics;**

8 **“(iv) A medical history of the minor child and of the biological**
9 **parents; and**

10 **“(v) Addresses and telephone numbers described in ORS 109.317 that**
11 **appear in any information, record, document or exhibit contained in**
12 **the court’s record of the adoption case.**

13 **“(c) If exclusion from inspection and copying is required pursuant**
14 **to paragraph (b)(B) of this subsection, the court shall either withhold**
15 **the information, record, document or exhibit listed or redact the ex-**
16 **cluded information if the information is part of a record, document**
17 **or exhibit that is not excluded under paragraph (b)(B) of this sub-**
18 **section.**

19 **“[(c)] (d) If the Department of Human Services consented or has the au-**
20 **thority to consent to the adoption of a minor child under ORS 109.325 or**
21 **419B.529:**

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

28 **“(i) The Adoption Summary and Segregated Information Statement and**
29 **exhibits attached to the statement; or**

30 **“(ii) For adoption cases filed before January 1, 2014, any information, re-**

1 cord, document or exhibit described in ORS 109.317.

2 “(B) The court may grant the motion for good cause. The name, address
3 or other identifying information of any individual or entity other than the
4 parent filing the motion contained in the records, papers and files must be
5 redacted and may not be disclosed as part of the inspection or copying al-
6 lowed under this paragraph.

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

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

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

25 “(9) Nothing contained in this section shall prevent the clerk or court
26 administrator from certifying or providing copies of a judgment of adoption
27 to the petitioner in an adoption proceeding, to the petitioner’s attorney of
28 record or to the Department of Human Services.

29 “(10) The provisions of this section do not apply to the disclosure of in-
30 formation under ORS 109.425 to 109.507.

1 “(11) The court may impose and collect fees for copies and services pro-
2 vided under this section, including but not limited to filing, inspection and
3 research fees.

4 “(12) Unless good cause is shown, when the court grants a motion to in-
5 spect, copy or otherwise disclose records, papers and files in the court’s re-
6 cord of an adoption case, the court shall order a prohibition or limitation
7 on redisclosure of the records, papers and files, or of information contained
8 in the records, papers and files.

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

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

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

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

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

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

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

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