

Testimony of Robin Elizabeth Pope, Attorney - April 7, 2015

HB 2366

Chair Barker and members of the House Judiciary Committee: My name is Robin Pope. I am an attorney in private practice; my practice is limited to adoption and related matters. Over the past 25+ years I have represented birth parent, adoptive parents, adoption agencies, birth grandparents, and putative fathers. I am currently a member of the Oregon Law Commission Adoption Records Work Group and am here to testify in support of HB 2366.

My background includes: A Fellow since 1997 and current Board member of the American Academy of Adoption Attorneys, a national association of attorneys who practice, or have otherwise distinguished themselves, in the field of adoption law; longtime membership in the Oregon State Bar Family Law Section Standing Committee on Adoption and several years as chair of that committee; many years of pro bono service to Oregon citizens as a Pro Tem Judge in Clackamas County Circuit Court (family law matters) and Washington County Circuit Court (small claims court); service on two prior Oregon Law Commission Work Groups; and service on Oregon DHS Work Groups to review and revise Oregon Administrative Rules regarding adoptions and adoption agencies.

I appreciate having the chance to appear in front of you to testify regarding my support for HB 2366 and request that this statement be submitted for the record.

HB2366 is a law improvement and housekeeping bill. It has two parts.

Part one of HB 2366 simplifies and makes more efficient the process of paying for and obtaining a Court Certificate of Adoption by increasing the filing fee for adoptions to \$255.00 and including the Certificate of Adoption fee in the filing fee. Currently the court filing fee for an adoption Petition is \$252. When the adoption is finalized, there is an additional \$1.00 fee for the Court Certificate of Adoption issued pursuant to ORS 109.410. Attorneys and/or the adopting Petitioners often forget to pay this \$1.00 fee and court staff time is used to collect it. This is inefficient and costs the State money.

Increasing the adoption filing fee to include the cost of the Certificate of Adoption will save court staff time. It will be easier for Attorneys and adoptive parents. While this may seem like a minor improvement, it is one that will help adoptions in Oregon proceed more smoothly and efficiently.

Part two of HB 2366 relates to fees charged for obtaining adoption records. SB 623 was passed by the 2013 Legislature and became law on January 1, 2014. We have now had more than a year's worth of experiences with Oregon's open adoption records law and have found there is need for the amendment to ORS 109.319 (5) (d) as set forth in HB 2366.

This housekeeping amendment imposes a fee for a motion filed by the birth parent of an adult adoptee in accordance with ORS 21.145, except that no fee may be charged or collected for such a motion where DHS consented to the adoption. This amendment reflects the need to set a uniform fee for such motions, thus providing clarity to court staff and the requesting persons.

It also reflects the need to not impose this fee on birth parents in an adoption where DHS consented to the adoption. Experience has shown us that these birth parents typically do not have resources and would thus be prevented from accessing the adoption records to which they are entitled.

In conclusion, I ask for your support of HB2366. Its passage will provide needed law improvement for adoptions, save court staff time, and provide clarity and guidance to Judges, court staff, attorneys, adopting parents, and birth parents. Thank you for taking the time to consider my input on this important matter.

Sincerely,



Robin Elizabeth Pope