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April 6, 2015

The Honorable Jeff Barker, Chair, and Members of the Oregon State House Judiciary Committee

re: House Bill 2366 – Adoption Records

Dear Chairman Barker and Members of the Committee:

I write in my individual capacity in support of House Bill 2366. I have been in private law practice since 1975 and have appeared in hundreds of adoption cases throughout Oregon on behalf of licensed adoption agencies, adoptive parents, birth parents, putative fathers, children and extended family members. I am a member and vice-chair of the Oregon State Bar Family Law Section's Standing Committee on Adoption Law and a member of the Oregon Law Commission's Adoption Law Work Group.

The Oregon Law Commission proposes "gut and stuff" amendments to the pre-session filed House Bill 2366. As so amended HB 2366 cleans up two administrative details of Oregon's adoption code:

1• The bill eliminates wasteful use of court staff and litigants' time frequently now spent fussing over collection and payment of a \$1 fee for a Court Certificate of Adoption under ORS 109.410. As proposed, adoption petitioners would pay a modestly increased petition filing fee (\$3 more than at present). That modest increase will replace the current fee for issuance of the Court Certificate of Adoption and eliminate separate payment and bookkeeping for the fee.

2• Senate Bill 623 (2013 Oregon Laws Chapter 346) updated laws for access to sealed court adoption records. SB 623 specified terms under which, by court motion, a birth parent might gain access to parts of sealed court adoption records. Actual practice under SB 623 has led to inconsistencies and inequities in how courts around the state deal with birth parent motions for record access. The "gut and stuff" amendments to HB 2366 will help minimize that inconsistency and inequity by appropriately treating a birth parent motion for record access like other so-called "simple" proceedings which currently require a \$105 filing fee. But, as proposed, the bill automatically waives the record access motion filing fee in a case in which DHS consented to the adoption, thereby removing what the Oregon Law Commission concluded is an unreasonable financial barrier to court adoption record access for birth parents typically characterized by their meager financial resources.

I expect to attend the Committee's April 7th work session and will gladly respond to questions about this brief statement or offer further testimony. Please include this letter in the record of proceedings on HB 2366. Thank you for your consideration in this important matter.

Sincerely,


John R. Wittwer