



Testimony of Robin Elizabeth Pope, Attorney - May 6, 2015 – In Support of:

HB 3231

Chair Hoyle and members of the Oregon House Committee on Rules: My name is Robin Pope. My law practice, located in Beaverton, Oregon, is dedicated to family formation law, which encompasses many types of adoption and surrogacy matters. For over 25 years, I have been helping Oregonians build legally secure families through adoption and assisted reproduction. I serve on the Oregon Law Commission Adoption Records Work Group and the Oregon State Bar Family Law Section Standing Committee on Adoption and Assisted Reproductive Technology Law.

My background includes: Membership since 1997 and current Board member of the American Academy of Adoption Attorneys and the American Academy of Assisted Reproductive Technology Attorneys --- a national association of attorneys who practice, or have otherwise distinguished themselves, in the field of adoption and assisted reproductive technology law; 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 (Uniform Parentage Act Work Group and Juvenile Law Work Group); 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 3231, and request that this statement be submitted for the record.

Based on more than 25 years' experience, I strongly support the passage of HB 3231, which will help update Oregon's statutes related to how Oregonians become the legal parents of their children.

Current Oregon parentage law excludes many types of families, such as same-sex couples and families formed using assisted reproductive technology. HB 3231 specifically addresses the need for our parentage laws to recognize the diverse ways in which many families are now created. This update to our parentage laws will better protect children, and their parents, by addressing issues that are already turning up in Oregon courts.

Many of the changes suggested in HB 3231 are based on the Uniform Parentage Act of 2002, all or parts of which have been adopted in numerous other states. For example, a definition of assisted reproduction is included in HB 3231, whereas current law lacks such a definition. In addition, HB 3231 will update our artificial insemination statutes to reflect the medical realities of today, as well as codify an Oregon Court of Appeals case (Shineovich) that ruled that ORS 109.239 and 109.243 applies to two women using artificial insemination by donor to have a child together.



Another change proposed by HB 3231 is to clearly provide the ways in which a woman becomes the legal mother of her child. Our current law already protects fathers by providing various ways in which a man can become the legal parent of his child. Yet there is no clear statement in Oregon law as to how a woman's legal parentage of her child is established. Mothers and fathers should be treated equally in this respect.

Oregon now recognizes marriage between same-sex partners. In today's reality of how families are formed, it is crucial for our laws to provide that same-sex married spouses having children are fully protected as parents, *and* that their children are protected by having two legal parents. Since same-sex spouses cannot both be biologically related to their children, Oregon's laws must clearly allow the non-biological parent to be legally recognized. HB 3231 provides the necessary changes to our statutes to provide the legal protections currently missing from Oregon's parentage laws.

It is equally important to provide parallel protections to unmarried couples having children in order to avoid equal protection challenges. The trend in many states and under the Uniform Parentage Act is to provide equivalent protections to married and unmarried couples using assisted reproduction. HB 3231 is intended to provide this equivalent protection.

The path to legal parenthood is far more complicated than it was 25 years ago. Oregon's parentage law needs to be updated to keep pace with the ways in which modern families are formed and to address the assisted reproduction medical advancements that have been made.

Thank you for this opportunity to testify. I am happy to address questions the committee may have.