

STAFF MEASURE SUMMARY

CARRIER: Sen. Kruse

Senate Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 05/28/15

Action: Do Pass With Amendments To The A-Eng Bill. (Printed B-Eng.)

Meeting Dates: 05/05, 05/28

Vote:

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

Prepared By: Laura Handzel, Administrator

WHAT THE MEASURE DOES:

Provides additional clarification to adoption laws. Updates written certification and declaration requirements. Changes specified requirements of Adoption Summary and Segregated Information Statement, including adding exceptions. Clarifies that presiding judges have access to court adoption records. Outlines information to be disclosed or redacted. Updates records requirements and adds clarification addressing re-adoption. Addresses process and fees when multiple children adopted. Contains non-substantive scrivener's changes. Staggers implementation. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- History of Senate Bill 623 (2013)
- 37-member work group
- Amendments still in the works
- Fiscal impact of emergency clauses
- Indian Child Welfare Act
- Oregon's leadership on open records adoption laws
- Re-adoption
- Clarification regarding redaction
- Home studies and records
- Certificate of irrevocability
- International adoptions

EFFECT OF COMMITTEE AMENDMENT:

Reverts back to current law in Section 1, addressing Indian Child Welfare Act, and adjusts operative dates to allow fee schedules to go into effect in the course of regular cycle.

BACKGROUND:

In 2010, the Oregon Judicial Department requested the Oregon Law Commission to review adoption law, specifically the issue of access to the court's adoption files. In 2012, the Adoption Work Group (Work Group) was established to address this issue along with other substantive matters. In 2013, Senate Bill 623 passed as a result of the Work Group's efforts. In 2014, House Bill 1536 passed, providing additional clarity to the provisions of Senate Bill 623.

House Bill 2365-B contains recommendations from the Work Group and provides additional clarification to related legislation from previous sessions. The bill updates adoption laws with non-substantive scrivener's changes and updates written certification and declaration requirements. House Bill 2365-B also changes some requirements of Adoption Summary and Segregated Information Statement, including adding an exception to information required by the Uniform Child Custody Jurisdiction and Enforcement Act when the Department of Human Services or an approved child-caring agency places a minor child with a foster parent. The bill clarifies that presiding judges have access to court adoption records. Additionally,

the bill outlines information to be disclosed or redacted. House Bill 2365-B addresses both process and fees when multiple children are adopted. It updates records requirements and adds clarification addressing re-adoption. House Bill 2365-B contains staggered implementation dates, but declares an emergency and is effective on passage.