

House Bill 2414

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of Human Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits parents or guardians of minor adoptees or minor genetic siblings of adoptees to use and register with voluntary adoption registries. Clarifies persons who may request searches of voluntary adoption registries and information that may be disclosed. Authorizes Department of Human Services and Oregon licensed adoption agencies to contract with third party individuals and entities to perform searches.

A BILL FOR AN ACT

1
2 Relating to voluntary adoption registries; creating new provisions; and amending ORS 109.425,
3 109.430, 109.450, 109.455, 109.460, 109.465, 109.470, 109.475, 109.480, 109.490, 109.502, 109.503,
4 109.504, 109.505, 109.506, 109.507 and 432.250.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 109.425 is amended to read:

7 109.425. As used in [*this section and*] ORS [*109.435*] **109.425** to 109.507:

8 (1) "Adoptee" means a person who has been adopted in the State of Oregon.

9 (2) "Adoption" means the judicial act of creating the relationship of parent and child where it
10 did not exist previously.

11 (3) "Adoptive parent" means an adult who has become a parent of a child through adoption.

12 (4) "Adult" means a person 18 years of age or older.

13 (5) "Agency" means any public or private organization licensed or authorized under the laws
14 of this state to place children for adoption.

15 (6) "Birth parent" [*is*] **means:**

16 (a) The man or woman who is legally presumed under the laws of this state to be the father or
17 mother of genetic origin of a child; and

18 (b) A putative father of the child if the birth mother alleges he is the father and the putative
19 father, by written affidavit or surrender and release executed within three years of the
20 relinquishment of the child by the birth mother or the termination of parental rights of the birth
21 mother, acknowledges being the child's biological father.

22 (7) "Department" means the Department of Human Services.

23 (8)(a) "Genetic and social history" [*is*] **means** a comprehensive report, when obtainable, of the
24 health status and medical history of the birth parents and other persons related to the child.

25 (b) The genetic and social history may contain as much of the following as is available:

26 (A) Medical history;

27 (B) Health status;

28 (C) Cause of and age at death;

29 (D) Height, weight, eye and hair color;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (E) Ethnic origins; and
- 2 (F) Religion, if any.
- 3 (c) The genetic and social history may include the health status and medical history of:
- 4 (A) The birth parents;
- 5 (B) A putative father, if any;
- 6 (C) Siblings to the birth parents, if any;
- 7 (D) Siblings to a putative father, if any;
- 8 (E) Other children of either birth parent, if any;
- 9 (F) Other children of a putative father, if any;
- 10 (G) Parents of the birth parents; and
- 11 (H) Parents of a putative father, if any.

12 **(9) “Guardian” means a person appointed by a court as guardian of a minor under ORS**
 13 **chapter 125 or the laws of any other state.**

14 [(9)] **(10) “Health history” [is] means** a comprehensive report, when obtainable, of the child’s
 15 health status and medical history at the time of placement for adoption, including neonatal, psy-
 16 chological, physiological and medical care history.

17 **(11) “Minor” means a person under 18 years of age.**

18 **(12) “Progeny” means the children or descendants of a person and the person’s descend-**
 19 **ants in successive generations.**

20 [(10)] **(13) “Putative father” [is] means** a man who, under the laws of this state, is not legally
 21 presumed to be the father of genetic origin of a child, but who claims or is alleged to be the father
 22 of genetic origin of the child.

23 [(11)] **(14) “Registry” [is] means** a voluntary adoption registry [as] established under ORS
 24 109.450.

25 [(12)] **(15) “Successor agency” [is] means** an agency which has the adoption records of another
 26 agency because of the merger of the agency and the successor agency or because a former agency
 27 has ceased doing business and has given its adoption records to the successor agency as provided
 28 in ORS 109.435 (2).

29 **SECTION 2.** ORS 109.430 is amended to read:

30 109.430. It is the policy of this state that adoption is based upon the legal termination of par-
 31 ental rights and responsibilities of birth parents and the creation of the legal relationship of parents
 32 and child between an adoptee and the adoptive parents. These legal and social premises underlying
 33 adoption must be maintained. The state recognizes that some [adults] **persons** who were adopted
 34 as children have a strong desire to obtain identifying information about their birth parents, [or]
 35 putative father **or genetic siblings** while other such [adult] adoptees have no such desire. The state
 36 further recognizes that some birth parents have a strong desire to obtain identifying information
 37 about their biological children who were adopted, while other birth parents have no such desire.
 38 The state fully recognizes the right to privacy and confidentiality of birth parents whose children
 39 were adopted, the adoptees and the adoptive parents. The purpose of ORS 109.425 to 109.507 and
 40 432.250 is to:

41 (1) Set up a voluntary adoption registry where birth parents, putative fathers, [and adult]
 42 adoptees **and genetic siblings of adoptees** may register their willingness to the release of identi-
 43 fying information to each other;

44 (2) Provide for the disclosure of identifying information to birth parents and their [genetic off-
 45 spring] **progeny** through a [social worker] **person** employed **or approved** by a licensed adoption

1 agency **or the Department of Human Services**, if [*a birth parent or parents or putative father and*
2 *the adult adoptee*] **the relevant persons for such disclosure** are registered;

3 (3) Provide for the transmission of nonidentifying health and **genetic and** social [*and genetic*
4 *history of the adult*] **histories of** adoptees, birth parents, putative fathers, **genetic siblings of**
5 **adoptees** and other specified persons; and

6 (4) Provide for disclosure of specific identifying information to Indian tribes or governmental
7 agencies when needed to establish the adoptee's eligibility for tribal membership or for benefits or
8 to a person responsible for settling an estate that refers to the adoptee.

9 **SECTION 3.** ORS 109.455 is amended to read:

10 109.455. (1) [*As provided in ORS 109.475 and except as provided in subsection (2) of this*
11 *section,*] Only a birth parent, adult adoptee, adult genetic sibling of an adoptee, **parent or guardian**
12 **of a minor adoptee or of a minor genetic sibling of an adoptee**, adoptive parent of a deceased
13 adoptee [*or*] **and** parents or adult siblings of a deceased birth parent [*or parents*] may use the reg-
14 istry for obtaining identifying information about birth parents, putative fathers, [*adult*] adoptees and
15 [*adult adoptee*] genetic siblings **of adoptees**.

16 [(2) *An adult adoptee who has a genetic sibling in the adult adoptee's adoptive family who is under*
17 *the age of 18 may not have access to the registry.*]

18 [(3)] (2) A putative father may not [*have access to*] **use the registry to obtain identifying in-**
19 **formation but may register to authorize release of identifying information under ORS**
20 **109.460.**

21 [(4) *Birth parents, adult adoptees, adult genetic siblings of an adoptee, adoptive parent or parents*
22 *of a deceased adoptee and parents or adult siblings of a deceased birth parent or parents shall work*
23 *through the agency involved in the adoption, or its successor agency, or the Department of Human*
24 *Services to receive information concerning the adoption.*]

25 **SECTION 4.** ORS 109.460 is amended to read:

26 109.460. (1) An adult adoptee, [*each*] **a** birth parent, a putative father, an adult genetic sibling
27 of an adoptee, **a parent or guardian of a minor adoptee or of a minor genetic sibling of an**
28 **adoptee**, an adoptive parent of a deceased adoptee and a parent or adult sibling of a deceased birth
29 parent [*or parents*] may register **with a registry** by submitting a signed affidavit to the appropriate
30 registry. The affidavit shall contain the information listed in ORS 109.465 and a statement of the
31 registrant's willingness to be identified to the other relevant persons who register. The affidavit
32 gives authority to the registry to release **to the other relevant persons who register** identifying
33 information related to the registrant **or, if the registrant is registering on behalf of a minor**
34 **adoptee or a minor genetic sibling, identifying information related to the minor adoptee or**
35 **sibling** [*to the other relevant persons who register*]. Each registration shall be accompanied by the
36 registrant's, **or if the registrant is registering on behalf of a minor adoptee or a minor genetic**
37 **sibling, the minor's**, certified copy of the record of live birth.

38 (2) **At the discretion of the agency operating the registry, the adult progeny, or the par-**
39 **ent or guardian of minor progeny, of a deceased adoptee, a deceased genetic sibling of an**
40 **adoptee or a deceased birth parent of an adoptee may register to have specific identifying**
41 **and contact information disclosed by submitting a signed affidavit containing the information**
42 **listed in ORS 109.465 and a statement of the registrant's willingness to be identified to other**
43 **relevant persons who register.**

44 [(2)] (3) An adoptee, or the parent or guardian of [*an adoptee under 18 years of age*] **a minor**
45 **adoptee**, may register to have specific identifying information disclosed to Indian tribes or to gov-

1 ernmental agencies in order to establish the adoptee’s eligibility for tribal membership or for bene-
 2 fits or to a person settling an estate. The information shall be limited to a true copy of documents
 3 that prove the adoptee’s lineage. Information disclosed in accordance with this subsection shall not
 4 be disclosed to the adoptee or the parent or guardian of the **minor** adoptee by the registry or em-
 5 ployee or agency operating a registry nor by the Indian tribe, governmental agency or person re-
 6 ceiving the information.

7 [(3) *Except as provided in ORS 109.475 (2), if a birth parent or an adoptee fails to file an affidavit*
 8 *with the registry for any reason, including death or disability, identifying information shall not be*
 9 *disclosed to those relevant persons who do register.*]

10 **(4) Registration under this section by the parent or guardian of a minor adoptee or of a**
 11 **minor genetic sibling of an adoptee expires when the minor reaches 18 years of age. The**
 12 **adoptee or sibling must reregister with a registry as an adult in accordance with this section**
 13 **for identifying information to be released to relevant persons who are registered. If the**
 14 **adoptee or sibling reregisters, the registration fee will be waived.**

15 [(4)] (5) Except as otherwise provided in ORS 109.503, a registry or employee or the agency
 16 operating a registry shall not contact or in any other way solicit any adoptee or birth parent to
 17 register with the registry.

18 **SECTION 5.** ORS 109.465 is amended to read:

19 109.465. (1) The affidavit required under ORS 109.460 shall contain:

20 (a) The current name and address of the registrant **and, where the registrant is the parent**
 21 **or guardian of a minor adoptee or of a minor genetic sibling of an adoptee, the current name**
 22 **and address of the minor adoptee or sibling;**

23 (b) Any previous name by which the registrant **and, where applicable, the minor,** was known;

24 (c) The original or adopted names of the adopted child;

25 (d) The place and date of birth of the adopted child, if known; and

26 (e) The name and address of the agency, if known.

27 (2) The registrant shall notify the registry of any change in name or address [*which*] **that** occurs
 28 after the registrant registers. Upon registering, the registry shall inform the registrant that the
 29 registrant has the responsibility to notify the registry of a change in address. The registry is not
 30 required to search for a registrant who fails to notify the registry of a change in address.

31 (3) A registrant may cancel the registrant’s registration at any time by giving the registry
 32 written notice of the registrant’s [*desires to so*] **desire to** cancel.

33 **SECTION 6.** ORS 109.470 is amended to read:

34 109.470. (1) When an adoptee reaches age 18, a birth parent of the adoptee, if the birth parent
 35 registered with the registry before the adoptee was age 18, shall notify the registry in writing only
 36 if the birth parent does not desire to continue the registration.

37 (2) When an adoptee reaches age 18, a putative father of the adoptee, if the putative father
 38 registered with the registry before the adoptee was age 18, shall notify the registry in writing only
 39 if the putative father does not desire to continue the registration.

40 **(3) When an adoptee or genetic sibling of an adoptee reaches age 18, the adoptee or sib-**
 41 **ling, if the parent or guardian of the adoptee or sibling registered with the registry before**
 42 **the adoptee or sibling was age 18, must reregister with the registry as an adult in accordance**
 43 **with ORS 109.460. If the adoptee or sibling reregisters, the registration fee will be waived.**

44 [(3)] (4) A registry shall notify a birth parent, [*or*] putative father **or parent or guardian of a**
 45 **minor adoptee or of a minor genetic sibling of an adoptee** of this requirement when the birth

1 parent, [or] putative father **or parent or guardian** initially registers.

2 **SECTION 7.** ORS 109.475 is amended to read:

3 109.475. (1) Upon receipt of the affidavit under ORS 109.460, the registry shall process each af-
4 fidavit in an attempt to match the [adult] adoptee, [and] the birth [parents] **parent**, the putative fa-
5 ther, the [adult] genetic [sibling] **siblings, the progeny of a deceased adoptee, a deceased genetic**
6 **sibling of an adoptee or a deceased birth parent of an adoptee**, the adoptive parent of a de-
7 ceased adoptee or the parents or adult sibling of a deceased birth parent [or parents]. The processing
8 shall include research from agency records, and if necessary from court records, to determine
9 whether the registrants match.

10 (2) If the registry determines there is a match and if the relevant persons have registered with
11 the registry and received the counseling required by ORS 109.480, notification of the match may be
12 given by a registry to only:

13 (a) A birth parent [or parents] of an adult adoptee [and an adult adoptee];

14 **(b) An adult adoptee;**

15 **(c) The parent or guardian of a minor adoptee or of a minor genetic sibling of an adoptee;**

16 [(b)] **(d) The adult genetic siblings of an adult adoptee [if the birth parent or parents are**
17 **deceased];**

18 [(c) *Adult adoptee genetic siblings who have been adopted by different adoptive families and have*
19 *no knowledge of their birth parents;*]

20 [(d)] **(e) At the discretion of the agency operating the registry, parents or adult siblings of the**
21 **birth parent [or parents] if the birth parent [or parents are] is deceased; [or]**

22 [(e)] **(f) At the discretion of the agency operating the registry, the adoptive parent [or parents]**
23 **of a deceased adoptee[.]; or**

24 **(g) At the discretion of the agency operating the registry, the adult progeny, or the**
25 **parent or guardian of minor progeny, of a deceased adoptee, a deceased genetic sibling of an**
26 **adoptee or a deceased birth parent of an adoptee for the purposes set forth in ORS 109.460**
27 **(2).**

28 (3) Notification of a match to the relevant parties shall be made through a direct and confiden-
29 tial contact.

30 **SECTION 8.** ORS 109.480 is amended to read:

31 109.480. (1) Upon the determination of a match but before identifying information is disclosed,
32 the registrant shall, at the discretion of the agency operating the registry, participate in
33 counseling[:]

34 [(a)] with a [social worker] **person** employed **or approved** by the registry.[: or]

35 [(b) *If the registrant is domiciled outside the state, with a social worker in that state who is selected*
36 *by the registry.*]

37 (2) The counseling required under subsection (1) of this section shall place an emphasis on an
38 evaluation of the need for and the effect of the information or contact on the genetic family members
39 and the relationships within the adoptive family.

40 **SECTION 9.** ORS 109.490 is amended to read:

41 109.490. A registry shall release only information necessary for identifying a birth parent, a
42 putative father, an adult adoptee, [or] an adult genetic sibling, **the adult progeny, or the parent**
43 **or guardian of minor progeny, of a deceased adoptee, a deceased genetic sibling of an adoptee**
44 **or a deceased birth parent of an adoptee, or the county in which an adoption was finalized.**
45 **A registry may [and shall] not release information of any kind pertaining to:**

1 (1) The adoptive parents, **except for an adoptive parent of a minor adoptee when the**
 2 **adoptive parent has registered in accordance with ORS 109.460;**

3 (2) The siblings *[to]* of the adult adoptee who are children of the adoptive parents; and

4 (3) The income of any person.

5 **SECTION 10.** ORS 109.502 is amended to read:

6 109.502. (1)(a) An adult adoptee or the adoptive parent of a minor or deceased adoptee may re-
 7 quest *[that]* the Department of Human Services or the Oregon licensed adoption agency that facili-
 8 tated the adoption to conduct a search for the adoptee's birth parents, putative father or, except
 9 as otherwise provided in ORS 109.504 *[(1)]* **(2)**, for the adoptee's genetic siblings, **or for the county**
 10 **in which an adoption was finalized.**

11 **(b)(A) Except as provided in subparagraph (B) of this paragraph,** a birth parent, an adult
 12 genetic sibling of an adoptee or the parent or adult sibling of a deceased birth parent may request
 13 the department or the Oregon licensed adoption agency that facilitated the adoption to conduct a
 14 search for an adult adoptee whom the birth parent relinquished for adoption.

15 **(B) A birth parent may request a search for an adult adoptee only if the adult adoptee**
 16 **does not have any genetic siblings in the same adoptive family as the adult adoptee's adoptive**
 17 **family who are under 18 years of age.**

18 **(c) A birth parent may request and, in the discretion of the department or the Oregon**
 19 **licensed adoption agency that facilitated the adoption, the department or agency may con-**
 20 **duct a search for the county in which the adoption was finalized.**

21 *[(c)]* **(d)** A person requesting a search under paragraph (a) or (b) of this subsection:

22 **(A) Must be registered with a registry unless the request is only to search for the county**
 23 **in which an adoption was finalized; and**

24 **(B)** Shall direct the request for the search to the Oregon licensed adoption agency that facili-
 25 tated the adoption **or, if unknown, to the department.** If the Oregon licensed adoption agency that
 26 facilitated the adoption is not conducting searches or *[has not been]* **is not** authorized by the de-
 27 partment to conduct searches, the person shall direct the request to the department.

28 **(2) The department or an agency may delegate to or contract with a third party individ-**
 29 **ual or entity to conduct searches under this section.**

30 *[(2)]* **(3)** At the time of a request to conduct a search under this section, the requester shall
 31 provide the department or the Oregon licensed adoption agency that facilitated the adoption with:

32 **(a)** Such information as the department or the Oregon licensed adoption agency requires; **and**
 33 *[. The person requesting the search must be registered with a registry established under ORS*
 34 *109.450.]*

35 *[(3)(a) If the person has requested the department to conduct a search, upon payment by the re-*
 36 *quester]*

37 **(b) Payment** of a fee established by rule under ORS 109.506.*[, the department shall instruct an*
 38 *Oregon licensed adoption agency to conduct the search.]*

39 *[(b) If the Oregon licensed adoption agency that facilitated the adoption meets the standards es-*
 40 *tablished by rule under ORS 109.506, upon payment by the requester of a fee established by rule under*
 41 *ORS 109.506, the Oregon licensed adoption agency shall conduct the search.]*

42 **SECTION 11.** ORS 109.503 is amended to read:

43 109.503. (1) When the Department of Human Services, *[or]* an Oregon licensed adoption agency
 44 *[has been instructed]* **or a third party individual or entity to whom the department or agency**
 45 **has delegated, or with whom the department or agency has contracted, to conduct searches**

1 **under ORS 109.502 is requested** to conduct a search **under ORS 109.502**, the department, [*or an*
 2 *Oregon licensed adoption*] agency **or third party individual or entity** may examine adoption records
 3 maintained by the department and by private adoption agencies under ORS 109.435. However, the
 4 department, [*or an Oregon licensed adoption*] agency **or third party individual or entity** may ex-
 5 amine the adoption records of a private adoption agency only if the private adoption agency allows
 6 the examination. The department, [*or an Oregon licensed adoption*] agency **or third party individ-**
 7 **ual or entity** shall keep the records and information located in the records confidential.

8 (2) If the department, [*or an Oregon licensed adoption*] agency **or third party individual or**
 9 **entity** is able to identify and locate the person being sought, the department, [*or an Oregon licensed*
 10 *adoption*] agency **or third party individual or entity** shall make a confidential inquiry of that
 11 person to determine whether the person wishes to make contact with the person requesting the
 12 search. [*The department or an Oregon licensed adoption agency shall make the inquiry in person if*
 13 *possible.*] If the reason the person is requesting the search is because there is a serious medical
 14 condition in the person's immediate family that is, or may be, an inheritable condition and the per-
 15 son being sought is biologically related to the ill person, the department, [*or the Oregon licensed*
 16 *adoption*] agency **or third party individual or entity** shall inform the person being sought of that
 17 fact.

18 (3) **If the department, agency or third party individual or entity is able to identify the**
 19 **county in which an adoption was finalized, in the discretion of the department, agency or**
 20 **third party individual or entity, the identity of the county may be disclosed to an adult**
 21 **adoptee, the parent or guardian of a minor adoptee, or to a birth parent.**

22 [(3)(a)] (4)(a) If the person being sought wishes to make contact with the person requesting the
 23 search, the department, [*or an Oregon licensed adoption*] agency **or third party individual or entity**
 24 shall:

25 (A) Tell the person about the voluntary adoption registry under ORS [*109.435*] **109.425** to 109.507
 26 and that any contact will be made through the registry and its provisions and shall give the person
 27 any information and forms necessary to register;

28 (B) Notify the voluntary adoption registry that the person being sought has been identified and
 29 located and has indicated that the person wishes to make contact; and

30 (C) Return all materials and information obtained during the search to the department or agency
 31 responsible for maintaining the information.

32 (b) If the person being sought has indicated a wish to make contact and has not registered with
 33 the voluntary adoption registry within 90 days after the confidential inquiry was made, the depart-
 34 ment, [*or an Oregon licensed adoption*] agency **or third party individual or entity**, where practi-
 35 cable, shall contact the person to offer forms and materials to register and to determine if the
 36 person still intends to register.

37 [(4)] (5) If the person being sought does not wish to make contact with the person requesting
 38 the search, the department, [*or an Oregon licensed adoption*] agency **or third party individual or**
 39 **entity** shall:

40 (a) Tell the person about the voluntary adoption registry under ORS [*109.435*] **109.425** to 109.507;

41 (b) Notify the voluntary adoption registry that the person being sought has been identified, lo-
 42 cated and has indicated that the person does not wish to make contact; and

43 (c) Return all materials and information obtained during the search to the department or agency
 44 responsible for maintaining the information.

45 [(5)] (6) If the department, [*or an Oregon licensed adoption*] agency **or third party individual**

1 **or entity** is unable to identify and locate the person being sought, the department, [*or an Oregon*
 2 *licensed adoption*] agency **or third party individual or entity** shall notify the voluntary adoption
 3 registry of that fact.

4 [(6)] (7) Upon receiving notice under subsection [(3)(a)(B), (4)(b) or (5)] (4)(a)(B), (5)(b) or (6)
 5 of this section, the voluntary adoption registry shall:

6 (a) Enter the information into its records; and

7 (b) Notify the person requesting the search only that the person being sought has or has not
 8 been located, and either:

9 (A) Has indicated a wish to make contact and has been given information and forms necessary
 10 to register; or

11 (B) Has indicated a wish not to make contact.

12 **SECTION 12.** ORS 109.504 is amended to read:

13 109.504. (1) If an adult adoptee or the adoptive parent of a minor or deceased adoptee has ini-
 14 tiated a search under ORS 109.502, the fact that the person being sought in the original search does
 15 not wish to make contact does not prevent the adult adoptee or the adoptive parent from requesting
 16 another search for a birth parent or putative father not previously contacted.

17 (2) An adult adoptee or the adoptive parent of a minor or deceased adoptee may not request a
 18 search for a **minor** genetic sibling of the adoptee if [*there was a previous search for a birth parent*
 19 *of the adoptee and the birth parent did not want to make contact with the adult adoptee or adoptive*
 20 *parent*] **the parental rights of the birth parent to the minor genetic sibling have not been**
 21 **terminated by death or otherwise and the adoptee and the minor genetic sibling share that**
 22 **same birth parent.**

23 [(2)] (3) The adult adoptee or adoptive parent of a minor or deceased adoptee shall request the
 24 search by repeating the process set out in ORS 109.502 and by paying the fees established by the
 25 Department of Human Services pursuant to ORS 109.506.

26 **SECTION 13.** ORS 109.505 is amended to read:

27 109.505. Information about agency and community resources regarding psychological issues in
 28 adoption and reunion shall be provided:

29 (1) By the Department of Human Services, [*or*] an Oregon licensed adoption agency **or a third**
 30 **party individual or entity** to all persons requesting a search under ORS 109.502; and

31 (2) By the department, [*or*] an Oregon licensed adoption agency **or a third party individual or**
 32 **entity** only to those persons the department, [*or*] an Oregon licensed adoption agency **or a third**
 33 **party individual or entity** identifies and locates as the result of a search under ORS [*109.503*]
 34 **109.502** and who express a wish to receive information.

35 **SECTION 14.** ORS 109.506 is amended to read:

36 109.506. The Department of Human Services by rule shall establish:

37 (1) Eligibility standards for Oregon licensed adoption agencies **and third party individuals and**
 38 **entities that contract with the department or with an Oregon licensed adoption agency to**
 39 [*that*] conduct searches under ORS [*109.503*] **109.502;**

40 (2) Standards of conduct for Oregon licensed adoption agencies **and third party individuals and**
 41 **entities that contract with the department or with an Oregon licensed adoption agency to**
 42 [*that*] conduct searches under ORS [*109.503*] **109.502;**

43 (3) Contracting procedures for Oregon licensed adoption agencies **and third party individuals**
 44 **and entities that contract to** conduct searches under ORS [*109.503*] **109.502;**

45 (4) Search procedures to be followed by Oregon licensed adoption agencies **and third party**

1 **individuals and entities** that conduct searches under ORS [109.503] **109.502**; and

2 (5) Fees to be paid by persons requesting a search under ORS 109.502. Fees authorized under
3 this section include:

4 (a) A fee to be paid to the department, [or] an Oregon licensed adoption agency **or a third**
5 **party individual or entity** to cover all costs incurred in the search; and

6 (b) A fee to be paid to the department, [or] an Oregon licensed adoption agency **or a third**
7 **party individual or entity** to cover the administrative costs incurred in administering the search
8 program.

9 **SECTION 15.** ORS 109.507 is amended to read:

10 109.507. (1) The Department of Human Services shall allow an Oregon licensed adoption agency
11 **or a third party individual or entity with whom the department or agency has contracted** to
12 examine confidential adoption records maintained by the department as part of a search conducted
13 under ORS [109.503] **109.502**.

14 (2) A private adoption agency may allow the department, [or] an Oregon licensed adoption
15 agency **or a third party individual or entity** to examine confidential adoption records maintained
16 by the agency as part of a search conducted under ORS [109.503] **109.502**.

17 **SECTION 16.** ORS 109.450 is amended to read:

18 109.450. (1) A voluntary adoption registry shall be established and maintained by each agency
19 or its successor agency. An agency may delegate or contract with another agency to establish,
20 maintain and operate the registry for the delegating agency.

21 (2) The Department of Human Services shall establish, maintain and operate the registry for all
22 adoptions not arranged through a licensed agency. The department may contract out the function
23 of establishing, maintaining and operating the registry to another agency. The department may join
24 a voluntary national or international registry and make its records available in the manner au-
25 thorized by ORS 109.425 to 109.507. However, if the rules of disclosure of such a voluntary organ-
26 ization differ from those prescribed in ORS 109.425 [and 109.435] to 109.507, ORS 109.425 [and
27 109.435] to 109.507 shall prevail.

28 **SECTION 17.** ORS 432.250 is amended to read:

29 432.250. The documents forwarded to the State Registrar of the Center for Health Statistics or
30 sealed under ORS 432.245 may be opened by the state registrar only upon receiving an order from
31 a court of competent jurisdiction or when requested by an agency operating a voluntary adoption
32 registry [as defined in ORS 109.425] **established under ORS 109.450** for the purpose of facilitating
33 the identification of persons registering under the provisions of ORS 109.425 [and 109.435] to 109.507.

34 **SECTION 18.** ORS 109.430 is added to and made a part of ORS 109.425 to 109.507.
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