

House Bill 3231

Sponsored by Representatives WILLIAMSON, NOSSE

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**.

Modifies laws regarding establishment of parentage of child.

A BILL FOR AN ACT

Relating to parentage; amending ORS 18.052, 25.020, 25.075, 25.080, 25.082, 25.650, 25.750, 107.106, 107.179, 107.425, 109.012, 109.070, 109.072, 109.073, 109.092, 109.094, 109.096, 109.098, 109.103, 109.125, 109.145, 109.155, 109.175, 109.239, 109.243, 109.251, 109.252, 109.254, 109.259, 109.315, 109.326, 109.704, 112.105, 163.565, 180.320, 180.380, 192.535, 192.539, 411.117, 412.024, 416.407, 416.415, 416.419, 416.430, 416.435, 416.443, 416.455, 419A.004, 419B.395, 419B.839, 432.088, 432.098, 432.103 and 432.245 and ORCP 4 K.

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

SECTION 1. ORS 109.070 is amended to read:

109.070. (1) The *[paternity]* **parentage** of a person may be established as follows:

(a) A *[man]* **person** is rebuttably presumed to be the *[father]* **parent** of a child born to a woman if *[he]* **the person** and the woman were married to **or in a registered domestic partnership with** each other at the time of the child's birth, without a judgment of separation, regardless of whether the marriage **or registered domestic partnership** is void.

(b) A *[man]* **person** is rebuttably presumed to be the *[father]* **parent** of a child born to a woman if *[he]* **the person** and the woman were married to **or in a registered domestic partnership with** each other and the child is born within 300 days after the marriage **or registered domestic partnership** is terminated by death, annulment or dissolution or after entry of a judgment of separation.

(c) By the marriage of the parents of a child after the birth of the child, and the parents filing with the State Registrar of the Center for Health Statistics the voluntary acknowledgment of paternity form as provided for by ORS 432.098.

(d) A woman is the mother of a child she gives birth to.

[(d)] **(e)** By filiation proceedings.

[(e)] **(f)** By filing with the State Registrar of the Center for Health Statistics the voluntary acknowledgment of paternity form as provided for by ORS 432.098. Except as otherwise provided in subsections (4) to (7) of this section, this filing establishes *[paternity]* **parentage** for all purposes.

[(f)] **(g)** By having established *[paternity]* **parentage** through a voluntary acknowledgment of paternity process in another state.

[(g)] **(h)** By *[paternity]* **parentage** being established or declared by other provision of law.

(2) The *[paternity]* **parentage** of a child established under subsection (1)(a) or (c) of this section may be challenged in an action or proceeding by the *[husband or wife]* **spouse or registered domestic partner**. The *[paternity]* **parentage** may not be challenged by a person other than the *[hus-*

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 *band or wife* **spouse or registered domestic partner**, as long as the [*husband and wife*] **spouses**
 2 **or registered domestic partners** are married **or in a registered domestic partnership** and **are**
 3 cohabiting, unless the [*husband and wife*] **spouses or registered domestic partners** consent to the
 4 challenge.

5 (3) If the court finds that it is just and equitable, giving consideration to the interests of the
 6 parties and the child, the court shall admit evidence offered to rebut the presumption of [*paternity*]
 7 **parentage** in subsection (1)(a) or (b) of this section.

8 (4)(a) A party to a voluntary acknowledgment of paternity may rescind the acknowledgment
 9 within the earlier of:

10 (A) Sixty days after filing the acknowledgment; or

11 (B) The date of a proceeding relating to the child, including a proceeding to establish a support
 12 order, in which the party wishing to rescind the acknowledgment is also a party. For the purposes
 13 of this subparagraph, the date of a proceeding is the date on which an order is entered in the pro-
 14 ceeding.

15 (b) To rescind the acknowledgment, the party shall sign and file with the State Registrar of the
 16 Center for Health Statistics a written document declaring the rescission.

17 (5)(a) A signed voluntary acknowledgment of paternity filed in this state may be challenged and
 18 set aside in circuit court at any time after the 60-day period referred to in subsection (4) of this
 19 section on the basis of fraud, duress or a material mistake of fact.

20 (b) The challenge may be brought by:

21 (A) A party to the acknowledgment;

22 (B) The child named in the acknowledgment; or

23 (C) The Department of Human Services or the administrator, as defined in ORS 25.010, if the
 24 child named in the acknowledgment is in the care and custody of the department under ORS chapter
 25 419B and the department or the administrator reasonably believes that the acknowledgment was
 26 signed because of fraud, duress or a material mistake of fact.

27 (c) The challenge shall be initiated by filing a petition with the circuit court. Unless otherwise
 28 specifically provided by law, the challenge shall be conducted pursuant to the Oregon Rules of Civil
 29 Procedure.

30 (d) The party bringing the challenge has the burden of proof.

31 (e) Legal responsibilities arising from the acknowledgment, including child support obligations,
 32 may not be suspended during the challenge, except for good cause.

33 (f) If the court finds by a preponderance of the evidence that the acknowledgment was signed
 34 because of fraud, duress or material mistake of fact, the court shall set aside the acknowledgment
 35 unless, giving consideration to the interests of the parties and the child, the court finds that setting
 36 aside the acknowledgment would be substantially inequitable.

37 (6) Within one year after a voluntary acknowledgment of paternity form is filed in this state and
 38 if blood tests, as defined in ORS 109.251, have not been completed, a party to the acknowledgment,
 39 or the department if the child named in the acknowledgment is in the care and custody of the de-
 40 partment under ORS chapter 419B, may apply to the administrator for an order for blood tests in
 41 accordance with ORS 416.443.

42 (7)(a) A voluntary acknowledgment of paternity is not valid if, before the party signed the ac-
 43 knowledgment:

44 (A) The party signed a consent to the adoption of the child by another individual;

45 (B) The party signed a document relinquishing the child to a public or private child-caring

1 agency;

2 (C) The party's parental rights were terminated by a court; or

3 (D) In an adjudication, the party was determined not to be the biological parent of the child.

4 (b) Notwithstanding any provision of subsection (1)(c) or [(e)] (f) of this section or ORS 432.098
5 to the contrary, an acknowledgment signed by a party described in this subsection and filed with
6 the State Registrar of the Center for Health Statistics does not establish [*paternity*] **parentage** and
7 is void.

8 **SECTION 2.** ORS 109.239 is amended to read:

9 109.239. If the donor of semen used in artificial insemination is not the [*mother's husband*]
10 **spouse or registered domestic partner of the woman, unless the donor and woman otherwise**
11 **agree:**

12 (1) [*Such*] **The** donor shall have no right, obligation or interest with respect to [*a*] **any** child
13 born as a result of the artificial insemination; and

14 (2) [*A*] **Any** child born as a result of the artificial insemination shall have no right, obligation
15 or interest with respect to [*such*] **the** donor.

16 **SECTION 3.** ORS 109.243 is amended to read:

17 109.243. [*The relationship, rights and obligation between a child born as a result of artificial*
18 *insemination and the mother's husband shall be the same to all legal intents and purposes as if the*
19 *child had been naturally and legitimately conceived by the mother and the mother's husband if the*
20 *husband consented to the performance of artificial insemination.*] (1) **A person who consents in**
21 **writing to the artificial insemination of a woman, with the intent to be the parent of the**
22 **woman's child, is conclusively established as a parent of the child.**

23 (2) **Failure of a person to sign a written consent under subsection (1) of this section, ei-**
24 **ther before or after the birth of the child, shall not preclude findings that the person con-**
25 **sented to the artificial insemination of the woman and intended to be the parent of the**
26 **woman's child, if the woman and person resided together in the same household with the**
27 **child after the child's birth and openly held the child out as the child of the person and the**
28 **woman.**

29
30 **CONFORMING AMENDMENTS**

31
32 **SECTION 4.** ORS 18.052 is amended to read:

33 18.052. (1) A judge rendering a judgment shall file with the court administrator a judgment
34 document that incorporates the judgment. The judge must sign the judgment document unless the
35 court administrator is authorized by law to sign the judgment document. Before signing a judgment
36 document, the judge shall ensure that all requirements imposed by law for entry of the judgment
37 have been fulfilled, including the making of any written findings of fact or conclusions of law. If a
38 proposed judgment document submitted under ORS 18.035 does not comply with the requirements
39 of ORS 18.038, 18.042 and 18.048, the judge may not sign the judgment document. If a proposed
40 judgment document submitted under ORS 18.035 establishes [*paternity*] **parentage** or includes a
41 provision concerning support, but does not comply with the requirements of ORS 25.020 (8), the
42 judge may not sign the judgment document. Unless the judgment is exempt under ORS 18.038 (2), the
43 judge shall ensure that the title of the judgment document indicates whether the judgment is a
44 limited judgment, general judgment or supplemental judgment. If the judgment is a limited judgment
45 rendered under the provisions of ORCP 67 B, the judge must determine that there is no just reason

1 for delay, but the judgment document need not reflect that determination if the title of the judgment
 2 document indicates that the judgment is a limited judgment.

3 (2) A court administrator who signs a judgment under authority granted by law has the same
 4 duties as a judge under the provisions of this section.

5 (3) This section does not apply to justice courts, municipal courts or county courts performing
 6 judicial functions.

7 **SECTION 5.** ORS 25.020 is amended to read:

8 25.020. (1) Support payments for or on behalf of any person that are ordered, registered or filed
 9 under this chapter or ORS chapter 107, 108, 109, 110, 416, 419B or 419C, unless otherwise authorized
 10 by ORS 25.030, shall be made to the Department of Justice as the state disbursement unit:

11 (a) During periods for which support is assigned under ORS 412.024, 418.032, 419B.406 or
 12 419C.597;

13 (b) As provided by rules adopted under ORS 180.345, when public assistance is provided to a
 14 person who receives or has a right to receive support payments on the person's own behalf or on
 15 behalf of another person;

16 (c) After the assignment of support terminates for as long as amounts assigned remain owing;

17 (d) For any period during which support enforcement services are provided under ORS 25.080;

18 (e) When ordered by the court under ORS 419B.400;

19 (f) When a support order that is entered or modified on or after January 1, 1994, includes a
 20 provision requiring the obligor to pay support by income withholding; or

21 (g) When ordered by the court under any other applicable provision of law.

22 (2)(a) The Department of Justice shall disburse payments, after lawful deduction of fees and in
 23 accordance with applicable statutes and rules, to those persons and entities that are lawfully enti-
 24 tled to receive such payments.

25 (b) During a period for which support is assigned under ORS 412.024, for an obligee described
 26 in subsection (1)(b) of this section, the department shall disburse to the obligee, from child support
 27 collected each month, \$50 for each child up to a maximum of \$200 per family.

28 (3)(a) When the administrator is providing support enforcement services under ORS 25.080, the
 29 obligee may enter into an agreement with a collection agency, as defined in ORS 697.005, for as-
 30 sistance in collecting child support payments.

31 (b) The Department of Justice:

32 (A) Shall disburse support payments, to which the obligee is legally entitled, to the collection
 33 agency if the obligee submits the completed form referred to in paragraph (c)(A) of this subsection
 34 to the department;

35 (B) May reinstate disbursements to the obligee if:

36 (i) The obligee requests that disbursements be made directly to the obligee;

37 (ii) The collection agency violates any provision of this subsection; or

38 (iii) The Department of Consumer and Business Services notifies the Department of Justice that
 39 the collection agency is in violation of the rules adopted under ORS 697.086;

40 (C) Shall credit the obligor's account for the full amount of each support payment received by
 41 the department and disbursed to the collection agency; and

42 (D) Shall develop the form referred to in paragraph (c)(A) of this subsection, which shall include
 43 a notice to the obligee printed in type size equal to at least 12-point type that the obligee may be
 44 eligible for support enforcement services from the department or the district attorney without pay-
 45 ing the interest or fee that is typically charged by a collection agency.

- 1 (c) The obligee shall:
- 2 (A) Provide to the department, on a form approved by the department, information about the
- 3 agreement with the collection agency; and
- 4 (B) Promptly notify the department when the agreement is terminated.
- 5 (d) The collection agency:
- 6 (A) May provide investigative and location services to the obligee and disclose relevant infor-
- 7 mation from those services to the administrator for purposes of providing support enforcement ser-
- 8 vices under ORS 25.080;
- 9 (B) May not charge interest or a fee for its services exceeding 29 percent of each support pay-
- 10 ment received unless the collection agency, if allowed by the terms of the agreement between the
- 11 collection agency and the obligee, hires an attorney to perform legal services on behalf of the
- 12 obligee;
- 13 (C) May not initiate, without written authorization from the administrator, any enforcement
- 14 action relating to support payments on which support enforcement services are provided by the ad-
- 15 ministrator under ORS 25.080; and
- 16 (D) Shall include in the agreement with the obligee a notice printed in type size equal to at least
- 17 12-point type that provides information on the fees, penalties, termination and duration of the
- 18 agreement.
- 19 (e) The administrator may use information disclosed by the collection agency to provide support
- 20 enforcement services under ORS 25.080.
- 21 (4) The Department of Justice may immediately transmit to the obligee payments received from
- 22 any obligor without waiting for payment or clearance of the check or instrument received if the
- 23 obligor has not previously tendered any payment by a check or instrument that was not paid or was
- 24 dishonored.
- 25 (5) The Department of Justice shall notify each obligor and obligee by mail when support pay-
- 26 ments shall be made to the department and when the obligation to make payments in this manner
- 27 shall cease.
- 28 (6)(a) The administrator shall provide information about a child support account directly to a
- 29 party to the support order regardless of whether the party is represented by an attorney. As used
- 30 in this subsection, "information about a child support account" means the:
- 31 (A) Date of issuance of the support order.
- 32 (B) Amount of the support order.
- 33 (C) Dates and amounts of payments.
- 34 (D) Dates and amounts of disbursements.
- 35 (E) Payee of any disbursements.
- 36 (F) Amount of any arrearage.
- 37 (G) Source of any collection, to the extent allowed by federal law.
- 38 (b) Nothing in this subsection limits the information the administrator may provide by law to a
- 39 party who is not represented by an attorney.
- 40 (7) Any pleading for the entry or modification of a support order must contain a statement that
- 41 payment of support under a new or modified order will be by income withholding unless an excep-
- 42 tion to payment by income withholding is granted under ORS 25.396.
- 43 (8)(a) Except as provided in paragraphs (d) and (e) of this subsection, a judgment or order es-
- 44 tablishing [*paternity*] **parentage** or including a provision concerning support must contain:
- 45 (A) The residence, mailing or contact address, Social Security number, telephone number and

1 driver license number of each party;

2 (B) The name, address and telephone number of all employers of each party;

3 (C) The names and dates of birth of the joint children of the parties; and

4 (D) Any other information required by rule adopted by the Chief Justice of the Supreme Court
5 under ORS 1.002.

6 (b) The judgment or order shall also include notice that the obligor and obligee:

7 (A) Must inform the court and the administrator in writing of any change in the information
8 required by this subsection within 10 days after the change; and

9 (B) May request that the administrator review the amount of support ordered after three years,
10 or such shorter cycle as determined by rule of the Department of Justice, or at any time upon a
11 substantial change of circumstances.

12 (c) The administrator may require of the parties any additional information that is necessary for
13 the provision of support enforcement services under ORS 25.080.

14 (d)(A) Upon a finding, which may be made ex parte, that the health, safety or liberty of a party
15 or child would unreasonably be put at risk by the disclosure of information specified in this sub-
16 section or by the disclosure of other information concerning a child or party to a [*paternity*] **par-**
17 **entage** or support proceeding or if an existing order so requires, a court or administrator or
18 administrative law judge, when the proceeding is administrative, shall order that the information
19 not be contained in any document provided to another party or otherwise disclosed to a party other
20 than the state.

21 (B) The Department of Justice shall adopt rules providing for similar confidentiality for infor-
22 mation described in subparagraph (A) of this paragraph that is maintained by an entity providing
23 support enforcement services under ORS 25.080.

24 (e) The Chief Justice of the Supreme Court may, in consultation with the Department of Justice,
25 adopt rules under ORS 1.002 to designate information specified in this subsection as confidential and
26 require that the information be submitted through an alternate procedure to ensure that the infor-
27 mation is exempt from public disclosure under ORS 192.502.

28 (9)(a) Except as otherwise provided in paragraph (b) of this subsection, in any subsequent child
29 support enforcement action, the court or administrator, upon a showing of diligent effort made to
30 locate the obligor or obligee, may deem due process requirements to be met by mailing notice to the
31 last-known residential, mailing or employer address or contact address as provided in ORS 25.085.

32 (b) Service of an order directing an obligor to appear in a contempt proceeding is subject to
33 ORS 33.015 to 33.155.

34 (10) Subject to ORS 25.030, this section, to the extent it imposes any duty or function upon the
35 Department of Justice, shall be deemed to supersede any provisions of ORS chapters 107, 108, 109,
36 110, 416, 419A, 419B and 419C that would otherwise impose the same duties or functions upon the
37 county clerk or the Department of Human Services.

38 (11) Except as provided for in subsections (12), (13) and (14) of this section, credit may not be
39 given for payments not made to the Department of Justice as required under subsection (1) of this
40 section.

41 (12) The Department of Justice shall give credit for payments not made to the department:

42 (a) When payments are not assigned to this or another state and the obligee and obligor agree
43 in writing that specific payments were made and should be credited;

44 (b) When payments are assigned to the State of Oregon, the obligor and obligee make sworn
45 written statements that specific payments were made, canceled checks or other substantial evidence

1 is presented to corroborate their statements and the obligee has been given prior written notice of
 2 any potential criminal or civil liability that may attach to an admission of the receipt of assigned
 3 support;

4 (c) When payments are assigned to another state and that state verifies that payments not paid
 5 to the department were received by the other state; or

6 (d) As provided by rule adopted under ORS 180.345.

7 (13) An obligor may apply to the Department of Justice for credit for payments made other than
 8 to the Department of Justice. If the obligee or other state does not provide the agreement, sworn
 9 statement or verification required by subsection (12) of this section, credit may be given pursuant
 10 to order of an administrative law judge assigned from the Office of Administrative Hearings after
 11 notice and opportunity to object and be heard are given to both obligor and obligee. Notice shall
 12 be served upon the obligee as provided by ORS 25.085. Notice to the obligor may be by regular mail
 13 at the address provided in the application for credit. A hearing conducted under this subsection is
 14 a contested case hearing and ORS 183.413 to 183.470 apply. Any party may seek a hearing de novo
 15 in the circuit court.

16 (14) Nothing in this section precludes the Department of Justice from giving credit for payments
 17 not made to the department when there has been a judicially determined credit or satisfaction or
 18 when there has been a satisfaction of support executed by the person to whom support is owed.

19 (15) The Department of Justice shall adopt rules that:

20 (a) Direct how support payments that are made through the department are to be applied and
 21 disbursed; and

22 (b) Are consistent with federal regulations.

23 **SECTION 6.** ORS 25.075 is amended to read:

24 25.075. (1) Notwithstanding the provisions of ORS 25.080, the Department of Justice may enter
 25 into cooperative agreements with Indian tribes or tribal organizations within the borders of this
 26 state, if the Indian tribe or tribal organization demonstrates that the tribe or organization has an
 27 established tribal court system or a Court of Indian Offenses with the authority to:

28 (a) Establish [*paternity*] **parentage**;

29 (b) Establish, modify and enforce support orders; and

30 (c) Enter support orders in accordance with child support guidelines established by the tribe or
 31 organization.

32 (2) The agreements must provide for the cooperative delivery of child support enforcement ser-
 33 vices and for the forwarding of all child support collections pursuant to the functions performed by
 34 the tribe or organization to the department, or conversely, by the department to the tribe or or-
 35 ganization, which shall distribute the child support collections in accordance with the agreement.

36 **SECTION 7.** ORS 25.080 is amended to read:

37 25.080. (1) The following entity is primarily responsible for providing the support enforcement
 38 services described in subsection (4) of this section when an application as described in ORS 25.084
 39 is made, or when an assignment of support rights is made to the state:

40 (a) The Division of Child Support of the Department of Justice:

41 (A) If support rights are, or were within the past five months, assigned to this or another state;
 42 or

43 (B) In any case where arrearage under a support order is assigned or owed to or the right to
 44 recover back support or state debt is held by this state or another state.

45 (b) Except as provided in subsection (6) of this section, the district attorney in cases other than

1 those described in paragraph (a) of this subsection if an application as described in ORS 25.084 is
 2 made by the obligee, by the obligor, by a person having physical custody of a minor child or by a
 3 child attending school, as defined in ORS 107.108.

4 (2) The provisions of this section apply to support enforcement services for any order or judg-
 5 ment that is or could be entered under ORS 419B.400 or 419C.590 or ORS chapter 107, 108, 109, 110
 6 or 416. The entity specified in subsection (1) of this section shall provide the support enforcement
 7 services on behalf of the State of Oregon and not on behalf of any other party or on behalf of a
 8 parent. The Department of Justice shall adopt rules addressing the provision of support enforcement
 9 services when the purposes of the state in providing those services may be contradictory in indi-
 10 vidual cases.

11 (3) Notwithstanding the division of responsibility for providing support enforcement services
 12 between the Division of Child Support and the district attorney as described in subsection (1) of this
 13 section, provision of support enforcement services may not be challenged on the basis that the entity
 14 providing the services in a particular case is not the entity responsible for the case under subsection
 15 (1) of this section.

16 (4) When responsible for providing support enforcement services and there is sufficient evidence
 17 available to support the action to be taken, the entity described in subsection (1) of this section:

18 (a) Shall establish and enforce any child support obligation;

19 (b) Shall establish [*paternity*] **parentage**;

20 (c) Shall enforce spousal support when the obligee is living with the obligor's child for whom
 21 support enforcement services are being provided and those services are funded in part by federal
 22 moneys;

23 (d) May enforce any other order or judgment for spousal support;

24 (e) Shall, on behalf of the state, initiate and respond to child support modification proceedings
 25 based upon a substantial change of circumstances;

26 (f) Shall, on behalf of the state, initiate and respond to child support modification proceedings
 27 based upon a modification conducted under ORS 25.287 concerning existing child support orders;

28 (g) Shall establish and enforce obligations to provide medical insurance coverage for dependent
 29 children;

30 (h) Shall ensure compliance with the provisions of 42 U.S.C. 651 to 669 and 45 C.F.R. Chapter
 31 III as authorized by state law;

32 (i) Shall carry out the policy of the State of Oregon regarding child support obligations as ex-
 33 pressed in ORS 416.405; and

34 (j) Shall ensure that child support orders are in compliance with the formula established by this
 35 chapter.

36 (5) In any proceeding under subsection (4) of this section, the parties are those described in ORS
 37 416.407.

38 (6) The district attorney of any county and the department may provide by agreement for as-
 39 sumption by the Division of Child Support of the functions of the district attorney under subsection
 40 (1) of this section or for redistribution between the district attorney and the Division of Child Sup-
 41 port of all or any portion of the duties, responsibilities and functions set forth in subsections (1) and
 42 (4) of this section.

43 (7) All county governing bodies and all district attorneys shall enter into child support cooper-
 44 ative agreements with the department. The following apply to this subsection:

45 (a) The agreements shall contain appropriate terms and conditions sufficient for the state to

1 comply with all child support enforcement service requirements under federal law; and

2 (b) If this state loses any federal funds due to the failure of a county governing body or district
 3 attorney to either enter into an agreement under this subsection or to provide sufficient support
 4 enforcement service, the county shall be liable to the department for, and the liability shall be lim-
 5 ited to, the amount of money the state determines it lost because of the failure. The state shall offset
 6 the loss from any moneys the state is holding for or owes the county or from any moneys the state
 7 would pay to the county for any purpose.

8 (8) The Department of Justice shall enter into an agreement with the Oregon District Attorneys
 9 Association to establish a position or positions to act as a liaison between the Division of Child
 10 Support and those district attorneys who provide support enforcement services under this section.
 11 The department shall fund the position or positions. The Oregon District Attorneys Association shall
 12 administer the liaison position or positions under the agreement. The liaison shall work to:

13 (a) Enhance the participation and interaction of the district attorneys in the development and
 14 implementation of Child Support Program policies and services; and

15 (b) Increase the effectiveness of child support enforcement services provided by the district at-
 16 torneys.

17 (9) The district attorney or the Division of Child Support, whichever is appropriate, shall pro-
 18 vide the services specified in subsections (1) and (4) of this section to any applicant, but may in their
 19 discretion, upon a determination and notice to the applicant that the prospect of successful recovery
 20 from the obligor of a portion of the delinquency or future payments is remote, require payment to
 21 the district attorney or the Division of Child Support of an application fee, in accordance with an
 22 application fee schedule established by rule by the department. If service performed results in the
 23 district attorney or the Division of Child Support recovering any support enforcement fees, the fees
 24 shall be paid to the applicant in an amount equal to the amount of the application fee.

25 (10) An obligee may request the Division of Child Support or a district attorney to cease all
 26 collection efforts if it is anticipated that physical or emotional harm will be caused to the parent
 27 or caretaker relative or the child for whom support was to have been paid. The department, by rule,
 28 shall set out the circumstances under which such requests shall be honored.

29 **SECTION 8.** ORS 25.082 is amended to read:

30 25.082. (1) When services are being provided under Title IV-D of the Social Security Act, the
 31 enforcing agency of this or any other state may subpoena financial records and other information
 32 needed to establish [*paternity*] **parentage** or to establish, modify or enforce a support order. The
 33 subpoena may be served on a party or on a public or private entity. Service of the subpoena may
 34 be by certified mail.

35 (2) A party or public or private entity that discloses information to the enforcing agency in
 36 compliance with a subpoena served under subsection (1) of this section is not liable to any person
 37 for any loss, damage or injury arising out of the disclosure.

38 (3) Upon request of an enforcing agency of another state, only a court or enforcing agency of
 39 Oregon may enforce a subpoena issued by the enforcing agency of the other state.

40 (4) Notwithstanding ORS 192.600, a party or public or private entity that fails without good
 41 cause to comply with a subpoena issued under this section is subject to a civil penalty not to exceed
 42 \$250. A civil penalty under this section must be imposed in the manner provided by ORS 183.745.

43 (5) The Department of Justice shall adopt rules to implement the provisions of this section.

44 **SECTION 9.** ORS 25.650 is amended to read:

45 25.650. (1) As used in this section, “consumer reporting agency” means any person that, for

1 monetary fees or dues or on a cooperative nonprofit basis, regularly engages in whole or in part in
2 the practice of assembling or evaluating consumer credit information or other information on con-
3 sumers for the purpose of furnishing consumer reports to third parties, and that uses any means or
4 facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

5 (2)(a) Notwithstanding any other law, and subject to rules established by the Department of
6 Justice, for cases in which there is past due support, the department shall:

7 (A) Report periodically to consumer reporting agencies the name of any obligor who is delin-
8 quent in the payment of support and the amount owed by the obligor; and

9 (B) Otherwise make available to a consumer reporting agency upon its request information re-
10 garding the amount of past due support owed by an obligor.

11 (b) The department shall provide advance notice to both the obligor and the obligee concerning
12 the proposed reporting of information to the consumer reporting agencies. The notice must inform
13 both parties:

14 (A) Of the amount of the past due support the department will report to the consumer reporting
15 agencies;

16 (B) That the department will continue to report the past due support amount owed without
17 sending additional notice to the parties;

18 (C) Of the obligor's right to request an administrative review within 30 days after the date of
19 the notice; and

20 (D) Of the issues that may be considered on review.

21 (c) If an obligor requests an administrative review, the department may not report the past due
22 support amount until the review is complete.

23 (d) A party may appeal a decision from the administrative review under ORS 183.484. An appeal
24 of the decision does not stay the department from making reports to consumer reporting agencies.

25 (3)(a) If [*paternity*] **parentage** has been established and a consumer report is needed for the
26 purpose of establishing or modifying a child support order, the administrator may request that a
27 consumer reporting agency provide a report.

28 (b) At least 10 days prior to making a request under paragraph (a) of this subsection, the ad-
29 ministrator shall notify the obligor or obligee whose report is requested, by certified or registered
30 mail, that the report will be requested.

31 (4) The department shall report information under subsection (2) of this section only to a person
32 that has furnished evidence satisfactory to the department that the person is a consumer reporting
33 agency.

34 (5) When the department has made a report to a consumer reporting agency under subsection
35 (2) of this section, the department shall promptly notify the consumer reporting agency when the
36 department's records show that the obligor no longer owes past due support.

37 **SECTION 10.** ORS 25.750 is amended to read:

38 25.750. (1) All licenses, certificates, permits or registrations that a person is required by state
39 law to possess in order to engage in an occupation or profession or to use a particular occupational
40 or professional title, all annual licenses issued to individuals by the Oregon Liquor Control Com-
41 mission, all driver licenses or permits issued by the Department of Transportation and recreational
42 hunting and fishing licenses, as defined by rule of the Department of Justice, are subject to sus-
43 pension by the respective issuing entities upon certification to the issuing entity by the administra-
44 tor that a child support case record is being maintained by the Department of Justice, that the case
45 is being enforced by the administrator under the provisions of ORS 25.080 and that one or both of

1 the following conditions apply:

2 (a) That the party holding the license, certificate, permit or registration is in arrears under any
3 child support judgment or order, in an amount equal to the greater of three months of support or
4 \$2,500, and:

5 (A) Has not entered into an agreement with the administrator with respect to the child support
6 obligation; or

7 (B) Is not in compliance with an agreement entered into with the administrator; or

8 (b) That the party holding the license, certificate, permit or registration has failed, after re-
9 ceiving appropriate notice, to comply with a subpoena or other procedural order relating to a
10 [paternity] **parentage** or child support proceeding and:

11 (A) Has not entered into an agreement with the administrator with respect to compliance; or

12 (B) Is not in compliance with such an agreement.

13 (2) The Department of Justice by rule shall specify the conditions and terms of agreements,
14 compliance with which precludes the suspension of the license, certificate, permit or registration.

15 **SECTION 11.** ORS 107.106 is amended to read:

16 107.106. (1) An order or judgment providing for the custody, parenting time, visitation or support
17 of a child under ORS chapter 25, 107, 108, 109 or 110 or ORS 419B.400 or 419C.590 shall include:

18 (a) Provisions addressing the issues of:

19 (A) Payment of uninsured medical expenses of the child;

20 (B) Maintenance of insurance or other security for support; and

21 (C) Medical support for the child under ORS 25.321 to 25.343.

22 (b) A statement in substantially the following form:

23
24
25 The terms of child support and parenting time (visitation) are designed for the child's benefit
26 and not the parents' benefit. You must pay support even if you are not receiving visitation. You
27 must comply with visitation orders even if you are not receiving child support.

28 Violation of child support orders and visitation orders is punishable by fine, imprisonment or
29 other penalties.

30 Publicly funded help is available to establish, enforce and modify child support orders.
31 [Paternity] **Parentage** establishment services are also available. Contact your local district attorney
32 or the Department of Justice at (503) 373-7300 for information.

33 Publicly funded help may be available to establish, enforce and modify visitation orders. Forms
34 are available to enforce visitation orders. Contact the domestic relations court clerk or civil court
35 clerk for information.

36
37
38 (2) The court or administrative law judge shall ensure the creation and filing of an order or
39 judgment that complies with this section.

40 (3) This section does not apply to an action undertaken by the Division of Child Support of the
41 Department of Justice or a district attorney under ORS 25.080.

42 **SECTION 12.** ORS 107.179 is amended to read:

43 107.179. (1) When either party to a child custody issue, other than one involving temporary
44 custody, whether the issue arises from a case of marital annulment, dissolution or separation, or
45 from a determination of [paternity] **parentage**, requests the court to grant joint custody of the minor

1 children of the parties under ORS 107.105, the court, if the other party objects to the request for
 2 joint custody, shall proceed under this section. The request under this subsection must be made, in
 3 the petition or the response, or otherwise not less than 30 days before the date of trial in the case,
 4 except for good cause shown. The court in such circumstances, except as provided in subsection (3)
 5 of this section, shall direct the parties to participate in mediation in an effort to resolve their dif-
 6 ferences concerning custody. The court may order such participation in mediation within a medi-
 7 ation program established by the court or as conducted by any mediator approved by the court.
 8 Unless the court or the county provides a mediation service available to the parties, the court may
 9 order that the costs of the mediation be paid by one or both of the parties, as the court finds equi-
 10 table upon consideration of the relative ability of the parties to pay those costs. If, after 90 days,
 11 the parties do not arrive at a resolution of their differences, the court shall proceed to determine
 12 custody.

13 (2) At its discretion, the court may:

14 (a) Order mediation under this section prior to trial and postpone trial of the case pending the
 15 outcome of the mediation, in which case the issue of custody shall be tried only upon failure to re-
 16 solve the issue of custody by mediation;

17 (b) Order mediation under this section prior to trial and proceed to try the case as to issues
 18 other than custody while the parties are at the same time engaged in the mediation, in which case
 19 the issue of custody shall be tried separately upon failure to resolve the issue of custody by medi-
 20 ation; or

21 (c) Complete the trial of the case on all issues and order mediation under this section upon the
 22 conclusion of the trial, postponing entry of the judgment pending outcome of the mediation, in which
 23 case the court may enter a limited judgment as to issues other than custody upon completion of the
 24 trial or may postpone entry of any judgment until the expiration of the mediation period or agree-
 25 ment of the parties as to custody.

26 (3) If either party objects to mediation on the grounds that to participate in mediation would
 27 subject the party to severe emotional distress and moves the court to waive mediation, the court
 28 shall hold a hearing on the motion. If the court finds it likely that participation in mediation will
 29 subject the party to severe emotional distress, the court may waive the requirement of mediation.

30 (4) Communications made by or to a mediator or between parties as a part of mediation ordered
 31 under this section are privileged and are not admissible as evidence in any civil or criminal pro-
 32 ceeding.

33 **SECTION 13.** ORS 107.425 is amended to read:

34 107.425. (1) In suits or proceedings described in subsection (4) of this section in which there are
 35 minor children involved, the court may cause an investigation to be made as to the character, family
 36 relations, past conduct, earning ability and financial worth of the parties for the purpose of pro-
 37 tecting the children's future interest. The court may defer the entry of a general judgment until the
 38 court is satisfied that its judgment in such suit or proceeding will properly protect the welfare of
 39 such children. The investigative findings shall be offered as and subject to all rules of evidence.
 40 Costs of the investigation may be charged against one or more of the parties or as a cost in the
 41 proceedings but shall not be charged against funds appropriated for public defense services.

42 (2) The court, on its own motion or on the motion of a party, may order an independent physical,
 43 psychological, psychiatric or mental health examination of a party or the children and may require
 44 any party and the children to be interviewed, evaluated and tested by an expert or panel of experts.
 45 The court may also authorize the expert or panel of experts to interview other persons and to re-

1 quest other persons to make available to the expert or panel of experts records deemed by the court
 2 or the expert or panel of experts to be relevant to the evaluation. The court may order the parties
 3 to authorize the disclosure of such records. In the event the parties are unable to stipulate to the
 4 selection of an expert or panel of experts to conduct the examination or evaluation, the court shall
 5 appoint a qualified expert or panel of experts. The court shall direct one or more of the parties to
 6 pay for the examination or evaluation in the absence of an agreement between the parties as to the
 7 responsibility for payment but shall not direct that the expenses be charged against funds appro-
 8 priated for public defense services. If more than one party is directed to pay, the court may deter-
 9 mine the amount that each party will pay based on financial ability.

10 (3)(a) In addition to an investigation, examination or evaluation under subsections (1) and (2)
 11 of this section, the court may appoint an individual or a panel or may designate a program to assist
 12 the court in creating parenting plans or resolving disputes regarding parenting time and to assist
 13 parents in creating and implementing parenting plans. The services provided to the court and to
 14 parents under this section may include:

15 (A) Gathering information;

16 (B) Monitoring compliance with court orders;

17 (C) Providing the parents, their attorneys, if any, and the court with recommendations for new
 18 or modified parenting time provisions; and

19 (D) Providing parents with problem solving, conflict management and parenting time coordi-
 20 nation services or other services approved by the court.

21 (b) Services provided under this section may require the provider to possess and utilize medi-
 22 ation skills, but the services are not comprised exclusively of mediation services under ORS 107.755
 23 to 107.795. If only mediation services are provided, the provisions of ORS 107.755 to 107.795 apply.

24 (c) The court may order one or more of the parties to pay for services provided under this
 25 subsection, if the parties are unable to agree on their respective responsibilities for payment. The
 26 court may not order that expenses be charged against funds appropriated for public defense services.

27 (d) The presiding judge of each judicial district shall establish qualifications for the appointment
 28 and training of individuals and panels and the designation of programs under this section. In estab-
 29 lishing qualifications, a presiding judge shall take into consideration any guidelines recommended
 30 by the statewide family law advisory committee.

31 (4) The provisions of this section apply when:

32 (a) A person files a domestic relations suit, as defined in ORS 107.510;

33 (b) A motion to modify an existing judgment in a domestic relations suit is before the court;

34 (c) A parent of a child born to [*an unmarried woman*] **a woman who is not married or in a**
 35 **registered domestic partnership** initiates a civil proceeding to determine custody or support under
 36 ORS 109.103;

37 (d) A person petitions or files a motion for intervention under ORS 109.119;

38 (e) A person or the administrator files a petition under ORS 109.125 to establish [*paternity*]
 39 **parentage** and [*paternity*] **parentage** is established; or

40 (f) A habeas corpus proceeding is before the court.

41 (5) Application of the provisions of subsection (1), (2) or (3) of this section to the proceedings
 42 under subsection (4) of this section does not prevent initiation, entry or enforcement of an order of
 43 support.

44 (6) The court, on its own motion or on the motion of a party, may appoint counsel for the chil-
 45 dren. However, if requested to do so by one or more of the children, the court shall appoint counsel

1 for the child or children. A reasonable fee for an attorney so appointed may be charged against one
 2 or more of the parties or as a cost in the proceedings but shall not be charged against funds ap-
 3 propriated for public defense services.

4 (7) Prior to the entry of an order, the court on its own motion or on the motion of a party may
 5 take testimony from or confer with the child or children of the marriage **or registered domestic**
 6 **partnership** and may exclude from the conference the parents and other persons if the court finds
 7 that such action would be likely to be in the best interests of the child or children. However, the
 8 court shall permit an attorney for each party to attend the conference and question the child, and
 9 the conference shall be reported.

10 **SECTION 14.** ORS 109.012 is amended to read:

11 109.012. (1)(a) The expenses of a minor child and the education of the minor child are chargeable
 12 upon the property of either or both parents who have not married each other. The parents may be
 13 sued jointly or separately for the expenses and education of the minor child.

14 (b) This subsection applies to a [*man*] **person** who is asserted to be a parent of the minor child
 15 only when:

16 (A) A voluntary acknowledgment of paternity form has been filed in this or another state and
 17 the period for rescinding or challenging the voluntary acknowledgment on grounds other than fraud,
 18 duress or material mistake of fact has expired; or

19 (B) [*Paternity*] **Parentage** has been established pursuant to an order or judgment entered under
 20 ORS 109.124 to 109.230 or 416.430.

21 (c) As used in this subsection, “expenses of a minor child” includes only expenses incurred for
 22 the benefit of a minor child.

23 (2) Notwithstanding subsection (1) of this section, a parent is not responsible for debts con-
 24 tracted by the other parent after the separation of one parent from the other parent, except for
 25 debts incurred for maintenance, support and education of the minor child of the parents.

26 (3) For the purposes of subsection (2) of this section, parents are considered separated if they
 27 are living in separate residences without intention of reconciliation at the time the debt is incurred.
 28 The court may consider the following factors in determining whether the parents are separated, in
 29 addition to other relevant factors:

30 (a) Whether the parents subsequently reconciled.

31 (b) The number of separations and reconciliations of the parents.

32 (c) The length of time the parents lived apart.

33 (d) Whether the parents intend to reconcile.

34 (4) An action under this section must be commenced within the period otherwise provided by
 35 law.

36 **SECTION 15.** ORS 109.072 is amended to read:

37 109.072. (1) As used in this section:

38 (a) “Blood tests” has the meaning given that term in ORS 109.251.

39 (b) “[*Paternity*] **Parentage** judgment” means a judgment or administrative order that:

40 (A) Expressly or by inference determines the [*paternity*] **parentage** of a child, or that imposes
 41 a child support obligation based on the [*paternity*] **parentage** of a child; and

42 (B) Resulted from a proceeding in which blood tests were not performed and the issue of
 43 [*paternity*] **parentage** was not challenged.

44 (c) “Petition” means a petition or motion filed under this section.

45 (d) “Petitioner” means the person filing a petition or motion under this section.

1 (2)(a) The following may file in circuit court a petition to vacate or set aside the [*paternity*]
 2 **parentage** determination of a [*paternity*] **parentage** judgment, including any child support obli-
 3 gations established in the [*paternity*] **parentage** judgment, and for a judgment of [*nonpaternity*]
 4 **nonparentage**:

5 (A) A party to the [*paternity*] **parentage** judgment.

6 (B) The Department of Human Services if the child is in the care and custody of the Department
 7 of Human Services under ORS chapter 419B.

8 (C) The Division of Child Support of the Department of Justice if the child support rights of the
 9 child or of one of the parties to the [*paternity*] **parentage** judgment have been assigned to the state.

10 (b) The petitioner may file the petition in the circuit court proceeding in which the [*paternity*]
 11 **parentage** judgment was entered, in a related proceeding or in a separate action. The petitioner
 12 shall attach a copy of the [*paternity*] **parentage** judgment to the petition.

13 (c) If the ground for the petition is that the [*paternity*] **parentage** determination was obtained
 14 by or was the result of mistake, inadvertence, surprise or excusable neglect, the petitioner may not
 15 file the petition more than one year after entry of the [*paternity*] **parentage** judgment.

16 (d) If the ground for the petition is that the [*paternity*] **parentage** determination was obtained
 17 by or was the result of fraud, misrepresentation or other misconduct of an adverse party, the
 18 petitioner may not file the petition more than one year after the petitioner discovers the fraud,
 19 misrepresentation or other misconduct.

20 (3) In the petition, the petitioner shall:

21 (a) Designate as parties:

22 (A) All persons who were parties to the [*paternity*] **parentage** judgment;

23 (B) The child if the child is a child attending school, as defined in ORS 107.108;

24 (C) The Department of Human Services if the child is in the care and custody of the Department
 25 of Human Services under ORS chapter 419B; and

26 (D) The Administrator of the Division of Child Support of the Department of Justice if the child
 27 support rights of the child or of one of the parties to the [*paternity*] **parentage** judgment have been
 28 assigned to the state.

29 (b) Provide the full name and date of birth of the child whose [*paternity*] **parentage** was deter-
 30 mined by the [*paternity*] **parentage** judgment.

31 (c) Allege the facts and circumstances that resulted in the entry of the [*paternity*] **parentage**
 32 judgment and explain why the issue of [*paternity*] **parentage** was not contested.

33 (4) After filing a petition under this section, the petitioner shall serve a summons and a true
 34 copy of the petition on all parties as provided in ORCP 7.

35 (5) The court, on its own motion or on the motion of a party, may appoint counsel for the child.
 36 However, if requested to do so by the child, the court shall appoint counsel for the child. A rea-
 37 sonable fee for an attorney so appointed may be charged against one or more of the parties or as
 38 a cost in the proceeding, but may not be charged against funds appropriated for public defense ser-
 39 vices.

40 (6) The court may order the mother, the child and the [*man*] **person** whose [*paternity*] **parentage**
 41 of the child was determined by the [*paternity*] **parentage** judgment to submit to blood tests. In de-
 42 ciding whether to order blood tests, the court shall consider the interests of the parties and the
 43 child and, if it is just and equitable to do so, may deny a request for blood tests. If the court orders
 44 blood tests under this subsection, the court shall order the petitioner to pay the costs of the blood
 45 tests.

1 (7) Unless the court finds, giving consideration to the interests of the parties and the child, that
 2 to do so would be substantially inequitable, the court shall vacate or set aside the [*paternity*] **par-**
 3 **entage** determination of the [*paternity*] **parentage** judgment, including provisions imposing child
 4 support obligations, and enter a judgment of [*nonpaternity*] **nonparentage** if the court finds by a
 5 preponderance of the evidence that:

6 (a) The [*paternity*] **parentage** determination was obtained by or was the result of:

7 (A) Mistake, inadvertence, surprise or excusable neglect; or

8 (B) Fraud, misrepresentation or other misconduct of an adverse party;

9 (b) The mistake, inadvertence, surprise, excusable neglect, fraud, misrepresentation or other
 10 misconduct was discovered by the petitioner after the entry of the [*paternity*] **parentage** judgment;
 11 and

12 (c) **Where applicable, the** blood tests establish that the man is not the biological father of the
 13 child.

14 (8) If the court finds that the [*paternity*] **parentage** determination of a [*paternity*] **parentage**
 15 judgment was obtained by or was the result of fraud, the court may vacate or set aside the
 16 [*paternity*] **parentage** determination regardless of whether the fraud was intrinsic or extrinsic.

17 (9) **Where applicable,** if the court finds, based on blood test evidence, that the man may be the
 18 biological father of the child and that the cumulative paternity index based on the blood test evi-
 19 dence is 99 or greater, the court shall deny the petition.

20 (10) The court may grant the relief authorized by this section upon a party's default, or by
 21 consent or stipulation of the parties, without blood test evidence.

22 (11) A judgment entered under this section vacating or setting aside the [*paternity*] **parentage**
 23 determination of a [*paternity*] **parentage** judgment and determining [*nonpaternity*] **nonparentage**:

24 (a) Shall contain the full name and date of birth of the child whose [*paternity*] **parentage** was
 25 established or declared by the [*paternity*] **parentage** judgment.

26 (b) Shall vacate and terminate any ongoing and future child support obligations arising from or
 27 based on the [*paternity*] **parentage** judgment.

28 (c) May vacate or deem as satisfied, in whole or in part, unpaid child support obligations arising
 29 from or based on the [*paternity*] **parentage** judgment.

30 (d) May not order restitution from the state for any sums paid to or collected by the state for
 31 the benefit of the child.

32 (12) If the court vacates or sets aside the [*paternity*] **parentage** determination of a [*paternity*]
 33 **parentage** judgment under this section and enters a judgment of [*nonpaternity*] **nonparentage**, the
 34 petitioner shall send a court-certified true copy of the judgment entered under this section to the
 35 State Registrar of the Center for Health Statistics and to the Department of Justice as the state
 36 disbursement unit. Upon receipt of the court-certified true copy of the judgment entered under this
 37 section, the state registrar shall correct any records maintained by the state registrar that indicate
 38 that the [*male*] party to the [*paternity*] **parentage** judgment is the [*father*] **parent** of the child.

39 (13) The court may award to the prevailing party a judgment for reasonable attorney fees and
 40 costs, including the cost of any blood tests ordered by the court and paid by the prevailing party.

41 (14) A judgment entered under this section vacating or setting aside the [*paternity*] **parentage**
 42 determination of a [*paternity*] **parentage** judgment and determining [*nonpaternity*] **nonparentage** is
 43 not a bar to further proceedings to determine [*paternity*] **parentage**, as otherwise allowed by law.

44 (15) If a [*man*] **person** whose [*paternity*] **parentage** of a child has been determined by a
 45 [*paternity*] **parentage** judgment has died, an action under this section may not be initiated by or on

1 behalf of the estate of the *[man]* **person**.

2 (16) This section does not limit the authority of the court to vacate or set aside a judgment
3 under ORCP 71, to modify a judgment within a reasonable period, to entertain an independent action
4 to relieve a party from a judgment, to vacate or set aside a judgment for fraud upon the court or
5 to render a declaratory judgment under ORS chapter 28.

6 (17) This section shall be liberally construed to the end of achieving substantial justice.

7 **SECTION 16.** ORS 109.073 is amended to read:

8 109.073. Except as otherwise provided in ORS 25.020, the Social Security number of a parent
9 who is subject to a *[paternity]* **parentage** determination pursuant to ORS 109.070 [(1)(d), (e), (f) or
10 (g)] **(1)(e), (f), (g) or (h)** or 416.400 to 416.465 shall be included in the order, judgment or other
11 declaration establishing *[paternity]* **parentage**.

12 **SECTION 17.** ORS 109.092 is amended to read:

13 109.092. When it is determined that a woman is pregnant with a child, the woman and any man
14 to whom she is not married and with whom she engaged in sexual intercourse at approximately the
15 time of conception have an obligation to recognize that the man may be the other person responsible
16 for the conception. During the months of pregnancy, the man may join the woman in acknowledging
17 paternity and assuming the rights and duties of expectant parenthood. If the man acknowledges
18 paternity of the expected child and the woman denies that he is the father or refuses to join him in
19 acknowledging paternity, the man may seek relief under ORS 109.125. If the woman wants the man
20 to join her in acknowledging his paternity of the expected child and the man denies that he is the
21 father or refuses to join her in acknowledging paternity, the woman may seek relief under ORS
22 109.125. If after the birth of the child the mother decides to surrender the child for adoption and
23 paternity has not been acknowledged as provided in ORS 109.070 [(1)(e)] **(1)(f)** or the putative father
24 has not asserted his rights in filiation proceedings, the mother has the right without the consent of
25 the father to surrender the child as provided in ORS 418.270 or to consent to the child's adoption.

26 **SECTION 18.** ORS 109.094 is amended to read:

27 109.094. Upon the *[paternity]* **parentage** of a child being established in the proceedings, the *[fa-*
28 *ther]* **parent** shall have the same rights as a *[father]* **parent** who is or was married to **or in a reg-**
29 **istered domestic partnership with** the mother of the child. The clerk of the court shall certify the
30 fact of *[paternity]* **parentage** to the Center for Health Statistics of the Oregon Health Authority, and
31 the Center for Health Statistics shall amend a record of live birth for the child and issue a new
32 certified copy of the record of live birth for the child.

33 **SECTION 19.** ORS 109.096 is amended to read:

34 109.096. (1) When the *[paternity]* **parentage** of a child has not been established under ORS
35 109.070, the putative father is entitled to reasonable notice in adoption or other court proceedings
36 concerning the custody of the child, except for juvenile court proceedings, if the petitioner knows,
37 or by the exercise of ordinary diligence should have known:

38 (a) That the child resided with the putative father at any time during the 60 days immediately
39 preceding the initiation of the proceeding, or at any time since the child's birth if the child is less
40 than 60 days old when the proceeding is initiated; or

41 (b) That the putative father repeatedly has contributed or tried to contribute to the support of
42 the child during the year immediately preceding the initiation of the proceeding, or during the pe-
43 riod since the child's birth if the child is less than one year old when the proceeding is initiated.

44 (2) Except as provided in subsection (3) or (4) of this section, a verified statement of the mother
45 of the child or of the petitioner, or an affidavit of another person with knowledge of the facts, filed

1 in the proceeding and asserting that the child has not resided with the putative father, as provided
 2 in subsection (1)(a) of this section, and that the putative father has not contributed or tried to con-
 3 tribute to the support of the child, as provided in subsection (1)(b) of this section, is sufficient proof
 4 to enable the court to grant the relief sought without notice to the putative father.

5 (3) The putative father is entitled to reasonable notice in a proceeding for the adoption of the
 6 child if notice of the initiation of filiation proceedings as required by ORS 109.225 was on file with
 7 the Center for Health Statistics of the Oregon Health Authority prior to the child's being placed in
 8 the physical custody of a person or persons for the purpose of adoption by them. If the notice of the
 9 initiation of filiation proceedings was not on file at the time of the placement, the putative father
 10 is barred from contesting the adoption proceeding.

11 (4) Except as otherwise provided in subsection (3) of this section, the putative father is entitled
 12 to reasonable notice in court proceedings concerning the custody of the child, other than juvenile
 13 court proceedings, if notice of the initiation of filiation proceedings as required by ORS 109.225 was
 14 on file with the Center for Health Statistics prior to the initiation of the proceedings.

15 (5) Notice under this section is not required to be given to a putative father who was a party
 16 to filiation proceedings under ORS 109.125 that were dismissed or resulted in a finding that he was
 17 not the father of the child.

18 (6) The notice required under this section shall be given in the manner provided in ORS 109.330.

19 (7) No notice given under this section need disclose the name of the mother of the child.

20 (8) A putative father has the primary responsibility to protect his rights, and nothing in this
 21 section shall be used to set aside an act of a permanent nature including, but not limited to,
 22 adoption or termination of parental rights, unless the father establishes within one year after the
 23 entry of the final judgment or order fraud on the part of a petitioner in the proceeding with respect
 24 to matters specified in subsections (1) to (5) of this section.

25 **SECTION 20.** ORS 109.098 is amended to read:

26 109.098. (1) If a putative father of a child by due appearance in a proceeding of which he is
 27 entitled to notice under ORS 109.096 objects to the relief sought, the court:

28 (a) May stay the adoption or other court proceeding to await the outcome of the filiation pro-
 29 ceedings only if notice of the initiation of filiation proceedings was on file as required by ORS
 30 109.096 (3) or (4).

31 (b) Shall, if filiation proceedings are not pending, inquire as to the [*paternity*] **parentage** of the
 32 child, the putative father's past endeavors to fulfill his obligation to support the child and to con-
 33 tribute to the pregnancy-related medical expenses, the period that the child has lived with the pu-
 34 tative father, the putative father's fitness to care for and rear the child and whether the putative
 35 father is willing to be declared the father of the child and to assume the responsibilities of a father.

36 (2) If after inquiry under subsection (1)(b) of this section the court finds:

37 (a) That the putative father is the father of the child and is fit and willing to assume the re-
 38 sponsibilities of a father, it shall have the power:

39 (A) Upon the request of the putative father, to declare his [*paternity*] **parentage** and to certify
 40 the fact of [*paternity*] **parentage** in the manner provided in ORS 109.094; and

41 (B) To award custody of the child to [*the mother or the father*] **either parent** as may be in the
 42 best interests of the child, or to take any other action which the court may take if the parents are
 43 or were married to **or in a registered domestic partnership with** each other.

44 (b) That the putative father is not the father of the child, it may grant the relief sought in the
 45 proceeding without the putative father's consent.

1 (c) That the putative father is the natural father of the child but is not fit or willing to assume
 2 the responsibilities of a father, it may grant the relief sought in the proceeding or any other relief
 3 that the court deems to be in the best interests of the child, notwithstanding the father's objection.

4 (3) If a putative father of a child is given the notice of a proceeding required by ORS 109.096
 5 and he fails to enter due appearance and to object to the relief sought therein within the time
 6 specified in the notice, the court may grant the relief sought without the putative father's consent.

7 **SECTION 21.** ORS 109.103 is amended to read:

8 109.103. (1) If a child is born to [*an unmarried woman*] **a woman who is not married or in a**
 9 **registered domestic partnership** and [*paternity*] **parentage** has been established under ORS
 10 109.070, or if a child is born to a [*married woman*] **woman who is married or in a registered do-**
 11 **mestic partnership** by a [*man*] **person** other than her [*husband*] **spouse or registered domestic**
 12 **partner** and the [*man's paternity*] **person's parentage** has been established under ORS 109.070, ei-
 13 ther parent may initiate a civil proceeding to determine the custody or support of, or parenting time
 14 with, the child. The proceeding shall be brought in the circuit court of the county in which the child
 15 resides or is found or in the circuit court of the county in which either parent resides. The parents
 16 have the same rights and responsibilities regarding the custody and support of, and parenting time
 17 with, their child that married or divorced parents would have, and the provisions of ORS 107.094 to
 18 107.449 that relate to custody, support and parenting time, the provisions of ORS 107.755 to 107.795
 19 that relate to mediation procedures, and the provisions of ORS 107.810, 107.820 and 107.830 that
 20 relate to life insurance, apply to the proceeding.

21 (2) A parent may initiate the proceeding by filing with the court a petition setting forth the facts
 22 and circumstances upon which the parent relies. The parent shall state in the petition, to the extent
 23 known:

24 (a) Whether there is pending in this state or any other jurisdiction any type of support pro-
 25 ceeding involving the child, including one brought under ORS 109.100, 109.165, 125.025, 416.400 to
 26 416.465, 419B.400 or 419C.590 or ORS chapter 110; and

27 (b) Whether there exists in this state or any other jurisdiction a support order, as defined in
 28 ORS 110.303, involving the child.

29 (3) The parent shall include with the petition a certificate regarding any pending support pro-
 30 ceeding and any existing support order. The parent shall use a certificate that is in a form estab-
 31 lished by court rule and include information required by court rule and subsection (2) of this section.

32 (4) When a parent initiates a proceeding under this section and the child support rights of one
 33 of the parents or of the child have been assigned to the state, the parent initiating the proceeding
 34 shall serve, by mail or personal delivery, a copy of the petition on the Administrator of the Division
 35 of Child Support or on the branch office providing support services to the county in which the suit
 36 is filed.

37 (5)(a) After a petition is filed under this section and upon service of summons and petition upon
 38 the respondent as provided in ORCP 7, a restraining order is issued and in effect against the
 39 petitioner and the respondent until a final judgment is issued, until the petition is dismissed or until
 40 further order of the court, restraining the petitioner and the respondent from:

41 (A) Canceling, modifying, terminating or allowing to lapse for nonpayment of premiums any
 42 policy of health insurance that one party maintains to provide coverage for the other party or a
 43 minor child of the parties, or any life insurance policy that names either of the parties or a minor
 44 child of the parties as a beneficiary; and

45 (B) Changing beneficiaries or covered parties under any policy of health insurance that one

1 party maintains to provide coverage for a minor child of the parties, or any life insurance policy.

2 (b) Either party restrained under this subsection may apply to the court for further temporary
3 orders, including modification or revocation of the restraining order issued under this subsection.

4 (c) The restraining order issued under this subsection shall include a notice that either party
5 may request a hearing on the restraining order by filing a request for hearing with the court.

6 (d) A copy of the restraining order issued under this subsection must be attached to the sum-
7 mons.

8 (e) A party who violates a term of a restraining order issued under this subsection is subject
9 to imposition of remedial sanctions under ORS 33.055 based on the violation, but is not subject to:

10 (A) Criminal prosecution based on the violation; or

11 (B) Imposition of punitive sanctions under ORS 33.065 based on the violation.

12 **SECTION 22.** ORS 109.125 is amended to read:

13 109.125. (1) Any of the following may initiate proceedings under this section:

14 (a) A mother of a child born out of wedlock or a woman pregnant with a child who may be born
15 out of wedlock;

16 (b) The duly appointed and acting guardian of the child, conservator of the child's estate or a
17 guardian ad litem, if the guardian or conservator has the physical custody of the child or is pro-
18 viding support for the child;

19 (c) The administrator, as defined in ORS 25.010;

20 (d) A man claiming to be the father of a child born out of wedlock or of an unborn child who
21 may be born out of wedlock; or

22 (e) The minor child by a guardian ad litem.

23 (2) Proceedings shall be initiated by the filing of a duly verified petition of the initiating party.
24 The petition shall contain:

25 (a) If the initiating party is one of those specified in subsection (1)(a), (b), (c) or (e) of this sec-
26 tion:

27 (A) The name of the mother of the child born out of wedlock or the woman pregnant with a child
28 who may be born out of wedlock;

29 (B) The name of the [*mother's husband*] **woman's spouse** if the child is alleged to be a child
30 born to a married woman by a [*man*] **person** other than her [*husband*] **spouse**;

31 (C) Facts showing the petitioner's status to initiate proceedings;

32 (D) A statement that a respondent is the father;

33 (E) The probable time or period of time during which conception took place; and

34 (F) A statement of the specific relief sought.

35 (b) If the initiating party is a man specified in subsection (1)(d) of this section:

36 (A) The name of the mother of the child born out of wedlock or the woman pregnant with a child
37 who may be born out of wedlock;

38 (B) The name of the [*mother's husband*] **woman's spouse** if the child is alleged to be a child
39 born to a married woman by a [*man*] **person** other than her [*husband*] **spouse**;

40 (C) A statement that the initiating party is the father of the child and accepts the same re-
41 sponsibility for the support and education of the child and for all pregnancy-related expenses that
42 he would have if the child were born to him in lawful wedlock;

43 (D) The probable time or period of time during which conception took place; and

44 (E) A statement of the specific relief sought.

45 (3) When proceedings are initiated by the administrator, as defined in ORS 25.010, the state and

1 the child's mother and putative father are parties.

2 (4) When a proceeding is initiated under this section and the child support rights of one of the
 3 parties or of the child at issue have been assigned to the state, a true copy of the petition shall be
 4 served by mail or personal delivery on the Administrator of the Division of Child Support of the
 5 Department of Justice or on the branch office providing support services to the county in which the
 6 suit is filed.

7 (5) A *[man]* **person** whose *[paternity]* **parentage** of a child has been established under ORS
 8 109.070 is a necessary party to proceedings initiated under this section unless the *[paternity]* **par-**
 9 **entage** has been disestablished before the proceedings are initiated.

10 **SECTION 23.** ORS 109.145 is amended to read:

11 109.145. If a respondent fails to answer or fails to appear at trial, the court shall have the power
 12 to proceed accordingly. In such case, the court may make a determination of *[paternity]* **parentage**
 13 and may impose such obligations on the respondent as it deems reasonable. In all such cases cor-
 14 roborating evidence in addition to the testimony of the parent or expectant parent shall be required
 15 to establish *[paternity]* **parentage** and the court may, in its discretion, order such investigation or
 16 the production of such evidence as it deems appropriate to establish a proper basis for relief. The
 17 testimony of the parent or expectant parent and the corroborating evidence may be presented by
 18 affidavit.

19 **SECTION 24.** ORS 109.155 is amended to read:

20 109.155. (1) The court, in a private hearing, shall first determine the issue of *[paternity]* **par-**
 21 **entage**. If the respondent admits the *[paternity]* **parentage**, the admission shall be reduced to writ-
 22 ing, verified by the respondent and filed with the court. If the *[paternity]* **parentage** is denied,
 23 corroborating evidence, in addition to the testimony of the parent or expectant parent, shall be re-
 24 quired.

25 (2) If the court finds, from a preponderance of the evidence, that the petitioner or the respondent
 26 is the father of the child who has been, or who may be, born out of wedlock, the court shall then
 27 proceed to a determination of the appropriate relief to be granted. The court may approve any
 28 settlement agreement reached between the parties and incorporate the agreement into any judgment
 29 rendered, and the court may order such investigation or the production of such evidence as the
 30 court deems appropriate to establish a proper basis for relief.

31 (3) The court, in its discretion, may postpone the hearing from time to time to facilitate any
 32 investigation or the production of such evidence as it deems appropriate.

33 (4) The court may order either parent to pay such sum as the court deems appropriate for the
 34 past and future support and maintenance of the child during the child's minority and while the child
 35 is attending school, as defined in ORS 107.108, and the reasonable and necessary expenses incurred
 36 or to be incurred in connection with prenatal care, expenses attendant with the birth and postnatal
 37 care. The court may grant the prevailing party reasonable costs of suit, which may include expert
 38 witness fees, and reasonable attorney fees at trial and on appeal. The provisions of ORS 107.108
 39 apply to an order entered under this section for the support of a child attending school.

40 (5) An affidavit certifying the authenticity of documents substantiating expenses set forth in
 41 subsection (4) of this section is prima facie evidence to establish the authenticity of the documents.

42 (6)(a) It is the policy of this state:

43 (A) To encourage the settlement of cases brought under this section; and

44 (B) For courts to enforce the terms of settlements described in paragraph (b) of this subsection
 45 to the fullest extent possible, except when to do so would violate the law or would clearly

1 contravene public policy.

2 (b) In a proceeding under this section, the court may enforce the terms set forth in a stipulated
 3 judgment of *[paternity]* **parentage** signed by the parties, a judgment of *[paternity]* **parentage** re-
 4 sulting from a settlement on the record or a judgment of *[paternity]* **parentage** incorporating a
 5 settlement agreement:

6 (A) As contract terms using contract remedies;

7 (B) By imposing any remedy available to enforce a judgment, including but not limited to con-
 8 tempt; or

9 (C) By any combination of the provisions of subparagraphs (A) and (B) of this paragraph.

10 (c) A party may seek to enforce an agreement and obtain remedies described in paragraph (b)
 11 of this subsection by filing a motion, serving notice on the other party in the manner provided by
 12 ORCP 7 and, if a remedy under paragraph (b)(B) of this subsection is sought, complying with the
 13 statutory requirements for that remedy. All claims for relief arising out of the same acts or omis-
 14 sions must be joined in the same proceeding.

15 (d) Nothing in paragraph (b) or (c) of this subsection limits a party’s ability, in a separate pro-
 16 ceeding, to file a motion to set aside, alter or modify a judgment under ORS 109.165 or to seek
 17 enforcement of an ancillary agreement to the judgment.

18 (7) If a *[man’s paternity]* **person’s parentage** of a child has been established under ORS 109.070
 19 and the *[paternity]* **parentage** has not been disestablished before proceedings are initiated under
 20 ORS 109.125, the court may not render a judgment under ORS 109.124 to 109.230 establishing an-
 21 other *[man’s paternity]* **person’s parentage** of the child unless the judgment also disestablishes the
 22 *[paternity]* **parentage** established under ORS 109.070.

23 **SECTION 25.** ORS 109.175 is amended to read:

24 109.175. (1) If *[paternity]* **parentage** of a child born out of wedlock is established pursuant to a
 25 petition filed under ORS 109.125 or an order or judgment entered pursuant to ORS 109.124 to 109.230
 26 or ORS 416.400 to 416.465, or if *[paternity]* **parentage** is established by the filing of a voluntary ac-
 27 knowledgment of paternity as provided by ORS 109.070 [(1)(e)] **(1)(f)**, the parent with physical cus-
 28 tody at the time of filing of the petition or the notice under ORS 416.415, or the parent with physical
 29 custody at the time of the filing of the voluntary acknowledgment of paternity, has sole legal cus-
 30 tody until a court specifically orders otherwise. The first time the court determines who should have
 31 legal custody, neither parent shall have the burden of proving a change of circumstances. The court
 32 shall give primary consideration to the best interests and welfare of the child and shall consider all
 33 the standards set out in ORS 107.137.

34 (2) In any proceeding under this section, the court may cause an investigation, examination or
 35 evaluation to be made under ORS 107.425 or may appoint an individual or a panel or may designate
 36 a program to assist the court in creating parenting plans or resolving disputes regarding parenting
 37 time and to assist parents in creating and implementing parenting plans under ORS 107.425 (3).

38 **SECTION 26.** ORS 109.251 is amended to read:

39 109.251. As used in ORS 109.250 to 109.262, “blood tests” includes any test for genetic markers
 40 to determine *[paternity]* **parentage** of a type generally acknowledged as reliable by accreditation
 41 bodies designated by the Oregon Health Authority in compliance with the United States Secretary
 42 of Health and Human Services, and performed by a laboratory approved by such accreditation body.
 43 “Blood tests” includes but is not limited to the Human Leucocyte Antigen Test, the deoxyribonucleic
 44 acid test and any test that extracts genetic material from any human tissue.

45 **SECTION 27.** ORS 109.252 is amended to read:

1 109.252. (1) Unless the court or administrator finds good cause not to proceed in a proceeding
 2 under ORS 109.125 to 109.230 and 416.400 to 416.465, in which [*paternity*] **parentage** is a relevant
 3 fact, the court or administrator, as defined in ORS 25.010, upon the court's or administrator's own
 4 initiative or upon suggestion made by or on behalf of any person whose blood is involved may, or
 5 upon motion of any party to the action made at a time so as not to delay the proceedings unduly
 6 shall, order the mother, child, alleged father and any other named respondent who may be the father
 7 to submit to blood tests. If any person refuses to submit to such tests, the court or administrator
 8 may resolve the question of [*paternity*] **parentage** against such person or enforce the court's or
 9 administrator's order if the rights of others and the interests of justice so require.

10 (2) When child support enforcement services are being provided under ORS 25.080, the Child
 11 Support Program shall pay any costs for blood tests subject to recovery from the party who re-
 12 quested the tests. If the original test result is contested prior to the entry of an order establishing
 13 [*paternity*] **parentage**, the court or administrator shall order additional testing upon request and
 14 advance payment by the party making the request.

15 **SECTION 28.** ORS 109.254 is amended to read:

16 109.254. (1) The tests shall be made by experts qualified as examiners of genetic markers who
 17 shall be appointed by the court or administrator, as defined in ORS 25.010. Any party or person at
 18 whose suggestion the tests have been ordered may demand that other experts, qualified as examiners
 19 of genetic markers, perform independent tests under order of the court or administrator, the results
 20 of which may be offered in evidence. The number and qualifications of such experts shall be deter-
 21 mined by the court or administrator.

22 (2) The blood test results and the conclusions and explanations of the blood test experts are
 23 admissible as evidence of [*paternity*] **parentage** without the need for foundation testimony or other
 24 proof of authenticity or accuracy, unless a written challenge to the testing procedure or the results
 25 of the blood test has been filed with the court and delivered to opposing counsel at least 10 days
 26 before any hearing set to determine the issue of [*paternity*] **parentage**. Failure to make such timely
 27 challenge constitutes a waiver of the right to have the experts appear in person and is not grounds
 28 for a continuance of the hearing to determine [*paternity*] **parentage**. A copy of the results, conclu-
 29 sions and explanations must be furnished to both parties or their counsel at least 20 days before the
 30 date of the hearing for this subsection to apply. The court for good cause or the parties may waive
 31 the time limits established by this subsection.

32 (3) An affidavit documenting the chain of custody of the specimens is prima facie evidence to
 33 establish the chain of custody.

34 **SECTION 29.** ORS 109.259 is amended to read:

35 109.259. Notwithstanding the objections of a party to an order that seeks to establish
 36 [*paternity*] **parentage**, if the blood tests conducted under ORS 109.250 to 109.262 result in a cumu-
 37 lative paternity index of 99 or greater, the evidence of the blood tests together with the testimony
 38 of a parent is a sufficient basis upon which to presume paternity for establishing temporary support.
 39 Upon the motion of a party, the court shall enter a temporary order requiring the alleged father to
 40 provide support pending the determination of parentage by the court. In determining the amount of
 41 support, the court shall use the formula established under ORS 25.275.

42 **SECTION 30.** ORS 109.315 is amended to read:

43 109.315. (1) A petition for adoption of a minor child must be signed by the petitioner and nota-
 44 rized and, unless stated in the petition why the information or statement is omitted, must contain
 45 the following:

- 1 (a) The full name of the petitioner;
- 2 (b) The state and length of residency in the state of the petitioner and information sufficient to
3 establish that the residency requirement of ORS 109.309 (2) has been met;
- 4 (c) The current marital or domestic partnership status of the petitioner;
- 5 (d) An explanatory statement as to why the petitioner is of sufficient ability to bring up the
6 minor child and furnish suitable nurture and education sufficient for judgment to be entered under
7 ORS 109.350;
- 8 (e) Information sufficient for the court to establish that the petitioner has complied with the
9 jurisdictional and venue requirements of ORS 109.309 (4) and (5);
- 10 (f) The full name, sex and date and place of birth of the minor child;
- 11 (g) The marital or domestic partnership status of the biological mother at the time of conception,
12 at the date of birth and during the 300 days prior to the date of birth of the minor child;
- 13 (h) A statement that the minor child is not an Indian child as defined in the Indian Child Wel-
14 fare Act (25 U.S.C. 1901 et seq.) or, if the Indian Child Welfare Act applies:
- 15 (A) A statement of the efforts to notify the appropriate Indian tribe or tribes of the adoption;
16 and
- 17 (B) A statement of the efforts to comply with the placement preferences of the Indian Child
18 Welfare Act or the placement preferences of the appropriate Indian tribe;
- 19 (i) The name and relationship to the minor child of any person who has executed a written re-
20 lease or surrender of parental rights or of rights of guardianship of the minor child as provided by
21 ORS 418.270 and the date of the release or surrender;
- 22 (j) The name and relationship to the minor child of any person who has given written consent
23 as required under ORS 109.321, and the date the consent was given;
- 24 (k) The name and relationship to the minor child of any person or entity for whom the written
25 consent requirement under ORS 109.321 is waived or not required as provided in ORS 109.322,
26 109.323, 109.324, 109.325, 109.326 and 109.327 or whose written consent may be substituted for the
27 written consent requirement under ORS 109.321 as provided in ORS 109.322, 109.323, 109.324,
28 109.325, 109.326, 109.327, 109.328 and 109.329;
- 29 (L) The name and relationship to the minor child of all persons who have signed and attested
30 to a written certificate of irrevocability and waiver as provided in ORS 109.321 (2);
- 31 (m) A statement of the facts and circumstances under which the petitioner obtained physical
32 custody of the minor child, including date of placement with the petitioner for adoption and the
33 name and relationship to the minor child of the individual or entity placing the minor child with the
34 petitioner;
- 35 (n) The length of time that a minor child has been in the physical custody of the petitioner and,
36 if the minor child is not in the physical custody of the petitioner, the reason why, and the date and
37 manner in which the petitioner will obtain physical custody of the minor child;
- 38 (o) Whether a continuing contact agreement exists under ORS 109.305, including names of the
39 parties to the agreement and date of execution;
- 40 (p) A statement establishing that the requirements of ORS 109.353 regarding advisement about
41 the voluntary adoption registry and the registry's services have been met;
- 42 (q) A statement establishing that the requirements of ORS 109.346 regarding notice of right to
43 counseling sessions have been met;
- 44 (r) A statement that the information required by the Uniform Child Custody Jurisdiction and
45 Enforcement Act under ORS 109.701 to 109.834 has been provided in the Adoption Summary and

1 Segregated Information Statement under ORS 109.317;

2 (s) A statement that the Interstate Compact on the Placement of Children does or does not apply
3 and, if applicable, a statement of the efforts undertaken to comply with the compact; and

4 (t) Unless waived, a statement that a current home study was completed in compliance with ORS
5 109.309 (7).

6 (2) A petition filed under ORS 109.309 must, if applicable, request the following:

7 (a) Entry of a general judgment of adoption;

8 (b) That the petitioner be permitted to adopt the minor child as the child of the petitioner for
9 all legal intents and purposes;

10 (c) A finding that the court has jurisdiction over the adoption proceeding, the parties and the
11 minor child;

12 (d) With respect to the appropriate persons, the termination of parental rights or a determi-
13 nation of [*nonpaternity*] **nonparentage**;

14 (e) Approval of a change to the minor child's name;

15 (f) A finding that a continuing contact agreement entered into under ORS 109.305 is in the best
16 interests of the minor child and that, if the minor child is 14 years of age or older, the minor child
17 has consented to the agreement, and that the court incorporate the continuing contact agreement
18 by reference into the adoption judgment;

19 (g) That the court require preparation of and certify a report of adoption as provided in ORS
20 432.223;

21 (h) That all records, papers and files in the record of the adoption case be sealed as provided
22 under ORS 109.319; and

23 (i) Any other relief requested by the petitioner.

24 (3) A petition filed under ORS 109.309 must, if applicable, have the following attached as ex-
25 hibits:

26 (a) Any written release or surrender of the minor child for adoption, or a written disclaimer of
27 parental rights;

28 (b) Any written consent to the adoption;

29 (c) Any certificate of irrevocability and waiver;

30 (d) Any continuing contact agreement under ORS 109.305;

31 (e) The written disclosure statement required under ORS 109.311; and

32 (f) Any other supporting documentation necessary to comply with the petition requirements in
33 this section and ORS 109.309.

34 (4) The petition and documents filed as exhibits under subsection (3) of this section are confi-
35 dential and may not be inspected or copied except as provided under ORS 109.305 to 109.410 and
36 109.425 to 109.507.

37 (5)(a) Within 30 days after being filed with the court, the petitioner shall serve copies of the
38 petition, the documents filed as exhibits under subsection (3) of this section and the Adoption Sum-
39 mary and Segregated Information Statement described in ORS 109.317, including any amendments
40 and exhibits attached to the statement, on the Director of Human Services by either registered or
41 certified mail with return receipt or personal service.

42 (b) In the case of an adoption in which one of the child's biological or adoptive parents retains
43 parental rights, the petitioner shall also serve the petition by either registered or certified mail with
44 return receipt or personal service:

45 (A) On all persons whose consent to the adoption is required under ORS 109.321 unless the

1 person's written consent is filed with the court; and

2 (B) On the parents of the party whose parental rights would be terminated, if the names and
3 addresses are known or may be readily ascertained by the petitioner.

4 (c) When a parent of the child is deceased or incapacitated, the petitioner shall also serve the
5 petition on the parents of the deceased or incapacitated parent, if the names and addresses are
6 known or may be readily ascertained by the petitioner. As used in this paragraph:

7 (A) "Incapacitated" means a condition in which a person's ability to receive and evaluate in-
8 formation effectively or to communicate decisions is impaired to such an extent that the person
9 lacks the capacity to meet the essential requirements for the person's physical health or safety.

10 (B) "Meet the essential requirements for the person's physical health or safety" means those
11 actions necessary to provide health care, food, shelter, clothing, personal hygiene and other care
12 without which serious physical injury or illness is likely to occur.

13 (d) Service required by this subsection may be waived by the court for good cause.

14 **SECTION 31.** ORS 109.326 is amended to read:

15 109.326. (1) If the mother of a child was married **or in a registered domestic partnership** at
16 the time of the conception or birth of the child, and it has been determined pursuant to ORS 109.070
17 or judicially determined that her [*husband*] **spouse or registered domestic partner** at such time
18 or times was not the [*father*] **parent** of the child, the [*husband's*] **spouse's or registered domestic**
19 **partner's** authorization or waiver is not required in adoption, juvenile court or other proceedings
20 concerning the custody of the child.

21 (2) If [*paternity*] **parentage** of the child has not been determined, a determination of
22 [*nonpaternity*] **nonparentage** may be made by any court having adoption, divorce or juvenile court
23 jurisdiction. The testimony or affidavit of the mother or the [*husband*] **spouse or registered do-**
24 **estic partner** or another person with knowledge of the facts filed in the proceeding constitutes
25 competent evidence before the court making the determination.

26 (3) Before making the determination of [*nonpaternity*] **nonparentage**, the petitioner shall serve
27 on the [*husband*] **spouse or registered domestic partner** a summons and a true copy of a motion
28 and order to show cause why a judgment of [*nonpaternity*] **nonparentage** should not be entered if:

29 (a) There has been a determination by any court of competent jurisdiction that the [*husband*]
30 **spouse or registered domestic partner** is the [*father*] **parent** of the child;

31 (b) The child resided with the [*husband*] **spouse or registered domestic partner** at any time
32 since the child's birth; or

33 (c) The [*husband*] **spouse or registered domestic partner** repeatedly has contributed or tried
34 to contribute to the support of the child.

35 (4) When the petitioner is required to serve the [*husband*] **spouse or registered domestic**
36 **partner** with a summons and a motion and order to show cause under subsection (3) of this section,
37 service must be made in the manner provided in ORCP 7 D and E, except as provided in subsection
38 (6) of this section. Service must be proved as required in ORCP 7 F. The summons and the motion
39 and order to show cause need not contain the names of the adoptive parents.

40 (5) A summons under subsection (3) of this section must contain:

41 (a) A statement that if the [*husband*] **spouse or registered domestic partner** fails to file a
42 written answer to the motion and order to show cause within the time provided, the court, without
43 further notice and in the [*husband's*] **spouse's or registered domestic partner's** absence, may take
44 any action that is authorized by law, including but not limited to entering a judgment of
45 [*nonpaternity*] **nonparentage** on the date the answer is required or on a future date.

(b) A statement that:

(A) The [husband] **spouse or registered domestic partner** must file with the court a written answer to the motion and order to show cause within 30 days after the date on which the [husband] **spouse or registered domestic partner** is served with the summons or, if service is made by publication or posting under ORCP 7 D(6), within 30 days from the date of last publication or posting.

(B) In the answer, the [husband] **spouse or registered domestic partner** must inform the court and the petitioner of the [husband's] **spouse's or registered domestic partner's** telephone number or contact telephone number and the [husband's] **spouse's or registered domestic partner's** current residence, mailing or contact address in the same state as the [husband's] **spouse's or registered domestic partner's** home. The answer may be in substantially the following form:

IN THE CIRCUIT COURT OF
THE STATE OF OREGON
FOR THE COUNTY OF _____

_____,)
Petitioner,) NO. _____
)
) ANSWER
and)
)
_____,)
Respondent.)

[] I consent to the entry of a judgment of [nonpaternity] **nonparentage**.

[] I do not consent to the entry of a judgment of [nonpaternity] **nonparentage**. The court should not enter a judgment of [nonpaternity] **nonparentage** for the following reasons:

Signature

DATE: _____

ADDRESS OR CONTACT ADDRESS:

TELEPHONE OR CONTACT TELEPHONE:

1 _____
 2
 3 (c) A notice that, if the *[husband]* **spouse or registered domestic partner** answers the motion
 4 and order to show cause, the court:

5 (A) Will schedule a hearing to address the motion and order to show cause and, if appropriate,
 6 the adoption petition;

7 (B) Will order the *[husband]* **spouse or registered domestic partner** to appear personally; and

8 (C) May schedule other hearings related to the petition and may order the *[husband]* **spouse**
 9 **or registered domestic partner** to appear personally.

10 (d) A notice that the *[husband]* **spouse or registered domestic partner** has the right to be
 11 represented by an attorney. The notice must be in substantially the following form:

12 _____
 13
 14 You have a right to be represented by an attorney. If you wish to be represented by an attorney,
 15 please retain one as soon as possible to represent you in this proceeding. If you meet the state's
 16 financial guidelines, you are entitled to have an attorney appointed for you at state expense. To
 17 request appointment of an attorney to represent you at state expense, you must contact the circuit
 18 court immediately. Phone _____ for further information.
 19 _____

20
 21 (e) A statement that the *[husband]* **spouse or registered domestic partner** has the responsi-
 22 bility to maintain contact with the *[husband's]* **spouse's or registered domestic partner's** attorney
 23 and to keep the attorney advised of the *[husband's]* **spouse's or registered domestic partner's**
 24 whereabouts.

25 (6) A *[husband]* **spouse or registered domestic partner** who is served with a summons and a
 26 motion and order to show cause under this section shall file with the court a written answer to the
 27 motion and order to show cause within 30 days after the date on which the *[husband]* **spouse or**
 28 **registered domestic partner** is served with the summons or, if service is made by publication or
 29 posting under ORCP 7 D(6), within 30 days from the date of last publication or posting. In the an-
 30 swer, the *[husband]* **spouse or registered domestic partner** shall inform the court and the
 31 petitioner of the *[husband's]* **spouse's or registered domestic partner's** telephone number or
 32 contact telephone number and current address, as defined in ORS 25.011. The answer may be in
 33 substantially the form described in subsection (5) of this section.

34 (7) If the *[husband]* **spouse or registered domestic partner** requests the assistance of ap-
 35 pointed counsel and the court determines that the *[husband]* **spouse or registered domestic part-**
 36 **ner** is financially eligible, the court shall appoint an attorney to represent the *[husband]* **spouse**
 37 **or registered domestic partner** at state expense. Appointment of counsel under this subsection is
 38 subject to ORS 135.055, 151.216 and 151.219. The court may not substitute one appointed counsel for
 39 another except pursuant to the policies, procedures, standards and guidelines adopted under ORS
 40 151.216.

41 (8) If the *[husband]* **spouse or registered domestic partner** files an answer as required under
 42 subsection (6) of this section, the court, by oral order made on the record or by written order pro-
 43 vided to the *[husband]* **spouse or registered domestic partner** in person or mailed to the
 44 *[husband]* **spouse or registered domestic partner** at the address provided by the *[husband]* **spouse**
 45 **or registered domestic partner**, shall:

1 (a) Inform the *[husband]* **spouse or registered domestic partner** of the time, place and purpose
 2 of the next hearing or hearings related to the motion and order to show cause or the adoption pe-
 3 tition;

4 (b) Require the *[husband]* **spouse or registered domestic partner** to appear personally at the
 5 next hearing or hearings related to the motion and order to show cause or the adoption petition;
 6 and

7 (c) Inform the *[husband]* **spouse or registered domestic partner** that, if the *[husband]* **spouse**
 8 **or registered domestic partner** fails to appear as ordered for any hearing related to the motion
 9 and order to show cause or the adoption petition, the court, without further notice and in the
 10 *[husband's]* **spouse's or registered domestic partner's** absence, may take any action that is au-
 11 thORIZED by law, including but not limited to entering a judgment of *[nonpaternity]* **nonparentage**
 12 on the date specified in the order or on a future date, without the consent of the *[husband]* **spouse**
 13 **or registered domestic partner**.

14 (9) If a *[husband]* **spouse or registered domestic partner** fails to file a written answer as re-
 15 quired in subsection (6) of this section or fails to appear for a hearing related to the motion and
 16 order to show cause or the petition as directed by court order under this section, the court, without
 17 further notice to the *[husband]* **spouse or registered domestic partner** and in the *[husband's]*
 18 **spouse's or registered domestic partner's** absence, may take any action that is authorized by law,
 19 including but not limited to entering a judgment of *[nonpaternity]* **nonparentage**.

20 (10) There shall be sufficient proof to enable the court to grant the relief sought without notice
 21 to the *[husband]* **spouse or registered domestic partner** provided that the affidavit of the mother
 22 of the child, of the *[husband]* **spouse or registered domestic partner** or of another person with
 23 knowledge of the facts filed in the proceeding states or the court finds from other competent evi-
 24 dence:

25 (a) That the mother of the child was not cohabiting with her *[husband]* **spouse or registered**
 26 **domestic partner** at the time of conception of the child and that the *[husband]* **spouse or regis-**
 27 **tered domestic partner** is not the *[father]* **parent** of the child;

28 (b) That the *[husband]* **spouse or registered domestic partner** has not been judicially deter-
 29 mined to be the *[father]* **parent of the child**;

30 (c) That the child has not resided with the *[husband]* **spouse or registered domestic partner**;
 31 and

32 (d) That the *[husband]* **spouse or registered domestic partner** has not contributed or tried to
 33 contribute to the support of the child.

34 (11) Notwithstanding ORS 109.070 (1)(a), service of a summons and a motion and order to show
 35 cause on the *[husband]* **spouse or registered domestic partner** under subsection (3) of this section
 36 is not required and the *[husband's]* **spouse's or registered domestic partner's** consent, authori-
 37 zation or waiver is not required in adoption proceedings concerning the child unless the *[husband]*
 38 **spouse or registered domestic partner** has met the requirements of subsection (3)(a), (b) or (c) of
 39 this section.

40 (12) A *[husband]* **spouse or registered domestic partner** who was not cohabiting with the
 41 mother at the time of the child's conception has the primary responsibility to protect the
 42 *[husband's]* **spouse's or registered domestic partner's** rights.

43 (13) Nothing in this section shall be used to set aside an act of a permanent nature, including
 44 but not limited to adoption, unless the *[father]* **spouse or registered domestic partner** establishes,
 45 within one year after the entry of the order or general judgment, as defined in ORS 18.005, fraud

1 on the part of the petitioner with respect to the matters specified in subsection (10)(a), (b), (c) or (d)
 2 of this section.

3 **SECTION 32.** ORS 109.704 is amended to read:

4 109.704. As used in ORS 109.701 to 109.834:

5 (1) "Abandoned" means left without provision for reasonable and necessary care or supervision.

6 (2) "Child" means an individual who has not attained 18 years of age.

7 (3) "Child custody determination" means a judgment or other order of a court providing for the
 8 legal custody, physical custody, parenting time or visitation with respect to a child. "Child custody
 9 determination" includes a permanent, temporary, initial and modification order. "Child custody de-
 10 termination" does not include an order relating to child support or other monetary obligation of an
 11 individual.

12 (4) "Child custody proceeding" means a proceeding in which legal custody, physical custody,
 13 parenting time or visitation with respect to a child is an issue. "Child custody proceeding" includes
 14 a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, [paternity]
 15 **parentage**, termination of parental rights and protection from domestic violence in which the issue
 16 may appear. "Child custody proceeding" does not include a proceeding involving juvenile delin-
 17 quency, contractual emancipation or enforcement under ORS 109.774 to 109.827.

18 (5) "Commencement" means the filing of the first pleading in a proceeding.

19 (6) "Court" means an entity authorized under the law of a state to establish, enforce or modify
 20 a child custody determination.

21 (7) "Home state" means the state in which a child lived with a parent or a person acting as a
 22 parent for at least six consecutive months immediately before the commencement of a child custody
 23 proceeding. In the case of a child less than six months of age, "home state" means the state in which
 24 the child lived from birth with any of the persons mentioned. Any temporary absence of any of the
 25 mentioned persons is part of the period.

26 (8) "Initial determination" means the first child custody determination concerning a particular
 27 child.

28 (9) "Issuing court" means the court that makes a child custody determination for which
 29 enforcement is sought under ORS 109.701 to 109.834.

30 (10) "Issuing state" means the state in which a child custody determination is made.

31 (11) "Modification" means a child custody determination that changes, replaces, supersedes or
 32 is otherwise made after a previous determination concerning the same child, whether or not it is
 33 made by the court that made the previous determination.

34 (12) "Person" means an individual, corporation, public corporation, business trust, estate, trust,
 35 partnership, limited liability company, association, joint venture, government or a governmental
 36 subdivision, agency or instrumentality, or any other legal or commercial entity.

37 (13) "Person acting as a parent" means a person, other than a parent, who:

38 (a) Has physical custody of the child or has had physical custody for a period of six consecutive
 39 months, including any temporary absence, within one year immediately before the commencement
 40 of a child custody proceeding; and

41 (b) Has been awarded legal custody by a court or claims a right to legal custody under the law
 42 of this state.

43 (14) "Physical custody" means the physical care and supervision of a child.

44 (15) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
 45 United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the

1 United States.

2 (16) "Tribe" means an Indian tribe or band, or Alaskan Native village, that is recognized by
 3 federal law or formally acknowledged by a state.

4 (17) "Warrant" means an order issued by a court authorizing law enforcement officers to take
 5 physical custody of a child.

6 **SECTION 33.** ORS 112.105 is amended to read:

7 112.105. (1) For all purposes of intestate succession, full effect shall be given to all relationships
 8 as described in ORS 109.060, except as otherwise provided by law in case of adoption.

9 (2) For all purposes of intestate succession and for those purposes only, before the relationship
 10 of [*father*] **parent** and child and other relationships dependent upon the establishment of [*paternity*]
 11 **parentage** shall be given effect under subsection (1) of this section:

12 (a) The [*paternity*] **parentage** of the child shall have been established under ORS 109.070 during
 13 the lifetime of the child; or

14 (b) The [*father*] **parent** shall have acknowledged [*himself to be the father*] **being the parent** in
 15 writing signed by [*him*] **that person** during the lifetime of the child.

16 **SECTION 34.** ORS 163.565 is amended to read:

17 163.565. (1) Proof that a child was born to a woman during the time a [*man*] **person** lived and
 18 cohabited with her, or held her out as [*his wife*] **that person's spouse or registered domestic**
 19 **partner**, is prima facie evidence that [*he*] **the person** is the [*father*] **parent** of the child. This sub-
 20 section does not exclude any other legal evidence tending to establish the parental relationship.

21 (2) No provision of law prohibiting the disclosure of confidential communications between [*hus-*
 22 *band and wife*] **spouses or registered domestic partners** apply to prosecutions for criminal non-
 23 support. A [*husband or wife*] **spouse or registered domestic partner** is a competent and
 24 compellable witness for or against either party.

25 **SECTION 35.** ORS 180.320 is amended to read:

26 180.320. (1) All state agencies, district attorneys and all police officers of the state, county or
 27 any municipality, university or court thereof, shall cooperate with the Division of Child Support of
 28 the Department of Justice in furnishing and making available information, records and documents
 29 necessary to assist in establishing or enforcing support obligations or [*paternity*] **parentage**, in
 30 performing the duties set out in ORS 25.080 and in determining the location of any absent parent
 31 or child for the purpose of enforcing any state or federal law regarding the unlawful taking or re-
 32 straint of a child or for the purpose of making or enforcing a child custody determination.
 33 Notwithstanding the provisions of ORS 109.225 or 416.430 or ORS chapter 432, records pertaining
 34 to the [*paternity*] **parentage** of a child shall be made available upon written request of an authorized
 35 representative of the Division of Child Support. Any information obtained pursuant to this sub-
 36 section is confidential, and shall be used only for the purposes set out in this subsection.

37 (2) Information furnished to the Division of Child Support by the Department of Revenue and
 38 made confidential by ORS 314.835 shall be used by the division and its employees solely for the
 39 purpose of enforcing the provisions of ORS 180.320 to 180.365 and shall not be disclosed or made
 40 known for any other purpose. Any person who violates the prohibition against disclosure contained
 41 in this subsection, upon conviction, is punishable as provided in ORS 314.991 (2).

42 **SECTION 36.** ORS 180.380 is amended to read:

43 180.380. (1) In addition to its other duties, powers and functions, the Division of Child Support
 44 may disclose confidential information from the Federal Parent Locator Service to an authorized
 45 person if the information is needed to:

- 1 (a) Enforce any state or federal law regarding the unlawful taking or restraint of a child;
 2 (b) Make or enforce a child custody determination;
 3 (c) Establish [*paternity*] **parentage**; or
 4 (d) Establish, modify or enforce a child support order.
- 5 (2)(a) If the request for information is made for a purpose described in subsection (1)(a) or (b)
 6 of this section, the division may provide the most recent address and place of employment of the
 7 child or parent.
- 8 (b) If the request for information is made for a purpose described in subsection (1)(c) or (d) of
 9 this section, the division may provide the following information:
- 10 (A) The Social Security number and address of the parent or alleged parent;
 11 (B) The name, address and federal employer identification number of the employer of the parent
 12 or alleged parent; and
 13 (C) The wages or other income from and benefits of employment of the parent or alleged parent.
- 14 (c) If there is evidence of possible domestic violence or child abuse by the individual requesting
 15 information under subsection (1) of this section, the division may disclose information under this
 16 subsection only to a court in accordance with rules adopted by the division.
- 17 (3) As used in ORS 180.320 and this section:
- 18 (a) "Authorized person" includes:
- 19 (A) Any agent or attorney of any state who has the duty or authority under the law of such
 20 state to enforce a child custody determination;
 21 (B) Any court or any agent of the court having jurisdiction to make or enforce a judgment of
 22 [*paternity*] **parentage**, a judgment of support or a child custody determination;
 23 (C) Any agent or attorney of the United States or of a state who has the duty or authority to
 24 investigate, enforce or bring a prosecution with respect to the unlawful taking or restraint of a
 25 child;
 26 (D) A state agency responsible for administering an approved child welfare plan or an approved
 27 foster care and adoption assistance plan; and
 28 (E) A custodial parent, legal guardian or agent of a child, other than a child receiving temporary
 29 assistance for needy families, who is seeking to establish [*paternity*] **parentage** or to establish,
 30 modify or enforce a child support order.
- 31 (b) "Custody determination" means a judgment or other order of a court providing for the cus-
 32 tody of, parenting time with or visitation with a child, and includes permanent and temporary or-
 33 ders, and initial orders and modifications.
- 34 **SECTION 37.** ORS 192.535 is amended to read:
- 35 192.535. (1) A person may not obtain genetic information from an individual, or from an
 36 individual's DNA sample, without first obtaining informed consent of the individual or the
 37 individual's representative, except:
- 38 (a) As authorized by ORS 181.085 or comparable provisions of federal criminal law relating to
 39 the identification of persons, or for the purpose of establishing the identity of a person in the course
 40 of an investigation conducted by a law enforcement agency, a district attorney, a medical examiner
 41 or the Criminal Justice Division of the Department of Justice;
- 42 (b) For anonymous research or coded research conducted under conditions described in ORS
 43 192.537 (2), after notification pursuant to ORS 192.538 or pursuant to ORS 192.547 (7)(b);
- 44 (c) As permitted by rules of the Oregon Health Authority for identification of deceased individ-
 45 uals;

1 (d) As permitted by rules of the Oregon Health Authority for newborn screening procedures;

2 (e) As authorized by statute for the purpose of establishing [*paternity*] **parentage**; or

3 (f) For the purpose of furnishing genetic information relating to a decedent for medical diagnosis
4 of blood relatives of the decedent.

5 (2) Except as provided in subsection (3) of this section, a physician licensed under ORS chapter
6 677 shall seek the informed consent of the individual or the individual's representative for the pur-
7 poses of subsection (1) of this section in the manner provided by ORS 677.097. Except as provided
8 in subsection (3) of this section, any other licensed health care provider or facility must seek the
9 informed consent of the individual or the individual's representative for the purposes of subsection
10 (1) of this section in a manner substantially similar to that provided by ORS 677.097 for physicians.

11 (3) A person conducting research shall seek the informed consent of the individual or the
12 individual's representative for the purposes of subsection (1) of this section in the manner provided
13 by ORS 192.547.

14 (4) Except as provided in ORS 746.135 (1), any person not described in subsection (2) or (3) of
15 this section must seek the informed consent of the individual or the individual's representative for
16 the purposes of subsection (1) of this section in the manner provided by rules adopted by the Oregon
17 Health Authority.

18 (5) The Oregon Health Authority may not adopt rules under subsection (1)(d) of this section that
19 would require the providing of a DNA sample for the purpose of obtaining complete genetic infor-
20 mation used to screen all newborns.

21 **SECTION 38.** ORS 192.539 is amended to read:

22 192.539. (1) Regardless of the manner of receipt or the source of genetic information, including
23 information received from an individual or a blood relative of the individual, a person may not dis-
24 close or be compelled, by subpoena or any other means, to disclose the identity of an individual upon
25 whom a genetic test has been performed or the identity of a blood relative of the individual, or to
26 disclose genetic information about the individual or a blood relative of the individual in a manner
27 that permits identification of the individual, unless:

28 (a) Disclosure is authorized by ORS 181.085 or comparable provisions of federal criminal law
29 relating to identification of persons, or is necessary for the purpose of a criminal or death investi-
30 gation, a criminal or juvenile proceeding, an inquest, or a child fatality review by a county multi-
31 disciplinary child abuse team;

32 (b) Disclosure is required by specific court order entered pursuant to rules adopted by the Chief
33 Justice of the Supreme Court for civil actions;

34 (c) Disclosure is authorized by statute for the purpose of establishing [*paternity*] **parentage**;

35 (d) Disclosure is specifically authorized by the tested individual or the tested individual's rep-
36 resentative by signing a consent form prescribed by rules of the Oregon Health Authority;

37 (e) Disclosure is for the purpose of furnishing genetic information relating to a decedent for
38 medical diagnosis of blood relatives of the decedent; or

39 (f) Disclosure is for the purpose of identifying bodies.

40 (2) The prohibitions of this section apply to any redisclosure by any person after another person
41 has disclosed genetic information or the identity of an individual upon whom a genetic test has been
42 performed, or has disclosed genetic information or the identity of a blood relative of the individual.

43 (3) A release or publication is not a disclosure if:

44 (a) It involves a good faith belief by the person who caused the release or publication that the
45 person was not in violation of this section;

1 (b) It is not due to willful neglect;

2 (c) It is corrected in the manner described in ORS 192.541 (4);

3 (d) The correction with respect to genetic information is completed before the information is
4 read or heard by a third party; and

5 (e) The correction with respect to DNA samples is completed before the sample is retained or
6 genetically tested by a third party.

7 **SECTION 39.** ORS 411.117 is amended to read:

8 411.117. (1) The Department of Human Services shall:

9 (a) Identify applicants for and recipients of assistance under the temporary assistance for needy
10 families program who are currently victims of domestic violence, have been victims of domestic vi-
11 olence or are at risk of victimization by domestic violence.

12 (b) Ensure that appropriate individuals on the local level who provide assistance to domestic
13 violence victims participate in individualized case management with the department.

14 (c) Refer individuals identified under this subsection to appropriate counseling and support ser-
15 vices.

16 (d) Waive or modify any temporary assistance for needy families program requirements that may
17 make it more difficult for individuals identified under this subsection to escape domestic violence
18 or place those individuals at risk of further or future domestic violence, including but not limited
19 to:

20 (A) Time limits on receipt of benefits;

21 (B) Work requirements;

22 (C) [*Paternity*] **Parentage** establishment and child support cooperation requirements;

23 (D) Residency requirements;

24 (E) Family cap provisions; and

25 (F) Penalties for failure to comply with a program requirement.

26 (e) Maintain emergency assistance eligibility and payment limits for victims of domestic violence
27 or persons at risk of victimization by domestic violence identified under this section at no less than
28 the levels in effect on January 1, 1997.

29 (f) Allow eligibility for temporary assistance for needy families for persons identified under this
30 section as victims of domestic violence or persons identified as at risk of victimization by domestic
31 violence who would otherwise be eligible except for the fact that they are noncitizens.

32 (2) All information received by the department in identifying the individuals described in sub-
33 section (1) of this section shall remain confidential.

34 (3) For purposes of this section, “domestic violence” means the occurrence of one or more of the
35 following acts between family members, intimate partners or household members:

36 (a) Attempting to cause or intentionally, knowingly or recklessly causing physical injury or
37 emotional, mental or verbal abuse;

38 (b) Intentionally, knowingly or recklessly placing another in fear of imminent serious physical
39 injury;

40 (c) Committing sexual abuse in any degree as defined in ORS 163.415, 163.425 and 163.427; or

41 (d) Using coercive or controlling behavior.

42 **SECTION 40.** ORS 412.024 is amended to read:

43 412.024. (1) An applicant or recipient of aid, except for recipients of aid under the JOBS Plus
44 Program established in ORS 411.878, must assign to the state any rights to support that may be due
45 from any other person to a family member for whom the applicant is applying for or receiving aid.

1 If aid is paid and received for the support of a child, the rights to child support that any person
 2 may have for the child are deemed to have been assigned by operation of law to the state. Notice
 3 of the assignment by operation of law shall be given to the applicant at the time of application for
 4 public assistance, and shall be given to any obligee who may hold some interest in such support
 5 rights by depositing a notice in the United States mail, postage prepaid, addressed to the last-known
 6 address of such person. Assignment of support rights to the state shall be as set forth in rules
 7 adopted by the Department of Human Services and the Department of Justice.

8 (2) Except as otherwise provided in this subsection, an applicant or recipient who receives aid
 9 shall cooperate with the Department of Human Services and the Department of Justice in estab-
 10 lishing the [*paternity*] **parentage** of the applicant's or recipient's child born out of wedlock and in
 11 obtaining support or other payments or property due the applicant or child. An applicant or recipi-
 12 ent is not required to cooperate if there is good cause or some other exception to the cooperation
 13 requirement that takes into account the best interest of the child. The Department of Human Ser-
 14 vices shall adopt rules defining good cause, other exceptions to cooperation and noncooperation by
 15 an applicant or recipient, and setting the sanction for noncooperation. The sanction may include
 16 total ineligibility of the family for aid, but in no situation may the sanction be less than a 25 percent
 17 reduction of the monthly grant amount. At the time an applicant applies for aid, the Department of
 18 Human Services shall inform the applicant, in writing, of the requirement of and exceptions to co-
 19 operation and the sanctions for noncooperation, and shall inform recipients, in writing, whenever
 20 eligibility for aid is redetermined.

21 (3) This section shall apply to:

22 (a) One-parent families receiving aid under ORS 412.001 to 412.069, 412.124 and 418.647 as long
 23 as the aid is funded in whole or in part with federal grants under Title IV-A of the Social Security
 24 Act; and

25 (b) Two-parent families receiving aid under ORS 412.001 to 412.069 and one-parent families re-
 26 ceiving aid under ORS 412.014, regardless of the funding source for the aid.

27 **SECTION 41.** ORS 416.407 is amended to read:

28 416.407. (1) In any proceeding under ORS 416.400 to 416.465, the following are parties and shall
 29 be given notice of any such proceeding by the administrator:

30 (a) The State of Oregon.

31 (b) An obligee who has physical custody of a child for whose benefit a support order or an order
 32 establishing [*paternity*] **parentage** is sought, is being modified or is being enforced under this chap-
 33 ter.

34 (c) A noncustodial parent or a [*male*] **person** who is alleged to be the [*father*] **parent** of a child
 35 when an action is initiated under this chapter to establish, modify or enforce a support or
 36 [*paternity*] **parentage** order.

37 (d) A person joined as a party under subsection (2) of this section.

38 (2) Pursuant to administrative rule, a party may join a person who has physical custody of a
 39 child to a proceeding under ORS 416.400 to 416.465.

40 **SECTION 42.** ORS 416.415 is amended to read:

41 416.415. (1)(a) At any time after the state is assigned support rights, a public assistance payment
 42 is made, an application for enforcement services under ORS 25.080 is made by an individual who is
 43 not a recipient of public assistance or a written request for enforcement of a support obligation is
 44 received from the state agency of another state responsible for administering the federal child sup-
 45 port enforcement program, the administrator may, if there is no court order or administrative sup-

1 port order, issue a notice and finding of financial responsibility. The notice shall be served upon the
 2 parent in the manner prescribed for service of summons in a civil action, by certified mail, return
 3 receipt requested, or by any other mail service with delivery confirmation. Notices that involve the
 4 establishment of [*paternity*] **parentage** must be served by personal service. All notices may be per-
 5 sonally served by the administrator.

6 (b) The administrator shall serve the notice and finding issued under this section upon the
 7 obligee. Service shall be by regular mail.

8 (2) The administrator shall include in the notice:

9 (a) A statement of the name of the caretaker relative or agency and the name of the dependent
 10 child for whom support is to be paid;

11 (b) A statement of the monthly support for which the parent shall be responsible;

12 (c) A statement of the past support for which the parent shall be responsible;

13 (d) A statement that the parent may be required to provide health care coverage for the de-
 14 pendent child whenever the coverage is available to the parent at a reasonable cost;

15 (e) To the extent known, a statement of:

16 (A) Whether there is pending in this state or any other jurisdiction any type of support pro-
 17 ceeding involving the dependent child, including a proceeding brought under ORS 25.287, 107.085,
 18 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, 125.025, 416.425, 419B.400 or 419C.590 or ORS
 19 chapter 110; and

20 (B) Whether there exists in this state or any other jurisdiction a support order, as defined in
 21 ORS 110.303, involving the dependent child;

22 (f) A statement that if the parent or the obligee desires to discuss the amount of support or
 23 health care coverage that the parent is required to pay or provide, the parent or the obligee may
 24 contact the office that sent the notice and request a negotiation conference. If no agreement is
 25 reached on the monthly support to be paid, the administrator may issue a new notice and finding
 26 of financial responsibility, which may be sent to the parent and to the obligee by regular mail ad-
 27 dressed to the parent's and to the obligee's last-known address, or if applicable, the parent's or the
 28 obligee's attorney's last-known address;

29 (g) A statement that if the parent or the obligee objects to all or any part of the notice and
 30 finding of financial responsibility, then the parent or the obligee must send to the office issuing the
 31 notice, within 30 days of the date of service, a written response that sets forth any objections and
 32 requests a hearing;

33 (h) A statement that if such a timely response is received by the appropriate office, either the
 34 parent or the obligee or both shall have the right to a hearing; and that if no timely written re-
 35 sponse is received, the administrator may enter an order in accordance with the notice and finding
 36 of financial responsibility;

37 (i) A statement that as soon as the order is entered, the property of the parent is subject to
 38 collection action, including but not limited to wage withholding, garnishment and liens and exe-
 39 cution thereon;

40 (j) A reference to ORS 416.400 to 416.465;

41 (k) A statement that both the parent and the obligee are responsible for notifying the office of
 42 any change of address or employment;

43 (L) A statement that if the parent has any questions, the parent should telephone or visit the
 44 appropriate office or consult an attorney; and

45 (m) Such other information as the administrator finds appropriate.

1 (3) If the [*paternity*] **parentage** of the dependent child has not been legally established, the no-
 2 tice and finding of financial responsibility shall also include:

- 3 (a) An allegation that the person is the parent of the dependent child;
- 4 (b) The name of the child's other parent;
- 5 (c) The child's date of birth;
- 6 (d) The probable time or period of time during which conception took place; and
- 7 (e) A statement that if the alleged parent or the obligee does not timely send to the office is-
 8 suing the notice a written response that denies [*paternity*] **parentage** and requests a hearing, then
 9 the administrator, without further notice to the alleged parent, or to the obligee, may enter an order
 10 that declares and establishes the alleged parent as the legal parent of the child.

11 (4) The statement of monthly future support required under subsection (2)(b) and the statement
 12 of past support required under subsection (2)(c) of this section are to be computed as follows:

13 (a) If there is sufficient information available concerning the parent's financial and living situ-
 14 ation, the formula provided for in ORS 25.275 and 25.280 shall be used; or

15 (b) If there is insufficient information available to use the formula, an allegation of ability to
 16 pay shall be the basis of the statement.

17 (5) The parent or alleged parent and the obligee shall have time to request a hearing as outlined
 18 in subsection (2)(g) of this section. The time limits may be extended by the administrator and are
 19 nonjurisdictional.

20 (6) If a timely written response setting forth objections and requesting a hearing is received by
 21 the appropriate office, a hearing shall be held under ORS 416.427.

22 (7) If no timely written response and request for hearing is received by the appropriate office,
 23 the administrator may enter an order in accordance with the notice, and shall include in that order:

24 (a) If the [*paternity*] **parentage** of the dependent child is established by the order, a declaration
 25 of that fact;

26 (b) The amount of monthly support to be paid, with directions on the manner of payment;

27 (c) The amount of past support to be ordered against the parent;

28 (d) Whether health care coverage is to be provided for the dependent child;

29 (e) The name of the caretaker relative or agency and the name and birthdate of the dependent
 30 child for whom support is to be paid; and

31 (f) A statement that the property of the parent is subject to collection action, including but not
 32 limited to wage withholding, garnishment and liens and execution thereon.

33 (8) The parent and the obligee shall be sent a copy of the order by regular mail addressed to
 34 the last-known address of each of the parties or if applicable, to the last-known address of an at-
 35 torney of record for a party. The order is final, and action by the administrator to enforce and col-
 36 lect upon the order, including arrearages, may be taken from the date of issuance of the order.

37 (9) The provisions of ORS 107.108 apply to an order entered under this section for the support
 38 of a child attending school.

39 **SECTION 43.** ORS 416.419 is amended to read:

40 416.419. (1) Except as otherwise provided in subsection (2) of this section, the administrator may
 41 act as the tribunal described in ORS 110.304 in the establishment of [*paternity*] **parentage** or of a
 42 child support order, or in the modification or enforcement of a child support order.

43 (2)(a) When a hearing is requested pursuant to ORS 416.427, the tribunal is the Office of Ad-
 44 ministrative Hearings, except as provided in ORS 416.430.

45 (b) When an order is appealed pursuant to ORS 416.427 (6), the tribunal is a circuit court.

SECTION 44. ORS 416.430 is amended to read:

416.430. (1) The administrator may establish [*paternity*] **parentage** of a child in the course of a support proceeding under ORS 416.400 to 416.465 when both parents sign statements that [*paternity*] **parentage** has not been legally established and that the [*male parent is the father*] **persons are parents** of the child. The administrator may enter an order which establishes [*paternity*] **parentage**.

(2) If the parent fails to file a response denying [*paternity*] **parentage** and requesting a hearing within the time period allowed in ORS 416.415 (2), then the administrator, without further notice to the parent, may enter an order, in accordance with ORS 416.415 (7), which declares and establishes the parent as the legal [*father*] **parent** of the child.

(3) Any order entered pursuant to subsection (1) or (2) of this section establishes legal [*paternity*] **parentage** for all purposes. The Center for Health Statistics of the Oregon Health Authority shall amend the record of live birth for the child and issue a new certified copy of the record of live birth in the new name, if any, of the child. The original record of live birth shall be sealed and filed and may be opened only upon order of a court of competent jurisdiction.

(4)(a) If [*paternity*] **parentage** is alleged under ORS 416.415 (3) and a written response denying [*paternity*] **parentage** and requesting a hearing is received within the time period allowed in ORS 416.415 (2), or if the administrator determines that there is a valid issue with respect to [*paternity*] **parentage** of the child, the administrator, subject to the provisions of subsections (5) and (6) of this section, shall certify the matter to the circuit court for a determination based upon the contents of the file and any evidence which may be produced at trial. The proceedings in court shall for all purposes be deemed suits in equity. The provisions of ORS 109.145 to 109.230 apply to proceedings certified to court by the administrator pursuant to this section.

(b) Any response denying [*paternity*] **parentage** and requesting a hearing shall be sent by the enforcement office to the obligee by regular mail.

(5) An action to establish [*paternity*] **parentage** initiated under ORS 416.400 to 416.465 shall not be certified to court for trial unless all of the following have occurred:

(a) Blood tests have been conducted;

(b) The results of the blood tests have been served upon the parties and notice has been given that an order establishing [*paternity*] **parentage** will be entered unless a written objection is received within 30 days; and

(c) A written objection to the entry of an order has been timely received from a party.

(6) Notwithstanding the provisions of subsection (5) of this section, the administrator:

(a) Shall certify the matter to court:

(A) Within 30 days of receipt by the administrator of a timely written objection to the entry of an order by a party under subsection (5)(c) of this section;

(B) When a party requests certification in writing after the administrator has received a party's written denial of [*paternity*] **parentage** if at least 120 days have elapsed from receipt of the denial;

or

(C) Upon receipt of blood test results with a cumulative paternity index of less than 99; and

(b) May certify the matter to court at any time under any other circumstances.

(7) If the blood tests conducted under ORS 109.250 to 109.262 result in a cumulative paternity index of 99 or greater, evidence of the tests, together with the testimony of the parent, shall be a sufficient basis upon which to establish [*paternity*] **parentage** and the administrator may enter an order declaring the alleged [*father*] **parent** as the legal [*father*] **parent** of the child unless a party

1 objects in writing to the entry of the order. The testimony of the parent may be presented by affi-
 2 davit.

3 (8) Prior to certification to court, the administrator may attempt to resolve the issue of
 4 *[paternity]* **parentage** by discovery conducted under the Oregon Rules of Civil Procedure. Unless
 5 otherwise specifically provided by statute, the proceedings shall be conducted under the Oregon
 6 Rules of Civil Procedure.

7 (9) When, in accordance with subsection (6)(a)(A) of this section, a party objects to the entry
 8 of an order and the blood tests conducted under ORS 109.250 to 109.262 result in a cumulative
 9 paternity index of 99 or greater, notwithstanding the party’s objection, evidence of the tests, to-
 10 gether with the testimony of a parent, is a sufficient basis upon which to presume paternity for
 11 purposes of establishing temporary support under this section. The court shall, upon motion of any
 12 party, enter a temporary order requiring the alleged *[father]* **parent** to provide support pending the
 13 determination of parentage by the court. In determining the amount of support, the court shall use
 14 the formula established under ORS 25.275.

15 **SECTION 45.** ORS 416.435 is amended to read:

16 416.435. (1) Except as provided in subsection (2) of this section, when a response denying
 17 *[paternity]* **parentage** and requesting a hearing is received pursuant to ORS 416.415 (3), or
 18 *[paternity]* **parentage** is a valid issue as determined by the administrator under ORS 416.430, the
 19 certification to the circuit court shall be to the court in the judicial district where the parent or
 20 dependent child resides.

21 (2) Notwithstanding subsection (1) of this section, if there is an Oregon juvenile court case re-
 22 garding the dependent child, the matter may be certified to the county that has jurisdiction of the
 23 juvenile court case.

24 (3) The certification shall include true copies of the notice and finding of financial responsibility,
 25 the return of service, the denial of *[paternity]* **parentage** and request for hearing and any other
 26 relevant papers.

27 (4) The court shall set the matter for trial and notify the parties of the time and place of trial.

28 (5) If *[paternity]* **parentage** is established, the monthly support and the amount of past support
 29 to be ordered may be established under ORS 416.427.

30 **SECTION 46.** ORS 416.443 is amended to read:

31 416.443. (1) As used in this section, “blood tests” has the meaning given that term in ORS
 32 109.251.

33 (2) No later than one year after an order establishing *[paternity]* **parentage** is entered under
 34 ORS 416.440 and if blood tests have not been completed, a party may apply to the administrator to
 35 have the issue of *[paternity]* **parentage** reopened and for an order for blood tests.

36 (3) No later than one year after a voluntary acknowledgment of paternity is filed in this state
 37 and if blood tests have not been completed, a party to the acknowledgment, or the Department of
 38 Human Services if the child named in the acknowledgment is in the care and custody of the de-
 39 partment under ORS chapter 419B, may apply to the administrator for services under ORS 25.080
 40 and for an order for blood tests.

41 (4) Upon receipt of a timely application, the administrator shall order:

42 (a) The mother and the male party to submit to blood tests; and

43 (b) The person having physical custody of the child to submit the child to blood tests.

44 (5) If a party refuses to comply with an order under subsection (4) of this section, the issue of
 45 *[paternity]* **parentage** shall, upon the motion of the administrator, be resolved against that party by

1 an order of the court either affirming or setting aside the order establishing [*paternity*] **parentage**
 2 or the voluntary acknowledgment of paternity.

3 (6) **Where applicable**, if the results of the blood tests exclude [*the*] a male party as the biolog-
 4 ical father of [*the*] a child, the administrator may file a motion with the court for an order setting
 5 aside the order establishing [*paternity*] **parentage with respect to the male party** or the voluntary
 6 acknowledgment of paternity and for a judgment of [*nonpaternity*] **nonparentage**.

7 (7) Support paid before an order establishing [*paternity*] **parentage** or a voluntary acknowledg-
 8 ment of paternity is set aside under this section may not be returned to the payer.

9 (8) The administrator shall send a court-certified true copy of a judgment of [*nonpaternity*]
 10 **nonparentage** to the State Registrar of the Center for Health Statistics. Upon receipt of the judg-
 11 ment, the state registrar shall correct any records maintained by the state registrar that indicate
 12 that the male party is the parent of the child.

13 (9) The Child Support Program shall pay any state registrar fees and any costs for blood tests
 14 ordered under this section, subject to recovery from the party who requested the tests.

15 **SECTION 47.** ORS 416.455 is amended to read:

16 416.455. (1) In any individual case, commencing with the payment of public assistance, with the
 17 application for enforcement services under ORS 25.080 by an individual not receiving public assist-
 18 ance or upon receipt of a written request for enforcement of a support obligation from the state
 19 agency of another state responsible for administering the federal child support enforcement program,
 20 the administrator may take action under ORS 416.400 to 416.465. The administrator and, as appro-
 21 priate, the administrative law judge, may establish, modify and terminate support orders, require
 22 health care coverage for dependent children, establish [*paternity*] **parentage** and collect child sup-
 23 port.

24 (2) The Department of Justice may make such rules as may be necessary or desirable for car-
 25 rying out ORS 416.400 to 416.465.

26 **SECTION 48.** ORS 419A.004 is amended to read:

27 419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires
 28 otherwise:

29 (1) "CASA Volunteer Program" means a program that is approved or sanctioned by a juvenile
 30 court, has received accreditation from the National CASA Association and has entered into a con-
 31 tract with the Oregon Volunteers Commission for Voluntary Action and Service under ORS 458.581
 32 to recruit, train and supervise volunteers to serve as court appointed special advocates.

33 (2) "Child care center" means a residential facility for wards or youth offenders that is licensed
 34 under the provisions of ORS 418.240.

35 (3) "Community service" has the meaning given that term in ORS 137.126.

36 (4) "Conflict of interest" means a person appointed to a local citizen review board who has a
 37 personal or pecuniary interest in a case being reviewed by that board.

38 (5) "Counselor" means a juvenile department counselor or a county juvenile probation officer.

39 (6) "Court" means the juvenile court.

40 (7) "Court appointed special advocate" means a person in a CASA Volunteer Program who is
 41 appointed by the court to act as a court appointed special advocate pursuant to ORS 419B.112.

42 (8) "Court facility" has the meaning given that term in ORS 166.360.

43 (9) "Department" means the Department of Human Services.

44 (10) "Detention" or "detention facility" means a facility established under ORS 419A.010 to
 45 419A.020 and 419A.050 to 419A.063 for the detention of children, wards, youths or youth offenders

1 pursuant to a judicial commitment or order.

2 (11) "Director" means the director of a juvenile department established under ORS 419A.010 to
3 419A.020 and 419A.050 to 419A.063.

4 (12) "Guardian" means guardian of the person and not guardian of the estate.

5 (13) "Indian child" means any unmarried person less than 18 years of age who is:

6 (a) A member of an Indian tribe; or

7 (b) Eligible for membership in an Indian tribe and is the biological child of a member of an In-
8 dian tribe.

9 (14) "Juvenile court" means the court having jurisdiction of juvenile matters in the several
10 counties of this state.

11 (15) "Local citizen review board" means the board specified by ORS 419A.090 and 419A.092.

12 (16) "Parent" means the biological or adoptive mother and the legal [*father*] **parent** of the child,
13 ward, youth or youth offender. As used in this subsection, "legal [*father*] **parent**" means:

14 (a) A [*man*] **person** who has adopted the child, ward, youth or youth offender or whose
15 [*paternity*] **parentage** has been established or declared under ORS 109.070 or 416.400 to 416.465 or
16 by a juvenile court; and

17 (b) In cases in which the Indian Child Welfare Act applies, a man who is a father under appli-
18 cable tribal law.

19 (17) "Permanent foster care" means an out-of-home placement in which there is a long-term
20 contractual foster care agreement between the foster parents and the department that is approved
21 by the juvenile court and in which the foster parents commit to raise a ward in substitute care or
22 youth offender until the age of majority.

23 (18) "Planned permanent living arrangement" means an out-of-home placement other than by
24 adoption, placement with a relative or placement with a legal guardian that is consistent with the
25 case plan and in the best interests of the ward.

26 (19) "Public building" has the meaning given that term in ORS 166.360.

27 (20) "Reasonable time" means a period of time that is reasonable given a child or ward's emo-
28 tional and developmental needs and ability to form and maintain lasting attachments.

29 (21) "Records" means any information in written form, pictures, photographs, charts, graphs,
30 recordings or documents pertaining to a case.

31 (22) "Resides" or "residence," when used in reference to the residence of a child, ward, youth
32 or youth offender, means the place where the child, ward, youth or youth offender is actually living
33 or the jurisdiction in which wardship or jurisdiction has been established.

34 (23) "Restitution" has the meaning given that term in ORS 137.103.

35 (24) "Serious physical injury" means:

36 (a) A serious physical injury as defined in ORS 161.015; or

37 (b) A physical injury that:

38 (A) Has a permanent or protracted significant effect on a child's daily activities;

39 (B) Results in substantial and recurring pain; or

40 (C) In the case of a child under 10 years of age, is a broken bone.

41 (25) "Shelter care" means a home or other facility suitable for the safekeeping of a child, ward,
42 youth or youth offender who is taken into temporary custody pending investigation and disposition.

43 (26) "Short-term detention facility" means a facility established under ORS 419A.050 (3) for
44 holding children, youths and youth offenders pending further placement.

45 (27) "Sibling" means one of two or more children or wards related:

1 (a) By blood or adoption through a common legal parent; or

2 (b) Through the marriage **or registered domestic partnership** of the children’s or wards’ legal
3 or biological parents.

4 (28) “Substitute care” means an out-of-home placement directly supervised by the department
5 or other agency, including placement in a foster family home, group home or other child caring in-
6 stitution or facility. “Substitute care” does not include care in:

7 (a) A detention facility, forestry camp or youth correction facility;

8 (b) A family home that the court has approved as a ward’s permanent placement, when a private
9 child caring agency has been appointed guardian of the ward and when the ward’s care is entirely
10 privately financed; or

11 (c) In-home placement subject to conditions or limitations.

12 (29) “Surrogate” means a person appointed by the court to protect the right of the child, ward,
13 youth or youth offender to receive procedural safeguards with respect to the provision of free ap-
14 propriate public education.

15 (30) “Tribal court” means a court with jurisdiction over child custody proceedings and that is
16 either a Court of Indian Offenses, a court established and operated under the code of custom of an
17 Indian tribe or any other administrative body of a tribe that is vested with authority over child
18 custody proceedings.

19 (31) “Victim” means any person determined by the district attorney, the juvenile department or
20 the court to have suffered direct financial, psychological or physical harm as a result of the act that
21 has brought the youth or youth offender before the juvenile court. When the victim is a minor,
22 “victim” includes the legal guardian of the minor. The youth or youth offender may not be consid-
23 ered the victim. When the victim of the crime cannot be determined, the people of Oregon, as re-
24 presented by the district attorney, are considered the victims.

25 (32) “Violent felony” means any offense that, if committed by an adult, would constitute a felony
26 and:

27 (a) Involves actual or threatened serious physical injury to a victim; or

28 (b) Is a sexual offense. As used in this paragraph, “sexual offense” has the meaning given the
29 term “sex crime” in ORS 181.805.

30 (33) “Ward” means a person within the jurisdiction of the juvenile court under ORS 419B.100.

31 (34) “Young person” means a person who has been found responsible except for insanity under
32 ORS 419C.411 and placed under the jurisdiction of the Psychiatric Security Review Board.

33 (35) “Youth” means a person under 18 years of age who is alleged to have committed an act that
34 is a violation, or, if done by an adult would constitute a violation, of a law or ordinance of the
35 United States or a state, county or city.

36 (36) “Youth care center” has the meaning given that term in ORS 420.855.

37 (37) “Youth offender” means a person who has been found to be within the jurisdiction of the
38 juvenile court under ORS 419C.005 for an act committed when the person was under 18 years of age.

39 **SECTION 49.** ORS 419B.395 is amended to read:

40 419B.395. (1) If in any proceeding under ORS 419B.100 or 419B.500 the juvenile court determines
41 that the child or ward has [no] **one or fewer** legal [father] **parents** or that [paternity] **parentage**
42 is disputed as allowed in ORS 109.070, the court may enter a judgment of [paternity] **parentage** or
43 a judgment of [nonpaternity] **nonparentage** in compliance with the provisions of ORS 109.070,
44 109.124 to 109.230, 109.250 to 109.262 and 109.326.

45 (2) Before entering a judgment under subsection (1) of this section, the court must find that

1 adequate notice and an opportunity to be heard was provided to:

- 2 (a) The parties to the proceeding;
- 3 (b) The *[man]* **person** alleged or claiming to be the child or ward's *[father]* **parent**; and
- 4 (c) The Administrator of the Division of Child Support of the Department of Justice or the
- 5 branch office providing support services to the county in which the court is located.

6 (3) When appropriate, the court shall inform a *[man]* **person** before the court claiming to be the

7 *[father]* **parent** of a child or ward that *[paternity]* **parentage** establishment services may be available

8 through the administrator if the child or ward:

- 9 (a) Is a child born out of wedlock;
- 10 (b) Has not been placed for adoption; and
- 11 (c) Has *[no]* **one or fewer** legal *[father]* **parents**.
- 12 (4) As used in this section:

- 13 (a) "Administrator" has the meaning given that term in ORS 25.010.
- 14 (b) "Child born out of wedlock" has the meaning given that term in ORS 109.124.
- 15 (c) "Legal *[father]* **parent**" has the meaning given that term in ORS 419A.004 (16).

16 **SECTION 50.** ORS 419B.839 is amended to read:

17 419B.839. (1) Summons in proceedings to establish jurisdiction under ORS 419B.100 must be

18 served on:

- 19 (a) The parents of the child without regard to who has legal or physical custody of the child;
- 20 (b) The legal guardian of the child;
- 21 (c) A putative father of the child who satisfies the criteria set out in ORS 419B.875 (1)(a)(C),
- 22 except as provided in subsection (4) of this section;
- 23 (d) A putative father of the child if notice of the initiation of filiation or *[paternity]* **parentage**
- 24 proceedings was on file with the Center for Health Statistics of the Oregon Health Authority prior
- 25 to the initiation of the juvenile court proceedings, except as provided in subsection (4) of this sec-
- 26 tion;
- 27 (e) The person who has physical custody of the child, if the child is not in the physical custody
- 28 of a parent; and
- 29 (f) The child, if the child is 12 years of age or older.

30 (2) If it appears to the court that the welfare of the child or of the public requires that the child

31 immediately be taken into custody, the court may indorse an order on the summons directing the

32 officer serving it to take the child into custody.

33 (3) Summons may be issued requiring the appearance of any person whose presence the court

34 deems necessary.

35 (4) Summons under subsection (1) of this section is not required to be given to a putative father

36 whom a court of competent jurisdiction has found not to be the child's legal father or who has filed

37 a petition for filiation that was dismissed if no appeal from the judgment or order is pending.

38 (5) If a guardian ad litem has been appointed for a parent under ORS 419B.231, a copy of a

39 summons served on the parent under this section must be provided to the guardian ad litem.

40 **SECTION 51.** ORS 432.088, as amended by section 51, chapter 45, Oregon Laws 2014, is

41 amended to read:

42 432.088. (1) A report of live birth for each live birth that occurs in this state shall be submitted

43 to the Center for Health Statistics, or as otherwise directed by the State Registrar of the Center for

44 Health Statistics, within five calendar days after the live birth and shall be registered if the report

45 has been completed and filed in accordance with this section.

1 (2) The physician, institution or other person providing prenatal care related to a live birth shall
2 provide prenatal care information as required by the state registrar by rule to the institution where
3 the delivery is expected to occur not less than 30 calendar days prior to the expected delivery date.

4 (3) When a live birth occurs in an institution or en route to an institution, the person in charge
5 of the institution or an authorized designee shall obtain all data required by the state registrar,
6 prepare the report of live birth, certify either by signature or electronic signature that the child
7 was born alive at the place and time and on the date stated and submit the report as described in
8 subsection (1) of this section.

9 (4) In obtaining the information required for the report of live birth, an institution shall use
10 information gathering procedures provided or approved by the state registrar. Institutions may es-
11 tablish procedures to transfer, electronically or otherwise, information required for the report from
12 other sources, provided that the procedures are reviewed and approved by the state registrar prior
13 to the implementation of the procedures to ensure that the information being transferred is the same
14 as the information being requested.

15 (5)(a) When a live birth occurs outside an institution, the information for the report of live birth
16 shall be submitted within five calendar days of the live birth in a format adopted by the state
17 registrar by rule in the following order of priority:

18 (A) By an institution where the **live birth** mother and child are examined, if examination occurs
19 within 24 hours of the live birth;

20 (B) By a physician in attendance at the live birth;

21 (C) By a direct entry midwife licensed under ORS 687.405 to 687.495 in attendance at the live
22 birth;

23 (D) By a person not described in subparagraphs (A) to (C) of this paragraph and not required
24 by law to be licensed to practice midwifery who is registered with the Center for Health Statistics
25 to submit reports of live birth and who was in attendance at the live birth; or

26 (E) By the father, the **live birth** mother, **any other parent** or, in the absence **or inability of**
27 **any parent** [*of the father and the inability of the mother*], the person in charge of the premises where
28 the live birth occurred.

29 (b) The state registrar may establish by rule the manner of submitting the information for the
30 report of live birth by a person described in paragraph (a)(D) of this subsection or a physician or
31 licensed direct entry midwife who attends the birth of his or her own child, grandchild, niece or
32 nephew.

33 (6) When a report of live birth is submitted that does not include the minimum acceptable doc-
34 umentation required by this section or any rules adopted under this section, or when the state
35 registrar has cause to question the validity or adequacy of the documentation, the state registrar,
36 in the state registrar's discretion, may refuse to register the live birth and shall enter an order to
37 that effect stating the reasons for the action. The state registrar shall advise the applicant of the
38 right to appeal under ORS 183.484.

39 (7) When a live birth occurs on a moving conveyance:

40 (a) Within the United States and the child is first removed from the conveyance in this state,
41 the live birth shall be registered in this state and the place where it is first removed shall be con-
42 sidered the place of live birth.

43 (b) While in international waters or air space or in a foreign country or its air space and the
44 child is first removed from the conveyance in this state, the birth shall be registered in this state
45 but the report of live birth shall show the actual place of birth insofar as can be determined.

1 (8) For purposes of making a report of live birth and live birth registration, the woman who
2 gives live birth is the live birth mother. If a court of competent jurisdiction determines that a
3 woman other than the live birth mother is the biological or genetic mother, the court may order the
4 state registrar to amend the record of live birth. The record of live birth shall then be placed under
5 seal.

6 (9)(a) If the **live birth** mother is married **or in a registered domestic partnership** at the time
7 of either conception or live birth, or within 300 days before the live birth, the name of the
8 [*husband*] **spouse or registered domestic partner** shall be entered on the report of live birth as
9 the [*father*] **parent** of the child unless parentage has been determined otherwise by a court of
10 competent jurisdiction.

11 (b) If the **live birth** mother is not married **or in a registered domestic partnership** at the time
12 of either conception or live birth, or within 300 days before the live birth, the name of the [*father*]
13 **parent** shall not be entered on the report of live birth unless a voluntary acknowledgment of
14 paternity form or other form prescribed under ORS 432.098 is:

15 (A) Signed by the **live birth** mother and the person to be named as the father; and

16 (B) Filed with the state registrar.

17 (c) If the **live birth** mother is a partner in a domestic partnership registered by the state at the
18 time of either conception or live birth, or between conception and live birth, the name of the **live**
19 **birth** mother's partner shall be entered on the report of live birth as a parent of the child, unless
20 parentage has been determined otherwise by a court of competent jurisdiction.

21 (d) In any case in which [*paternity*] **parentage** of a child is determined by a court of competent
22 jurisdiction, or by an administrative determination of [*paternity*] **parentage**, the Center for Health
23 Statistics shall enter the name of the [*father*] **parent** on the new record of live birth. The Center for
24 Health Statistics shall change the surname of the child if so ordered by the court or, in a proceeding
25 under ORS 416.430, by the administrator as defined in ORS 25.010.

26 (e) If a biological parent is not named on the report of live birth, information other than the
27 identity of the biological parent may be entered on the report.

28 (10) A parent of the child, or other informant as determined by the state registrar by rule, shall
29 verify the accuracy of the personal data to be entered on a report of live birth in time to permit
30 submission of the report within the five calendar days of the live birth.

31 (11) A report of live birth submitted after five calendar days, but within one year after the date
32 of live birth, shall be registered in the manner prescribed in this section. The record shall not be
33 marked "Delayed."

34 (12) The state registrar may require additional evidence in support of the facts of live birth.

35 **SECTION 52.** ORS 432.098 is amended to read:

36 432.098. (1) The Director of the Oregon Health Authority shall adopt by rule a form of a vol-
37 untary acknowledgment of paternity that includes the minimum requirements specified by the United
38 States Secretary of Health and Human Services. When the form is signed by both biological parents
39 and witnessed by a third party, the form establishes [*paternity*] **parentage** for all purposes when
40 filed with the State Registrar of the Center for Health Statistics, provided there is no male parent
41 already named in the report of live birth. Establishment of [*paternity*] **parentage** under this section
42 is subject to the provisions and the requirements in ORS 109.070. When there is no other male
43 named as father on the child's record of live birth, the filing of such voluntary acknowledgment of
44 paternity form shall cause the state registrar to place the name of the male parent who has signed
45 the voluntary acknowledgment of paternity form on the record of live birth of the child or, if ap-

1 appropriate, establish a replacement for the record containing the name of the child's male parent, as
 2 that parent is named in the voluntary acknowledgment of paternity form. When signed by both
 3 parents in the health care facility of the child's birth within five days after the birth, the voluntary
 4 acknowledgment of paternity form is not a sworn document. When thus signed, a staff member of
 5 the health care facility shall witness the signatures of the parents. In all other circumstances, the
 6 form is a sworn document. The filing of the voluntary acknowledgment of paternity form created by
 7 this section is subject to the payment of any fees that may apply.

8 (2) The voluntary acknowledgment of paternity form must contain:

9 (a) A statement of rights and responsibilities including any rights afforded to a minor parent;

10 (b) A statement of the alternatives to and consequences of signing the acknowledgment;

11 (c) Instructions on how to file the form with the state registrar and information about any fee
 12 required;

13 (d) Lines for the Social Security numbers and addresses of the parents; and

14 (e) A statement that the rights, responsibilities, alternatives and consequences listed on the ac-
 15 knowledgment were read to the parties prior to signing the acknowledgment.

16 (3) Upon request, the state registrar shall provide a copy of any voluntary acknowledgment of
 17 paternity form to the state agency responsible for administration of the child support enforcement
 18 program created under Title IV-D of the Social Security Act. The duty imposed upon the state
 19 registrar by this section is limited to records of live birth executed and filed with the state registrar
 20 after October 1, 1995.

21 **SECTION 53.** ORS 432.103 is amended to read:

22 432.103. A determination of [*paternity*] **parentage** by another state is entitled to full faith and
 23 credit.

24 **SECTION 54.** ORS 432.245 is amended to read:

25 432.245. (1) For a person born in this state, the State Registrar of the Center for Health Statis-
 26 tics shall amend a record of live birth and establish a replacement for the record if the state
 27 registrar receives one of the following:

28 (a) A report of adoption as provided in ORS 432.223 or a certified copy of the judgment of
 29 adoption, with the information necessary to identify the original record of live birth and to establish
 30 a replacement for the record, unless the court ordering the adoption requests that a replacement for
 31 the record not be established;

32 (b) A request that a replacement record of live birth be prepared to establish parentage, as
 33 prescribed by the state registrar by rule or ordered by a court of competent jurisdiction in this state
 34 that has determined the [*paternity*] **parentage** of a person;

35 (c) A written and notarized request, signed by both parents, acknowledging [*paternity*] **parent-**
 36 **age**; or

37 (d) A certified copy of a judgment that indicates that an individual born in this state has com-
 38 pleted sexual reassignment and that the sex on the record of live birth must be changed.

39 (2) To change a person's name under subsection (1) of this section, the request or court order
 40 must include the name that currently appears **on** the record of live birth and the new name to be
 41 designated on the replacement for the record. The new name of the person shall be shown on the
 42 replacement for the record.

43 (3) Upon receipt of a certified copy of a court order to change the name of a person born in this
 44 state as authorized by 18 U.S.C. 3521 et seq., the state registrar shall create a replacement for a
 45 record of live birth to show the new information as specified in the court order.

1 (4) When a replacement for a record of live birth is prepared, the city, county and date of live
 2 birth must be included in the replacement. The replacement for the record must be substituted for
 3 the original record of live birth. The original record of live birth and all evidence submitted with
 4 the request or court order for the replacement for the record must be placed under seal and is not
 5 subject to inspection, except upon the order of a court of competent jurisdiction in this state or as
 6 provided by rule of the state registrar.

7 (5) Upon receipt of an amended judgment of adoption, the record of live birth shall be amended
 8 by the state registrar as provided by the state registrar by rule.

9 (6) Upon receipt of a report of annulment of adoption or a court order annulling an adoption,
 10 the original record of live birth must be restored. The replacement for the record of live birth is
 11 not subject to inspection, except upon the order of a court of competent jurisdiction in this state
 12 or as provided by rule of the state registrar.

13 (7) If there is no record of live birth for a person for whom a replacement for the record is
 14 sought under this section and the court issues an order indicating a date of live birth more than
 15 one year from the date submitted to the Center for Health Statistics, the replacement for the record
 16 of live birth shall be created as a delayed record of live birth.

17 (8) The state registrar shall prepare and register a record of foreign live birth for a person born
 18 in a foreign country who is not a citizen of the United States and for whom a judgment of adoption
 19 was issued by a court of competent jurisdiction in this state if the court, the parents adopting the
 20 child or the adopted person, if the adopted person is 18 years of age or older, requests the record.
 21 The record must be labeled "Record of Foreign Live Birth" and shall show the actual country of live
 22 birth. After registering the record of foreign live birth in the new name of the adopted person, the
 23 record must be placed under seal and is not subject to inspection, except upon the order of a court
 24 of competent jurisdiction in this state or as provided by rule of the state registrar.

25 (9) A replacement record of live birth may not be created under this section if the date and
 26 place of live birth have not been determined by the court order.

27 **SECTION 55.** ORCP 4 K is amended to read:

28 K Certain marital and domestic relations actions.

29 K(1) In any action to determine a question of status instituted under ORS chapter 106 or 107
 30 when the plaintiff is a resident of or domiciled in this state.

31 K(2) In any action to enforce personal obligations arising under ORS chapter 106 or 107, if the
 32 parties [*to a marriage*] have concurrently maintained the same or separate residences or domiciles
 33 within this state for a period of six months, notwithstanding departure from this state and acquisi-
 34 tion of a residence or domicile in another state or country before filing of such action; but if an
 35 action to enforce personal obligations arising under ORS chapter 106 or 107 is not commenced
 36 within one year following the date upon which the party who left the state acquired a residence or
 37 domicile in another state or country, no jurisdiction is conferred by this subsection in any such
 38 action.

39 K(3) In any proceeding to establish [*paternity*] **parentage** under ORS chapter 109 or 110, or any
 40 action for declaration of [*paternity*] **parentage** where the primary purpose of the action is to estab-
 41 lish responsibility for child support, when the act of sexual intercourse which resulted in the birth
 42 of the child is alleged to have taken place in this state.

43 **SECTION 56. The amendments to ORS 18.052, 25.020, 25.075, 25.080, 25.082, 25.650, 25.750,**
 44 **107.106, 107.179, 107.425, 109.012, 109.070, 109.072, 109.073, 109.092, 109.094, 109.096, 109.098,**
 45 **109.103, 109.125, 109.145, 109.155, 109.175, 109.239, 109.243, 109.251, 109.252, 109.254, 109.259,**

1 109.315, 109.326, 109.704, 112.105, 163.565, 180.320, 180.380, 192.535, 192.539, 411.117, 412.024,
2 416.407, 416.415, 416.419, 416.430, 416.435, 416.443, 416.455, 419A.004, 419B.395, 419B.839, 432.088,
3 432.098, 432.103 and 432.245 and ORCP 4 K by sections 1 through 55 of this 2015 Act apply to
4 establishments of parentage and parentage proceedings made or commenced on or after the
5 effective date of this 2015 Act.

6 SECTION 57. The unit captions used in this 2015 Act are provided only for the conven-
7 ience of the reader and do not become part of the statutory law of this state or express any
8 legislative intent in the enactment of this 2015 Act.

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