

**PROPOSED AMENDMENTS TO
HOUSE BILL 2365**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; amending ORS 21.135, 109.309, 109.315, 109.317, 109.319,
3 109.321, 109.329, 109.342, 109.350 and 109.385;”.

4 Delete lines 4 through 30 and delete page 2 and insert:

5 **“SECTION 1. ORS 109.315 is amended to read:**

6 “109.315. (1) A petition for adoption of a minor child must be signed by
7 the petitioner [*and notarized*] and, unless stated in the petition why the in-
8 formation or statement is omitted, must contain the following:

9 “(a) The full name of the petitioner;

10 “(b) The state and length of residency in the state of the petitioner and
11 information sufficient to establish that the residency requirement of ORS
12 109.309 (2) has been met;

13 “(c) The current marital or domestic partnership status of the petitioner;

14 “(d) An explanatory statement as to why the petitioner is of sufficient
15 ability to bring up the minor child and furnish suitable nurture and educa-
16 tion sufficient for judgment to be entered under ORS 109.350;

17 “(e) Information sufficient for the court to establish that the petitioner
18 has complied with the jurisdictional and venue requirements of ORS 109.309
19 (4) and (5);

20 “(f) The full name, [*sex*] **gender** and date and place of birth of the minor
21 child;

22 “(g) The marital or domestic partnership status of the biological mother

1 at the time of conception, at the date of birth and during the 300 days prior
2 to the date of birth of the minor child;

3 “(h) A statement that **indicates whether** the minor child is [*not*] an In-
4 dian child as defined in the Indian Child Welfare Act (25 U.S.C. 1901 et seq.)
5 [*or*] **and, if required by** the Indian Child Welfare Act [*applies*]:

6 “(A) A statement of the efforts to notify the appropriate Indian tribe or
7 tribes of the adoption; and

8 “(B) A statement of the efforts to comply with the placement preferences
9 of the Indian Child Welfare Act or the placement preferences of the appro-
10 priate Indian tribe;

11 “(i) The name and relationship to the minor child of any person who has
12 executed a written release or surrender of parental rights or of rights of
13 guardianship of the minor child as provided by ORS 418.270 and the date of
14 the release or surrender;

15 “(j) The name and relationship to the minor child of any person who has
16 given written consent as required under ORS 109.321, and the date the con-
17 sent was given;

18 “(k) The name and relationship to the minor child of any person or entity
19 for whom the written consent requirement under ORS 109.321 is waived or
20 not required as provided in ORS 109.322, 109.323, 109.324, 109.325, 109.326 and
21 109.327 or whose written consent may be substituted for the written consent
22 requirement under ORS 109.321 as provided in ORS 109.322, 109.323, 109.324,
23 109.325, 109.326, 109.327, 109.328 and 109.329;

24 “(L) The name and relationship to the minor child of all persons who have
25 signed and attested to:

26 “(A) A written certificate of irrevocability and waiver as provided in ORS
27 109.321 (2); **or**

28 “(B) **A written certificate stating that a release or surrender under**
29 **ORS 418.270 (4) shall become irrevocable as soon as the child is placed**
30 **for the purpose of adoption;**

1 “(m) A statement of the facts and circumstances under which the
2 petitioner obtained physical custody of the minor child, including date of
3 placement with the petitioner for adoption and the name and relationship to
4 the minor child of the individual or entity placing the minor child with the
5 petitioner;

6 “(n) The length of time that a minor child has been in the physical cus-
7 tody of the petitioner and, if the minor child is not in the physical custody
8 of the petitioner, the reason why, and the date and manner in which the
9 petitioner will obtain physical custody of the minor child;

10 “(o) Whether a continuing contact agreement exists under ORS 109.305,
11 including names of the parties to the agreement and date of execution;

12 “(p) A statement establishing that the requirements of ORS 109.353 re-
13 garding advisement about the voluntary adoption registry and the registry’s
14 services have been met;

15 “(q) A statement establishing that the requirements of ORS 109.346 re-
16 garding notice of right to counseling sessions have been met;

17 “(r) A statement that the information required by the Uniform Child
18 Custody Jurisdiction and Enforcement Act under ORS 109.701 to 109.834 has
19 been provided in the Adoption Summary and Segregated Information State-
20 ment under ORS 109.317;

21 “(s) A statement that the Interstate Compact on the Placement of Chil-
22 dren does or does not apply and, if applicable, a statement of the efforts
23 undertaken to comply with the compact; *[and]*

24 “(t) Unless waived, a statement that a current home study was completed
25 in compliance with ORS 109.309 (7)[.]; **and**

26 **“(u) A declaration made under penalty of perjury that the petition,**
27 **and the information and statements contained in the petition, are true**
28 **to the best of the petitioner’s knowledge and belief and that the**
29 **petitioner understands the petition, and information and statements**
30 **contained in the petition, may be used as evidence in court and are**

1 **subject to penalty for perjury.**

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

4 “(a) Entry of a general judgment of adoption;

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

7 “(c) A finding that the court has jurisdiction over the adoption proceed-
8 ing, the parties and the minor child;

9 “(d) With respect to the appropriate persons, the termination of parental
10 rights or a determination of nonpaternity;

11 “(e) Approval of a change to the minor child’s name;

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

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

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

21 “(i) Any other relief requested by the petitioner.

22 “(3) A petition filed under ORS 109.309 must, if applicable, have the fol-
23 lowing attached as exhibits:

24 “(a) Any written release or surrender of the minor child for adoption, or
25 a written disclaimer of parental rights;

26 “(b) Any written consent to the adoption;

27 “(c) Any certificate of irrevocability and waiver;

28 “(d) Any continuing contact agreement under ORS 109.305;

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

30 “(f) Any other supporting documentation necessary to comply with the

1 petition requirements in this section and ORS 109.309.

2 “(4) The petition and documents filed as exhibits under subsection (3) of
3 this section are confidential and may not be inspected or copied except as
4 provided under ORS 109.305 to 109.410 and 109.425 to 109.507.

5 “(5)(a) Within 30 days after being filed with the court, the petitioner shall
6 serve copies of the petition, the documents filed as exhibits under subsection
7 (3) of this section and the Adoption Summary and Segregated Information
8 Statement described in ORS 109.317, including any amendments and exhibits
9 attached to the statement, on the Director of Human Services by either reg-
10 istered or certified mail with return receipt or personal service.

11 “(b) In the case of an adoption in which one of the child’s biological or
12 adoptive parents retains parental rights, the petitioner shall also serve the
13 petition by either registered or certified mail with return receipt or personal
14 service:

15 “(A) On all persons whose consent to the adoption is required under ORS
16 109.321 unless the person’s written consent is filed with the court; and

17 “(B) On the parents of the party whose parental rights would be termi-
18 nated, if the names and addresses are known or may be readily ascertained
19 by the petitioner.

20 “(c) When a parent of the child is deceased or incapacitated, the
21 petitioner shall also serve the petition on the parents of the deceased or in-
22 capacitated parent, if the names and addresses are known or may be readily
23 ascertained by the petitioner. As used in this paragraph:

24 “(A) ‘Incapacitated’ means a condition in which a person’s ability to re-
25 ceive and evaluate information effectively or to communicate decisions is
26 impaired to such an extent that the person lacks the capacity to meet the
27 essential requirements for the person’s physical health or safety.

28 “(B) ‘Meet the essential requirements for the person’s physical health or
29 safety’ means those actions necessary to provide health care, food, shelter,
30 clothing, personal hygiene and other care without which serious physical

1 injury or illness is likely to occur.

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

4 **“SECTION 2.** ORS 109.317 is amended to read:

5 “109.317. (1) An Adoption Summary and Segregated Information Statement
6 must be filed concurrently with every petition for adoption of a minor child
7 filed under ORS 109.309. The statement must summarize information in the
8 adoption proceeding and include additional information and attached exhib-
9 its as required under this section. The statement must contain, at a mini-
10 mum, the following information if [*the information is*] known or readily
11 ascertainable by the petitioner:

12 “(a) The full name, permanent address and telephone number of each
13 petitioner;

14 “(b) The current full name, the proposed adoptive name and the date and
15 place of birth of the minor child;

16 “(c) The names, permanent addresses and telephone numbers of any per-
17 son whose consent to the adoption is required under ORS 109.321;

18 “(d) The name and relationship to the minor child and address of any
19 person or entity for whom the written consent requirement under ORS
20 109.321 is waived or not required as provided in ORS 109.322, 109.323, 109.324,
21 109.325, 109.326 and 109.327 or whose written consent may be substituted for
22 the written consent requirement under ORS 109.321 as provided in ORS
23 109.322, 109.323, 109.324, 109.325, 109.326, 109.327, 109.328 and 109.329;

24 “(e) The information required by the Uniform Child Custody Jurisdiction
25 and Enforcement Act under ORS 109.701 to 109.834 **except that, when the**
26 **Department of Human Services or an approved child-caring agency of**
27 **this or any other state has placed a minor child with a foster parent,**
28 **the information required under this paragraph regarding the minor**
29 **child’s address, whereabouts or places the minor child has lived during**
30 **the past five years, as required under ORS 107.767, is limited to the fact**

1 **that the minor child was placed with a foster parent and the county**
2 **and state of the location of the foster care placement, and disclosure**
3 **of the foster parent’s name and address is specifically exempted from**
4 **the requirements of this paragraph;**

5 “(f) The name, address and telephone number of any adoption agency that
6 will be consenting, or has consented, to the adoption;

7 “(g) The name, bar number and contact information for any attorney re-
8 presenting a petitioner or a person whose consent to the adoption is required
9 under ORS 109.321; and

10 “(h) An indication of the type of adoption proceeding as follows:

11 “(A) Private agency adoption, whether domestic or international;

12 “(B) Nonrelated independent adoption;

13 “(C) [*Determination of validity of an adoption in a foreign nation*] **Rea-**
14 **adoption of a minor child adopted in a foreign nation** under ORS 109.385;

15 “(D) Relative independent adoption;

16 “(E) Stepparent independent adoption;

17 “(F) An independent adoption involving one petitioner who retains par-
18 ental rights;

19 “(G) Out-of-state public agency adoption;

20 “(H) An adoption in which the Department of Human Services gives
21 consent under ORS 109.325; or

22 “(I) Any other specified adoption.

23 “(2) An Adoption Summary and Segregated Information Statement must,
24 if applicable, have the following attached as exhibits:

25 “(a) A home study or written evidence that a home study has been ap-
26 proved as required by ORS 109.309, unless waived;

27 “(b) A report of adoption on a form prescribed and furnished by the State
28 Registrar of the Center for Health Statistics as required under ORS 432.223;
29 and

30 “(c) A medical history of the minor child and of the biological parents

1 as required under ORS 109.342.

2 “(3) A waiver of the home study requirement may be substituted for the
3 requirement under subsection (2)(a) of this section.

4 “(4) *[Before judgment is entered in the case, a petitioner shall file an*
5 *amended Adoption Summary and Segregated Information Statement when any*
6 *of the required information changes]* **The petitioner has a continuing duty**
7 **to inform the court of any change to the information required under**
8 **this section** or when information that was not previously known or
9 ascertainable becomes known or ascertainable.

10 “(5) The Adoption Summary and Segregated Information Statement and
11 the exhibits submitted under subsection (2) of this section are confidential
12 and may not be inspected or copied except as otherwise provided under ORS
13 109.305 to 109.410 or 109.425 to 109.507. The Adoption Summary and Segre-
14 gated Information Statement and the exhibits submitted under this section
15 must be segregated in the record of the adoption case from other records,
16 papers and files in the record of the adoption case.

17 **“SECTION 3.** ORS 109.319, as amended by section 7, chapter 71, Oregon
18 Laws 2014, is amended to read:

19 “109.319. (1) The clerk or court administrator of any court having juris-
20 diction over adoption proceedings shall keep a separate record of the case
21 for each adoption proceeding filed with the court. Adoption proceedings shall
22 not be entered upon the general records of the court.

23 “(2) The clerk, court administrator *[or]* **and any** other person having
24 custody of the records, papers and files in the court’s record of an adoption
25 case shall cause *[all]* **the** records, papers and files *[relating to the adoption*
26 *proceeding that are filed with the court]*, both prior to entry of judgment and
27 after entry of judgment **of adoption**, to be sealed *[in the court’s record of the*
28 *adoption case]*. The clerk, court administrator *[or]* **and** any other person
29 having custody of **the** records, papers and files *[in the court’s record of an*
30 *adoption case]* shall not unseal *[the court’s record of the adoption case]* or

1 allow inspection or copying of or disclose any information in the records,
2 papers and files [*in the court's record of the adoption case*] to any person or
3 entity, except as provided in this section or pursuant to ORS 109.305 to
4 109.410 or 109.425 to 109.507.

5 “(3) Prior to entry of judgment in an adoption proceeding, and after entry
6 of judgment in an adoption proceeding but prior to the minor child who is
7 the subject of the adoption proceeding attaining 18 years of age, the follow-
8 ing may inspect and copy sealed records, papers and files **that are main-**
9 **tained** in the court's record of an adoption case without a court order:

10 “(a) **Presiding judges and** judges of the court operating under the Judi-
11 cial Department, and court staff or other persons operating under the direc-
12 tion of the **presiding judges or** judges;

13 “(b) Petitioners and their attorneys of record; and

14 “(c) The Department of Human Services.

15 “(4) After entry of judgment in an adoption proceeding and after the mi-
16 nor child who is the subject of the adoption proceeding has attained 18 years
17 of age, the following may inspect and copy sealed records, papers and files
18 **that are maintained** in the court's record of the adoption case without a
19 court order:

20 “(a) Judges of the court operating under the Judicial Department and
21 court staff or other persons operating under the direction of the judges;

22 “(b) The person who was the minor child in the adoption proceeding, ex-
23 cept that the person who was the minor child in the adoption proceeding
24 may not inspect or copy the home study [*or evidence of a home study*] ap-
25 proved under ORS 109.309 (7) except pursuant to a court order and with good
26 cause;

27 “(c) Petitioners and their attorneys of record; and

28 “(d) The Department of Human Services.

29 “(5)(a) After entry of judgment in an adoption proceeding and after the
30 minor child who is the subject of the adoption proceeding has attained 18

1 years of age, an individual whose consent for the adoption is required under
2 ORS 109.321 may file a motion with the court to inspect and copy sealed
3 records, papers and files **that are maintained** in the court's record of the
4 adoption case.

5 “(b) Except as provided in paragraph (c) of this subsection, the court shall
6 grant the motion except for good cause but must exclude from inspection and
7 copying:

8 “(A) For adoption cases filed on or after January 1, 2014:

9 “(i) The Adoption Summary and Segregated Information Statement filed
10 in accordance with ORS 109.317; and

11 “(ii) Exhibits described in ORS 109.317 (2) that are contained in the
12 court's record of the adoption case.

13 “(B) For adoption cases filed before January 1, 2014:

14 “(i) Statements, exhibits and other documents provided for purposes of the
15 Uniform Child Custody Jurisdiction and Enforcement Act pursuant to ORS
16 109.767;

17 “(ii) A home study [*or written evidence that a home study was approved*];

18 “(iii) A report of adoption on a form prescribed and furnished by the State
19 Registrar of the Center for Health Statistics under ORS 432.223 or a similar
20 document in which the court has certified to the state registrar the facts of
21 the live birth of the person adopted;

22 “(iv) A medical history described in ORS 109.342 or a similar document
23 provided to the court for the purpose of describing the medical history of the
24 minor child or of the biological parents; and

25 “(v) Addresses, phone numbers and Social Security numbers of persons
26 or entities described in ORS 109.317 (1)(a) to (d) that are contained in the
27 court's record of the adoption case.

28 “(c) If the Department of Human Services consented or has the authority
29 to consent to the adoption of a minor child under ORS 109.325 or 419B.529:

30 “(A) A parent who has signed a release and surrender to the department

1 under ORS 418.270, that was accepted by the department, or whose parental
2 rights were terminated under ORS 419B.500 and 419B.502 to 419B.524, may
3 file a motion with the court to inspect or copy sealed records, papers and
4 files **that are** maintained in the court's record of the adoption case but may
5 not be granted the right to inspect or copy:

6 “(i) For adoption cases filed on or after January 1, 2014:

7 “(I) The Adoption Summary and Segregated Information Statement filed
8 in accordance with ORS 109.317; and

9 “(II) Exhibits described in ORS 109.317 (2) that are contained in the
10 court's record of the adoption case.

11 “(ii) For adoption cases filed before January 1, 2014:

12 “(I) Statements, exhibits and other documents provided for purposes of the
13 Uniform Child Custody Jurisdiction and Enforcement Act pursuant to ORS
14 109.767;

15 “(II) A home study [*or written evidence that a home study was approved*];

16 “(III) A report of adoption on a form prescribed and furnished by the
17 State Registrar of the Center for Health Statistics under ORS 432.223 or a
18 similar document in which the court has certified to the state registrar the
19 facts of the live birth of the person adopted; and

20 “(IV) A medical history described in ORS 109.342 or a similar document
21 provided to the court for the purpose of describing the medical history of the
22 minor child or of the biological parents.

23 “(B)(i) The court may grant the motion for good cause. The name, ad-
24 dress, phone number, Social Security number or other identifying informa-
25 tion of any individual or entity [*other than the parent filing the motion*]
26 contained in the records, papers and files must be redacted and may not be
27 disclosed as part of the inspection or copying allowed under this paragraph.

28 “(ii) **Notwithstanding sub-subparagraph (i) of this subparagraph, the**
29 **name of the parent filing the motion and the name, bar number and**
30 **contact information for any attorney of record in the case may be**

1 **disclosed as part of the inspection or copying allowed under this par-**
2 **agraph.**

3 “(6) Except as provided in subsection (5)(c) of this section, an individual
4 or entity that signed a record, paper or document in a file contained in the
5 court’s record of the adoption case is entitled to inspect and obtain a copy
6 of that record, paper or document without a court order. The signature **and**
7 **name** of any other individual or entity on the same record, paper or docu-
8 ment must be redacted or otherwise not disclosed as part of the inspection
9 and copying permitted under this subsection.

10 “(7)(a) **Any documents, writings, information and other records re-**
11 **tained by** the Department of Human Services or an Oregon licensed child-
12 caring agency as defined in ORS 418.205 **in the department’s or agency’s**
13 **record of an adoption case that are not records, papers and files in the**
14 **court’s record of the adoption case are confidential and must be**
15 **sealed. Any records, documents or information, including records, pa-**
16 **pers and files in the court’s record of the adoption case, retained by**
17 **the department or agency in its record of an adoption case may be**
18 **accessed, used or disclosed only as provided in this section or ORS**
19 **109.305 to 109.410 or 109.425 to 109.507, or pursuant to a court order for**
20 **good cause.**

21 “(b) **The department or agency** may, without a court order, access, use
22 or disclose **any records, documents or information retained by the de-**
23 **partment or agency in its record of an adoption case, including** records,
24 papers and files in the court’s record of an adoption case that are in the
25 possession of the department or the agency for the purpose of providing
26 adoption services or the administration of child welfare services that the
27 department or agency is authorized to provide under applicable federal or
28 state law.

29 “(8) Except as otherwise provided in this section, a court may grant a
30 motion and enter an order allowing inspection, copying or other disclosure

1 of records, papers and files **that are maintained** in the court's record of an
2 adoption case for good cause.

3 “(9) Nothing contained in this section shall prevent the clerk or court
4 administrator from certifying or providing copies of a judgment of adoption
5 to the petitioner in an adoption proceeding, to the petitioner's attorney of
6 record or to the Department of Human Services.

7 “(10) The provisions of this section do not apply to the disclosure of in-
8 formation under ORS 109.425 to 109.507.

9 “(11) The court may impose and collect fees for copies and services pro-
10 vided under this section, including but not limited to filing, inspection and
11 research fees.

12 “(12) Unless good cause is shown, when the court grants a motion to in-
13 spect, copy or otherwise disclose records, papers and files in the court's re-
14 cord of an adoption case, the court shall order a prohibition or limitation
15 on redisclosure of the records, papers and files, or of information contained
16 in the records, papers and files.

17 “(13) When inspection, copying or disclosure is allowed under this section,
18 the court may require appropriate and reasonable verification of the identity
19 of the requesting person to the satisfaction of the court.

20 **“SECTION 4.** ORS 109.329 is amended to read:

21 “109.329. (1) Subject to subsection (2) of this section, any person may pe-
22 tition the circuit court for leave to adopt a person who is 18 years of age
23 or older or who is legally married. The petition shall be accompanied by the
24 written consent of each petitioner and the written consent of the person to
25 be adopted. The written consents shall be filed with the petition.

26 “(2) In addition to the written consents required under subsection (1) of
27 this section, an adoption of a person who is 18 years of age or older or who
28 is legally married is governed by the following:

29 “(a) One petitioner or the person to be adopted must have resided in this
30 state continuously for a period of six months prior to the filing of the peti-

1 tion; and

2 “(b) The petition must be filed in the county in which one petitioner or
3 the person to be adopted resides.

4 “(3) The court may grant the petition if the court finds, from the
5 allegations set forth in the petition [*and an attached affidavit*], that each
6 petitioner:

7 “(a) Understands the significance and ramifications of the adoption; and

8 “(b) Is not acting under duress, coercion or undue influence.

9 “(4) In a proceeding under this section, the court may:

10 “(a) Appoint counsel for each petitioner or for the person to be adopted
11 or both or appoint a visitor, as provided in ORS 125.150. If the court appoints
12 counsel or a visitor or both under this paragraph, the court shall apportion
13 the costs among each petitioner and the person being adopted.

14 “(b) Hold a hearing.

15 “(c) On the court’s own motion, take testimony from or hold a conference
16 with each petitioner and the person to be adopted. The court may hold a
17 conference with one party and exclude the other party from the conference.
18 In such a case, the court shall allow the attorney for the excluded party to
19 attend the conference.

20 “(d) Require that notice of the proceeding be provided by each petitioner
21 to any or all of the following:

22 “(A) The spouse of each petitioner.

23 “(B) A person cohabiting with a petitioner who is interested in the affairs
24 and welfare of the petitioner.

25 “(C) The adult children of each petitioner.

26 “(5) If, upon a petition for adoption presented and consented to in writing
27 by each petitioner and the person to be adopted, the court is satisfied as to
28 the identity and relations of each petitioner and the person to be adopted,
29 that each petitioner understands the significance and ramifications of the
30 adoption, that each petitioner is not acting under duress, coercion or undue

1 influence and that it is fit and proper that the adoption be effected, a judg-
2 ment shall be made setting forth the facts and ordering that from the date
3 of the judgment, the person to be adopted, for all legal intents and purposes,
4 is the child of the petitioner or petitioners.

5 “(6) The provisions of ORS 109.308, 109.309, 109.315, 109.317, 109.319,
6 109.342 and 109.353 do not apply to an adoption under this section.

7 **“SECTION 5. Section 6 of this 2015 Act is added to and made a part**
8 **of ORS 109.305 to 109.410.**

9 **“SECTION 6. The Department of Human Services or an approved**
10 **child-caring agency of this state that has consented to the adoption**
11 **of a child under ORS 109.325 shall, upon request and if available, dis-**
12 **close the county in which the adoption was finalized and the case**
13 **number of the adoption proceeding to:**

14 **“(1) An adult adoptee;**

15 **“(2) A birth parent who has consented to the adoption and signed**
16 **a release and surrender or whose parental rights have been termi-**
17 **nated; or**

18 **“(3) A parent or guardian of a minor child who was the subject of**
19 **an adoption proceeding.**

20 **“SECTION 7. ORS 109.309 is amended to read:**

21 **“109.309. (1) Any person may petition the circuit court for leave to adopt**
22 **another person and, if desired, for a change of the other person’s name.**
23 **Except as provided in ORS 419B.529, a separate petition must be filed**
24 **for each person for whom leave to adopt is sought.**

25 **“(2) One petitioner, the child, one parent or the person, who is not an**
26 **adoption agency, consenting to the adoption as required under ORS 109.321**
27 **(1) must be a resident of this state. As used in this subsection, ‘resident’**
28 **means a person who has resided in this state continuously for a period of**
29 **six months prior to the date of the petition.**

30 **“(3) Except as provided in subsection (4) of this section, when the petition**

1 is for the adoption of a minor child, the adoption is governed by the Uniform
2 Child Custody Jurisdiction and Enforcement Act, ORS 109.701 to 109.834.

3 “(4)(a) Notwithstanding ORS 109.741 and 109.744, a court of this state has
4 jurisdiction over the adoption of a minor child if, immediately prior to the
5 filing of a petition for adoption:

6 “(A) The minor child resided in this state for at least six consecutive
7 months including periods of temporary absence;

8 “(B) One parent or another person, who is not an adoption agency, con-
9 senting to the adoption as required under ORS 109.321 (1) resided in this
10 state for at least six consecutive months including periods of temporary ab-
11 sence;

12 “(C) The prospective adoptive parent resided in this state for at least six
13 consecutive months including periods of temporary absence and substantial
14 evidence is available in this state concerning the present or future care of
15 the minor child;

16 “(D) It appears that no court of another state would have jurisdiction
17 under circumstances substantially in accordance with subparagraphs (A) to
18 (C) of this paragraph; or

19 “(E) A court of another state has declined to exercise jurisdiction on the
20 grounds that this state is a more appropriate forum to hear a petition for
21 adoption of the minor child and it is in the best interests of the minor child
22 that a court of this state assume jurisdiction.

23 “(b) As used in paragraph (a) of this subsection, ‘periods of temporary
24 absence’ means periods of absence of not more than a total of 30 days in the
25 prior six consecutive months.

26 “(5) In a petition to adopt a minor child, venue lies in the Oregon county
27 with which the child has the most significant connection or in the Oregon
28 county in which the licensed adoption agency is located.

29 “(6) A petition for adoption of a minor child must comply with the re-
30 quirements, and be served in the manner, described in ORS 109.315.

1 “(7)(a) In a proceeding for the adoption of a minor child, a current home
2 study must be approved by either the Department of Human Services or an
3 Oregon licensed adoption agency for the purpose of demonstrating that the
4 petitioner meets the minimum standards for adoptive homes as set forth in
5 the department’s administrative rules.

6 “(b) The department, upon request by the petitioner, may waive the home
7 study requirement in an adoption proceeding in which one of the child’s bi-
8 ological parents or adoptive parents retains parental rights, or when a rela-
9 tive who qualifies under the department’s administrative rules for a waiver
10 of the home study requirement is the prospective adoptive parent.

11 “(c) The department shall adopt rules to implement the provisions of this
12 subsection.

13 “(8)(a) Within 90 days after service upon the Director of Human Services
14 as required under ORS 109.315, the Department of Human Services shall in-
15 vestigate and file for the consideration of the judge before whom the petition
16 for adoption is pending a placement report containing information regarding
17 the status of the child and evidence concerning the suitability of the pro-
18 posed adoption. The department may designate an Oregon licensed adoption
19 agency to investigate and report to the court. If the department designates
20 an Oregon licensed adoption agency to investigate and report to the court,
21 the department shall make the designation and provide all necessary infor-
22 mation and materials to the Oregon licensed adoption agency no later than
23 30 days after the service on the director and upon receipt of all required
24 documentation and fees. The department may waive the placement report
25 requirement under this subsection but shall waive the placement report re-
26 quirement in an adoption proceeding in which one of the child’s biological
27 parents or adoptive parents retains parental rights.

28 “(b) Upon receipt of a written request by the petitioner or the petitioner’s
29 attorney, the department shall furnish to the petitioner or the petitioner’s
30 attorney copies of any information that the department has filed with the

1 court.

2 “(c) Information gathered by the department or by an Oregon licensed
3 adoption agency during the preparation of the placement report may include
4 information concerning the child’s social, medical and genetic history and
5 the birth parent’s history as may be required by ORS 109.321 or 109.342.

6 **“(d) The court shall file and retain the placement report filed under
7 this subsection in the same location in the records, papers and files
8 in the court’s record of the adoption case as the petition and exhibits
9 filed under ORS 109.315 are located. The placement report must be
10 segregated from the Adoption Summary and Segregated Information
11 Statement and the exhibits submitted under ORS 109.317.**

12 “[*d*] (e) The department shall adopt rules to implement the provisions
13 of this subsection.

14 “(9) The department may charge the petitioner a fee for investigating a
15 proposed nonagency adoption and preparing the home study required under
16 subsection (7) of this section and the placement report required under sub-
17 section (8) of this section. The petitioner shall report the fee amount to the
18 court. The court granting the adoption shall make a finding as to whether
19 the fee is necessary and reasonable. Any fee charged may not exceed rea-
20 sonable costs for investigation, home study and placement report prepara-
21 tion. The department shall prescribe by rule the procedure for computing the
22 investigation, home study and placement report preparation fee. The rules
23 shall provide a waiver of either part or all of the fee based upon the
24 petitioner’s ability to pay.

25 “(10) The court may not rule upon a petition for the adoption of a minor
26 child until at least 90 days after the date that the petition and documents
27 required to be served on the Director of Human Services under ORS 109.315
28 and 109.317 have been served upon the director. The department may waive
29 the 90-day waiting period.

30 “(11) The amounts of any fees collected under subsection (9) of this sec-

1 tion are continuously appropriated to the department for use in preparing
2 home studies and placement reports required under this section.

3 “(12)(a) Except as provided in paragraph (b) of this subsection, a court
4 may not grant a judgment for the adoption of a minor child unless the
5 petitioner has filed with the court:

6 “(A) A petition, including exhibits attached to the petition, meeting the
7 requirements of ORS 109.315;

8 “(B) Written evidence that a home study has been completed and ap-
9 proved, unless waived, under subsection (7) of this section;

10 “(C) A placement report under subsection (8) of this section unless
11 waived; and

12 “(D) The Adoption Summary and Segregated Information Statement under
13 ORS 109.317, including exhibits attached to the statement.

14 “(b) A person is not required to file a home study or a placement report
15 with the court when the department has granted the person a waiver under
16 department rules.

17 “(13) The adoption shall comply with the Indian Child Welfare Act (25
18 U.S.C. 1901 et seq.), if applicable.

19 “**SECTION 8.** ORS 21.135, as amended by section 4, chapter 76, Oregon
20 Laws 2014, is amended to read:

21 “21.135. (1) Unless a specific fee is provided by other law for a proceeding,
22 a circuit court shall collect a filing fee of \$252 when a complaint or other
23 document is filed for the purpose of commencing an action or other civil
24 proceeding and when an answer or other first appearance is filed in the
25 proceeding.

26 “(2) The filing fee established by this section applies to:

27 “(a) Proceedings in which only equitable remedies are sought.

28 “(b) Appeals from a conviction of a violation in justice or municipal
29 courts as provided in ORS 21.285.

30 “(c) Interpleader actions.

1 “(d) Adoptions under ORS chapter 109, **provided that when separate**
2 **petitions for adoption of multiple minor children are concurrently filed**
3 **under ORS 109.309 by the same petitioner, one filing fee shall be**
4 **charged for the first petition filed and the filing fees for subsequent**
5 **concurrently filed petitions are waived.**

6 “(e) Actions relating to a trust.

7 “(f) Proceedings for judicial review of an agency order.

8 “(g) Declaratory judgment actions.

9 “(h) Any other action or proceeding that is statutorily made subject to
10 the fee established by this section and any other civil proceeding for which
11 a specific filing fee is not provided.

12 **“SECTION 9.** ORS 109.385 is amended to read:

13 **“109.385. (1) As used in this section, ‘readoption’ means to adopt a**
14 **person, including but not limited to a minor child, who was previously**
15 **adopted in a foreign nation, pursuant to the laws of the state.**

16 **“[(1)] (2) An adoption in [any] a foreign nation under the laws of [such]**
17 **that nation of a person who is at the time of the adoption a national of**
18 **[such] the nation by adoptive parents, at least one of whom is a citizen of**
19 **the United States, shall be recognized as a valid and legal adoption for all**
20 **purposes in the State of Oregon if the adoption is valid and legal in the**
21 **foreign nation [wherein] where the adoption occurred, unless the adoption**
22 **violates fundamental principles of human rights or the public policy**
23 **of the state or of the federal government.**

24 *“[(2) The certificate of a judge of a court of general jurisdiction under the*
25 *seal of the judge or the seal of the court in any foreign nation with respect to*
26 *the adoption of a national of such foreign nation by adoptive parents at least*
27 *one of whom is a citizen of the United States that all pertinent laws of such*
28 *foreign nation have been complied with and the adoption is in all respects le-*
29 *gal and valid shall be prima facie evidence in any court in the State of Oregon*
30 *in any proceeding that such adoption was in fact legal and valid. Such cer-*

1 *tificate shall be prima facie evidence even if under the laws of the foreign*
2 *nation the adoption is an administrative procedure and is not within the ju-*
3 *risdiction of the court or the judge making the certificate.]*

4 **“(3) A copy of a decree, order, judgment, certificate or other docu-**
5 **ment of adoption by adoptive parents, at least one of whom is a citizen**
6 **of the United States, issued by a court or pursuant to an administra-**
7 **tive proceeding of competent jurisdiction in the foreign nation is**
8 **prima facie evidence in any court or administrative proceeding in this**
9 **state that the adoption was legal and valid.**

10 **“(4) Notwithstanding subsection (2) of this section, an adoptive**
11 **parent who has adopted a person in a foreign nation may petition the**
12 **court for readoption for the purpose of obtaining a judgment of**
13 **adoption from the circuit court of the county in which the petitioner**
14 **resides.**

15 **“(5) Except as otherwise provided in this section, ORS 109.315 does**
16 **not apply to a petition for readoption under this section.**

17 **“(6) A petition for readoption must be signed by the petitioner and,**
18 **unless stated in the petition why the information or statement is**
19 **omitted, must contain the following:**

20 **“(a) The full name of the petitioner;**

21 **“(b) The current marital or domestic partnership status of the**
22 **petitioner;**

23 **“(c) If the readoption is of a minor child, information sufficient for**
24 **the court to establish that the petitioner has complied with the juris-**
25 **dictional requirements of ORS 109.309 (4);**

26 **“(d) The gender and full birth name, adopted name and any other**
27 **alias of the person sought to be readopted;**

28 **“(e) A statement of the place and date of the person’s birth in the**
29 **foreign nation;**

30 **“(f) A statement that the foreign adoption is legal and valid under**

1 the laws of the nation in which the adoption occurred and the date
2 of the adoption;

3 “(g) A statement that the person’s entry into the United States has
4 complied with applicable federal immigration laws;

5 “(h) If the readoption is of a minor child, a statement that a home
6 study was completed and approved prior to the foreign nation adoption
7 of the minor child;

8 “(i) If the readoption is of a minor child, whether a continuing
9 contact agreement exists under ORS 109.305 or a similar law applicable
10 to the nation where the foreign nation adoption occurred, including
11 the names of the parties to the agreement and the date of execution;

12 “(j) A statement of the desired new adoptive name for the person
13 to be readopted;

14 “(k) If applicable, a statement that the birthdate listed on the
15 person’s foreign nation birth documents is believed to be inaccurate
16 and a description of the evidence that supports the petitioner’s belief;

17 “(L) A statement requesting the clerk of the court, upon payment
18 of any required fees, to issue to the petitioner a certificate of adoption
19 under ORS 109.410 and a certified copy of the general judgment of
20 adoption; and

21 “(m) A statement that indicates whether the minor child is an In-
22 dian child as defined in the Indian Child Welfare Act (25 U.S.C. 1901
23 et seq.) and, if required by the Indian Child Welfare Act:

24 “(A) A statement of the efforts to notify the appropriate Indian
25 tribe or tribes of the adoption; and

26 “(B) A statement of the efforts to comply with the placement pref-
27 erences of the Indian Child Welfare Act or the placement preferences
28 of the appropriate Indian tribe.

29 “(7) Within 30 days after being filed with the court, the petitioner
30 shall serve copies of the petition and the documents filed as exhibits

1 under subsection (9) of this section on the Director of Human Services
2 by either registered or certified mail with return receipt or personal
3 service.

4 “(8) A petition filed under this section must, if applicable, request
5 the following:

6 “(a) Entry of a general judgment of adoption;

7 “(b) That the petitioner be permitted to readopt the person as the
8 child of the petitioner for all legal intents and purposes;

9 “(c) A finding that the court has jurisdiction over the adoption
10 proceeding, the parties and the person sought to be readopted;

11 “(d) Approval of a change to the name of the person to be rea-
12 dopted;

13 “(e) If applicable, a finding that a continuing contact agreement
14 entered into under ORS 109.305, or a similar law applicable to the na-
15 tion where the foreign nation adoption occurred, is in the best inter-
16 ests of the minor child and that the court incorporate the continuing
17 contact agreement by reference into the adoption judgment;

18 “(f) If applicable, a finding that the evidence of the person’s
19 birthdate listed on the foreign nation adoption documents is inaccur-
20 ate and that the evidence presented by the petitioner supports a
21 change to the birthdate of the person to be readopted;

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

24 “(h) If the readoption is of a minor child, that all records, papers
25 and files in the record of the readoption case be sealed as provided
26 under ORS 109.319; and

27 “(i) Any other relief requested by the petitioner.

28 “(9) A petition filed under this section must, if applicable, have the
29 following attached as exhibits:

30 “(a) True copies of the foreign nation birth certificate of the person

1 to be readopted, accompanied by an English translation, if necessary;

2 “(b) True copies of the foreign nation adoption decree, order, judg-
3 ment, certificate or similar document accompanied by an English
4 translation, if necessary;

5 “(c) True copies of the foreign nation passport and proof of legal
6 residency in the United States for the person sought to be readopted;

7 “(d) If applicable, a true copy of any continuing contact agreement
8 entered into under ORS 109.305 or a similar law applicable to the na-
9 tion where the foreign nation adoption occurred;

10 “(e) If applicable, the written disclosure statement required under
11 ORS 109.311; and

12 “(f) Any other supporting documentation necessary to comply with
13 the petition requirements in this section.

14 “(10)(a) An Adoption Summary and Segregated Information State-
15 ment must be filed concurrently with every petition for readoption of
16 a minor child. The statement must summarize information in the re-
17 adoption proceeding and include additional information and attached
18 exhibits as required under this subsection. The statement must con-
19 tain, at a minimum, the following information if known or readily
20 ascertainable by the petitioner:

21 “(A) The full name, permanent address and telephone number of
22 each petitioner;

23 “(B) The current full name, the proposed adoptive name and the
24 date and place of birth of the minor child;

25 “(C) The information required by the Uniform Child Custody Juris-
26 diction and Enforcement Act under ORS 109.701 to 109.834; and

27 “(D) The name, bar number and contact information for any at-
28 torney representing a petitioner.

29 “(b) An Adoption Summary and Segregated Information Statement
30 must attach as an exhibit:

1 **“(A) A home study that has been approved under ORS 109.309; and**

2 **“(B) A report of adoption on a form prescribed and furnished by the**
3 **State Registrar of the Center for Health Statistics as required under**
4 **ORS 432.223.**

5 **“(c) The petitioner has a continuing duty to inform the court of any**
6 **change to the information required by this subsection or when infor-**
7 **mation that was not previously known or ascertainable becomes**
8 **known or ascertainable.**

9 **“(d) The Adoption Summary and Segregated Information Statement**
10 **and the exhibits submitted under this subsection are confidential and**
11 **may not be inspected or copied except as otherwise provided under**
12 **ORS 109.305 to 109.410 or 109.425 to 109.507. The Adoption Summary and**
13 **Segregated Information Statement and the exhibits submitted under**
14 **this section must be segregated in the record of the adoption case from**
15 **other records, papers and files in the record of the adoption case.**

16 **“(11) A petition filed under this section is exempt from any re-**
17 **quirement for one or more of the following:**

18 **“(a) Compliance with the consent requirements of ORS 109.321 to**
19 **109.330;**

20 **“(b) A statement that the requirements of ORS 109.353 regarding**
21 **advisement about the voluntary adoption registry and the registry’s**
22 **services have been met;**

23 **“(c) A statement that the requirements of ORS 109.346 regarding**
24 **notice of the right to counseling sessions have been met; and**

25 **“(d) Provision of a placement report under ORS 109.309 (8).**

26 **“(12) The requirements for keeping a separate record of the case,**
27 **for sealing the records, papers and files in an adoption proceeding and**
28 **for the conditions under which inspection and copying of sealed re-**
29 **ords, papers and files in the court’s record of an adoption case set**
30 **forth in ORS 109.319 apply to proceedings for readoption under this**

1 **section.**

2 **“(13)(a) The court may find that a person’s birthdate listed on the**
3 **person’s foreign nation birth documents is inaccurate based upon a**
4 **finding that the preponderance of the evidence demonstrates that the**
5 **birthdate is inaccurate and that the age or birthdate proposed by the**
6 **petitioner is accurate.**

7 **“(b) Evidence that the court may consider in making the finding**
8 **and order under this subsection includes, but is not limited to, one or**
9 **more of the following:**

10 **“(A) Medical evaluations;**

11 **“(B) Birth certificates;**

12 **“(C) School records;**

13 **“(D) Dental evaluations;**

14 **“(E) Psychological evaluations;**

15 **“(F) Bone density tests; and**

16 **“(G) Social evaluations.**

17 **“(14) The fee imposed and collected by the court for the filing of a**
18 **petition under this subsection shall be in accordance with ORS 21.145.**

19 **“SECTION 10. ORS 109.321 is amended to read:**

20 **“109.321. (1) Except as provided in ORS 109.323 to 109.329, consent in**
21 **writing to the adoption of a minor child pursuant to a petition filed under**
22 **ORS 109.309 is required to be given by the following:**

23 **“(a) The parents of the child, or the survivor of them.**

24 **“(b) The guardian of the child, if the child has no living parent.**

25 **“(c) The next of kin in this state, if the child has no living parent and**
26 **no guardian.**

27 **“(d) Some suitable person appointed by the court to act in the proceeding**
28 **as next friend of the child to give or withhold consent, if the child has no**
29 **living parent and no guardian or next of kin qualified to consent.**

30 **“(2)(a) A person who gives consent to adoption under subsection (1) of**

1 this section may agree concurrently or subsequently to the giving of such
2 consent that the consent shall be or become irrevocable, and may waive such
3 person's right to a personal appearance in court, by a duly signed and at-
4 tested certificate. The certificate of irrevocability and waiver shall be in ef-
5 fect when the following are completed:

6 “(A) The child is placed for the purpose of adoption in the physical cus-
7 tody of the person or persons to whom the consent is given;

8 “(B) The person or persons to whom consent for adoption is given have
9 filed a petition to adopt the child in a court of competent jurisdiction;

10 “(C) The court has entered an order appointing the petitioner or some
11 other suitable person as guardian of the child pursuant to ORS 109.335;

12 “(D) The Department of Human Services, an Oregon licensed adoption
13 agency or an attorney who is representing the adoptive parents has filed ei-
14 ther a department or an Oregon licensed adoption agency home study with
15 the court approving the petitioner or petitioners as potential adoptive par-
16 ents or the department has notified the court that the filing of such study
17 has been waived;

18 “(E) Information about the child's social, medical and genetic history re-
19 quired in ORS 109.342 has been provided to an attorney or the department
20 or an Oregon licensed adoption agency by the person giving consent to the
21 adoption; and

22 “(F) The person signing the certificate of irrevocability and waiver has
23 been given an explanation by an attorney who represents the person and who
24 does not also represent the adoptive family, by the department or by an
25 Oregon licensed adoption agency of the consequences of signing the certif-
26 icate.

27 “(b) Upon the fulfillment of the conditions in paragraph (a) of this sub-
28 section, the consent for adoption may not be revoked unless fraud or duress
29 is proved with respect to any material fact.

30 “(3) Consent to the adoption of [*a child subject to*] **an Indian child as**

1 **defined in** the Indian Child Welfare Act (**25 U.S.C. 1901 et seq.**) shall not
2 be valid unless the requirements of the Indian Child Welfare Act [(25 U.S.C.
3 1901 et seq.)] are met. In accordance with the Indian Child Welfare Act, a
4 certificate of irrevocability is not valid for [*a child who is subject to the In-*
5 *dian Child Welfare Act*] **the adoption of an Indian child.**

6 **“SECTION 11.** ORS 109.342 is amended to read:

7 “109.342. (1) Before any judgment of adoption of a minor is entered, the
8 court shall be provided a medical history of the child and of the biological
9 parents as complete as possible under the circumstances.

10 “(2) When possible, the medical history shall include, but need not be
11 limited to:

12 “(a) A medical history of the adoptee from birth up to the time of
13 adoption, including disease, disability, congenital or birth defects, and re-
14 cords of medical examinations of the child, if any;

15 “(b) Physical characteristics of the biological parents, including age at
16 the time of the adoptee’s birth, height, weight, and color of eyes, hair and
17 skin;

18 “(c) A gynecologic and obstetric history of the biological mother;

19 “(d) A record of potentially inheritable genetic or physical traits or
20 tendencies of the biological parents or their families; and

21 “(e) Any other useful or unusual biological information that the biolog-
22 ical parents are willing to provide.

23 “(3) The names of the biological parents shall not be included in the
24 medical history.

25 “[*(4) The court shall give the history to the adoptive parents at the time the*
26 *judgment is entered and shall give the history to the adoptee, upon request,*
27 *after the adoptee attains the age of majority.*]

28 “[*(5)*] (4) Subsection (1) of this section does not apply when a person is
29 adopted by a stepparent.

30 “[*(6)*] (5) The Department of Human Services shall prescribe a form for

1 the compilation of the medical history.

2 **“SECTION 12.** ORS 109.350 is amended to read:

3 “109.350. If, upon a petition for adoption **or readoption** duly presented
4 and consented to, the court is satisfied as to the identity and relations of the
5 persons, that the petitioner is of sufficient ability to bring up the child and
6 furnish suitable nurture and education, having reference to the degree and
7 condition of the parents, that, if applicable, the requirements of the Indian
8 Child Welfare Act (25 U.S.C. 1901 et seq.) have been met, and that it is fit
9 and proper that such adoption **or readoption** be effected, a judgment shall
10 be made setting forth the facts, and ordering that from the date of the
11 judgment the child, to all legal intents and purposes, is the child of the
12 petitioner. In an adoption **or readoption** subject to the Indian Child Wel-
13 fare Act (25 U.S.C. 1901 et seq.), the state court shall provide to the United
14 States Secretary of the Interior a copy of the judgment together with the
15 other information required by the Indian Child Welfare Act (25 U.S.C. 1901
16 et seq.).

17 **“SECTION 13. Section 6 of this 2015 Act and the amendments to**
18 **ORS 21.135, 109.309, 109.315, 109.317, 109.319, 109.321, 109.329, 109.342,**
19 **109.350 and 109.385 by sections 1 to 4 and 7 to 12 of this 2015 Act apply**
20 **to adoptions and readoptions commenced before, on or after the ef-**
21 **fective date of this 2015 Act.**

22 **“SECTION 14. This 2015 Act being necessary for the immediate**
23 **preservation of the public peace, health and safety, an emergency is**
24 **declared to exist, and this 2015 Act takes effect on its passage.”.**

25
