

**PROPOSED AMENDMENTS TO
HOUSE BILL 2366**

1 On page 1 of the printed bill, line 2, after the semicolon insert “amending
2 ORS 21.135, 109.319 and 109.410;”.

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

4 **“SECTION 1.** ORS 21.135, as amended by section 4, chapter 76, Oregon
5 Laws 2014, is amended to read:

6 “21.135. (1) Unless a specific fee is provided by **subsection (3) of this**
7 **section or** other law for a proceeding, a circuit court shall collect a filing
8 fee of \$252 when a complaint or other document is filed for the purpose of
9 commencing an action or other civil proceeding and when an answer or other
10 first appearance is filed in the proceeding.

11 “(2) The filing fee established by subsection (1) of this section applies to:

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

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

15 “(c) Interpleader actions.

16 “[*(d) Adoptions under ORS chapter 109.*]

17 “[*(e)*] **(d)** Actions relating to a trust.

18 “[*(f)*] **(e)** Proceedings for judicial review of an agency order.

19 “[*(g)*] **(f)** Declaratory judgment actions.

20 “[*(h)*] **(g)** Any other action or proceeding that is statutorily made subject
21 to the fee established by this section and any other civil proceeding for
22 which a specific filing fee is not provided.

1 of _____, 2__.

2 “Dated at _____, Oregon, this — day of _____, 2__.

3 “(Title of the Clerk of the Court)

4 “(SEAL) By _____

5 “Deputy

6 “ _____

7 “(2) The certificate of adoption may be issued by the judge who granted
8 the adoption, instead of by the clerk of the court.

9 “(3) The certificate of adoption shall not state the former name of the
10 person adopted, unless the name was not changed by the judgment, and shall
11 not state the name of either biological parent of the person adopted. How-
12 ever, if the adoption was by the adopted person’s stepparent, the name of the
13 adopting stepparent’s spouse may be set forth in the certificate if requested.

14 “[4)(a) *For the issuance of one certificate of adoption for any person who*
15 *was adopted after October 3, 1979, a fee of not more than \$1 may be charged*
16 *and collected by the clerk of the court.]*

17 “[b) *For additional certificates or for certificates of adoption for persons*
18 *adopted prior to October 3, 1979, a fee of not more than \$1 for each certificate*
19 *may be charged and collected by the clerk of the court.]*

20 “[5] (4) No certificate of adoption shall be issued to any person other
21 than the persons described in subsection (1) of this section without order of
22 the court.

23 “[6] (5) For all purposes, the certificate of adoption shall constitute le-
24 gal proof of the facts set forth therein, shall have the same force and effect
25 and the same presumptions of validity as the judgment of adoption, and shall
26 be entitled to full faith and credit.

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

29 “109.319. (1) The clerk or court administrator of any court having juris-
30 diction over adoption proceedings shall keep a separate record of the case

1 for each adoption proceeding filed with the court. Adoption proceedings shall
2 not be entered upon the general records of the court.

3 “(2) The clerk, court administrator or other person having custody of the
4 records, papers and files in the court’s record of an adoption case shall cause
5 all records, papers and files relating to the adoption proceeding that are filed
6 with the court, both prior to entry of judgment and after entry of judgment,
7 to be sealed in the court’s record of the adoption case. The clerk, court ad-
8 ministrator or any other person having custody of records, papers and files
9 in the court’s record of an adoption case shall not unseal the court’s record
10 of the adoption case or allow inspection or copying of or disclose any infor-
11 mation in the records, papers and files in the court’s record of the adoption
12 case to any person or entity, except as provided in this section or pursuant
13 to ORS 109.305 to 109.410 or 109.425 to 109.507.

14 “(3) Prior to entry of judgment in an adoption proceeding, and after entry
15 of judgment in an adoption proceeding but prior to the minor child who is
16 the subject of the adoption proceeding attaining 18 years of age, the follow-
17 ing may inspect and copy sealed records, papers and files in the court’s re-
18 cord of an adoption case without a court order:

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

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

22 “(c) The Department of Human Services.

23 “(4) After entry of judgment in an adoption proceeding and after the mi-
24 nor child who is the subject of the adoption proceeding has attained 18 years
25 of age, the following may inspect and copy sealed records, papers and files
26 in the court’s record of the adoption case without a court order:

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

29 “(b) The person who was the minor child in the adoption proceeding, ex-
30 cept that the person who was the minor child in the adoption proceeding

1 may not inspect or copy the home study or evidence of a home study ap-
2 proved under ORS 109.309 (7) except pursuant to a court order and with good
3 cause;

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

5 “(d) The Department of Human Services.

6 “(5)(a) After entry of judgment in an adoption proceeding and after the
7 minor child who is the subject of the adoption proceeding has attained 18
8 years of age, an individual whose consent for the adoption is required under
9 ORS 109.321 may file a motion with the court to inspect and copy sealed
10 records, papers and files in the court’s record of the adoption case.

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

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

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

17 “(ii) Exhibits described in ORS 109.317 (2) that are contained in the
18 court’s record of the adoption case.

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

20 “(i) Statements, exhibits and other documents provided for purposes of the
21 Uniform Child Custody Jurisdiction and Enforcement Act pursuant to ORS
22 109.767;

23 “(ii) A home study or written evidence that a home study was approved;

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

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

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

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

6 “(A) A parent who has signed a release and surrender to the department
7 under ORS 418.270, that was accepted by the department, or whose parental
8 rights were terminated under ORS 419B.500 and 419B.502 to 419B.524, may
9 file a motion with the court to inspect or copy sealed records, papers and
10 files maintained in the court’s record of the adoption case but may not be
11 granted the right to inspect or copy:

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

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

15 “(II) Exhibits described in ORS 109.317 (2) that are contained in the
16 court’s record of the adoption case.

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

18 “(I) Statements, exhibits and other documents provided for purposes of the
19 Uniform Child Custody Jurisdiction and Enforcement Act pursuant to ORS
20 109.767;

21 “(II) A home study or written evidence that a home study was approved;

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

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

29 “(B) The court may grant the motion for good cause. The name, address,
30 phone number, Social Security number or other identifying information of

1 any individual or entity other than the parent filing the motion contained
2 in the records, papers and files must be redacted and may not be disclosed
3 as part of the inspection or copying allowed under this paragraph.

4 **“(d) The fee imposed and collected by the court for the filing of a**
5 **motion under this subsection by the birth parent of an adult adoptee**
6 **shall be in accordance with ORS 21.145, except that a fee may not be**
7 **imposed or collected for a motion filed under this subsection for**
8 **adoptions where the Department of Human Services consented to the**
9 **adoption under ORS 109.325 or 419B.529.**

10 “(6) Except as provided in subsection (5)(c) of this section, an individual
11 or entity that signed a record, paper or document in a file contained in the
12 court’s record of the adoption case is entitled to inspect and obtain a copy
13 of that record, paper or document without a court order. The signature of
14 any other individual or entity on the same record, paper or document must
15 be redacted or otherwise not disclosed as part of the inspection and copying
16 permitted under this subsection.

17 “(7) The Department of Human Services or an Oregon licensed child-
18 caring agency as defined in ORS 418.205 may, without a court order, access,
19 use or disclose records, papers and files in the court’s record of an adoption
20 case that are in the possession of the department or the agency for the pur-
21 pose of providing adoption services or the administration of child welfare
22 services that the department or agency is authorized to provide under ap-
23 plicable federal or state law.

24 “(8) Except as otherwise provided in this section, a court may grant a
25 motion and enter an order allowing inspection, copying or other disclosure
26 of records, papers and files in the court’s record of an adoption case for good
27 cause.

28 “(9) Nothing contained in this section shall prevent the clerk or court
29 administrator from certifying or providing copies of a judgment of adoption
30 to the petitioner in an adoption proceeding, to the petitioner’s attorney of

1 record or to the Department of Human Services.

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

4 “(11) **Except as provided in subsection (5)(d) of this section,** the court
5 may impose and collect fees for copies and services provided under this sec-
6 tion, including but not limited to filing, inspection and research fees.

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

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

15 **“SECTION 4. This 2015 Act being necessary for the immediate**
16 **preservation of the public peace, health and safety, an emergency is**
17 **declared to exist, and this 2015 Act takes effect on its passage.”.**

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