

**A-Engrossed**  
**Senate Bill 512**

Ordered by the Senate April 25  
Including Senate Amendments dated April 25

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**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.

Modifies laws regarding establishment of parentage of child.

**A BILL FOR AN ACT**

1  
2 Relating to parentage; creating new provisions; and amending ORS 25.020, 25.075, 25.082, 25.650,  
3 25.750, 107.179, 107.425, 109.012, 109.030, 109.070, 109.072, 109.073, 109.092, 109.094, 109.096,  
4 109.098, 109.103, 109.124, 109.125, 109.145, 109.155, 109.175, 109.239, 109.243, 109.247, 109.251,  
5 109.252, 109.254, 109.259, 109.264, 109.315, 109.321, 109.326, 109.704, 112.105, 163.565, 180.320,  
6 180.380, 192.535, 192.539, 416.400, 419A.004, 419B.395, 419B.839, 419B.875, 432.088, 432.098,  
7 432.103 and 432.245 and ORCP 4 K.

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

9 **SECTION 1. Section 2 of this 2017 Act is added to and made part of ORS chapter 109.**

10 **SECTION 2. (1) Parentage may be established between a person and a child by:**

11 **(a) The person having given birth to the child;**

12 **(b) An un rebutted presumption of parentage under ORS 109.070;**

13 **(c) An adjudication of the person's maternity or paternity;**

14 **(d) Adoption of the child by the person;**

15 **(e) An effective acknowledgement of paternity by the man under ORS 109.070 or pursuant**  
16 **to the laws of another state, unless the acknowledgement has been rescinded or successfully**  
17 **challenged;**

18 **(f) Establishment of paternity by an administrative order issued pursuant to ORS chapter**  
19 **416;**

20 **(g) Filiation proceedings; or**

21 **(h) Parentage being established or declared by another provision of law.**

22 **(2) A person is the mother of a child to whom the person gives birth.**

23 **SECTION 3. ORS 109.070, as amended by section 42, chapter 106, Oregon Laws 2016, is**  
24 **amended to read:**

25 109.070. (1) The [*paternity*] **parentage** of a person [*may be established as follows*] **is rebuttably**  
26 **presumed if:**

27 (a) [*A man is rebuttably presumed to be the father of a child born to a woman if he and the woman*  
28 *were married to each other*] **The person is married to the birth mother** at the time of the child's

**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 birth, without a judgment of separation, regardless of whether the marriage is void.

2 (b) *[A man is rebuttably presumed to be the father of a child born to a woman if he and the woman*  
 3 *were married to each other]* **The person is married to the birth mother** and the child is born  
 4 within 300 days after the marriage is terminated by death, annulment or dissolution or after entry  
 5 of a judgment of separation.

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

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

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

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

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

16 (2) The *[paternity]* **parentage** of a child established under subsection (1)(a) or *[(c)]* **(4)(a)** of this  
 17 section may be challenged in an action or proceeding by *[the husband or wife]* **either spouse**. The  
 18 *[paternity]* **parentage** may not be challenged by a person other than *[the husband or wife]* **a spouse**  
 19 as long as the *[husband and wife]* **spouses** are married and **are** cohabiting, unless *[the husband and*  
 20 *wife]* **both spouses** consent to the challenge.

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

24 **(4) The paternity of a person may be established by a voluntary acknowledgement as**  
 25 **follows:**

26 **(a) By the marriage of the parents of a child after the birth of the child, and the parents**  
 27 **filing with the State Registrar of the Center for Health Statistics the voluntary acknowl-**  
 28 **edgment of paternity form as provided by ORS 432.098.**

29 **(b) By filing with the State Registrar of the Center for Health Statistics the voluntary**  
 30 **acknowledgement of paternity form as provided under ORS 432.098. Except as otherwise**  
 31 **provided in subsections (5) and (8) of this section, a filing under this paragraph establishes**  
 32 **paternity for all purposes.**

33 **(c) By establishment of paternity through a voluntary acknowledgement of paternity in**  
 34 **another state.**

35 *[(4)(a)]* **(5)(a)** A party to a voluntary acknowledgment of paternity may rescind the acknowledg-  
 36 ment within the earlier of:

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

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

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

44 *[(5)(a)]* **(6)(a)** A signed voluntary acknowledgment of paternity filed in this state may be chal-  
 45 lenged and set aside in circuit court at any time after the 60-day period referred to in subsection

1 [(4)] (5) of this section on the basis of fraud, duress or a material mistake of fact.

2 (b) The challenge may be brought by:

3 (A) A party to the acknowledgment;

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

5 (C) The Department of Human Services or the administrator, as defined in ORS 25.010, if the  
6 child named in the acknowledgment is in the care and custody of the department under ORS chapter  
7 419B and the department or the administrator reasonably believes that the acknowledgment was  
8 signed because of fraud, duress or a material mistake of fact.

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

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

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

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

19 [(6)] (7) Within one year after a voluntary acknowledgment of paternity form is filed in this state  
20 and if blood tests, as defined in ORS 109.251, have not been completed, a party to the acknowledg-  
21 ment, or the department if the child named in the acknowledgment is in the care and custody of the  
22 department under ORS chapter 419B, may apply to the administrator for an order for blood tests in  
23 accordance with ORS 416.443.

24 [(7)(a)] (8)(a) A voluntary acknowledgment of paternity is not valid if, before the party signed  
25 the acknowledgment:

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

27 (B) The party signed a document relinquishing the child to a child-caring agency as defined in  
28 ORS 418.205;

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

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

31 (b) Notwithstanding any provision of subsection [(1)(c) or (e)] (4)(a) or (b) of this section or ORS  
32 432.098 to the contrary, an acknowledgment signed by a party described in this subsection and filed  
33 with the State Registrar of the Center for Health Statistics does not establish paternity and is void.

34 **SECTION 4.** ORS 109.239 is amended to read:

35 109.239. (1) **As used in ORS 109.239 to 109.247, "assisted reproduction" means a method**  
36 **of causing pregnancy other than sexual intercourse. "Assisted reproduction" includes, but**  
37 **is not limited to:**

38 (a) **Artificial insemination as defined in ORS 677.355;**

39 (b) **Donation of eggs;**

40 (c) **Donation of embryos;**

41 (d) **In vitro fertilization and transfer of embryos; or**

42 (e) **Intracytoplasmic sperm injection.**

43 (2) If the donor of [*semen*] **gametes** used in [*artificial insemination*] **assisted reproduction** is  
44 not the mother's [*husband*] **spouse:**

45 [(1)] (a) [*Such*] **The** donor shall have no right, obligation or interest with respect to [*a*] **any** child

1 [born] **conceived** as a result of the [artificial insemination] **assisted reproduction**; and

2 [(2)] (b) [A] **Any child [born] conceived** as a result of the [artificial insemination] **assisted re-**  
3 **production** shall have no right, obligation or interest with respect to [such] **the** donor.

4 **SECTION 5.** ORS 109.243 is amended to read:

5 109.243. The relationship, rights and obligation between a child [born] **conceived** as a result of  
6 [artificial insemination] **assisted reproduction** and the mother's [husband] **spouse** shall be the same  
7 to all legal intents and purposes as if the child had been naturally and legitimately conceived by the  
8 mother and the mother's [husband] **spouse** if the [husband] **spouse** consented to the performance  
9 of [artificial insemination] **assisted reproduction**.

10 **SECTION 6.** ORS 109.247 is amended to read:

11 109.247. Except as may be otherwise provided by a judicial decree entered in any action filed  
12 before October 4, 1977, the provisions of ORS 109.239 to 109.247, 677.355 to 677.365 and 677.990 (3)  
13 apply to all persons conceived as a result of [artificial insemination] **assisted reproduction**.

14 **SECTION 7.** ORS 416.400 is amended to read:

15 416.400. As used in ORS 416.400 to 416.465, unless the context requires otherwise:

16 (1) "Administrator" has the meaning given that term in ORS 25.010.

17 (2) "Court" means any circuit court of this state and any court in another state having juris-  
18 diction to determine the liability of persons for the support of another person.

19 (3) "Court order" means any judgment or order of any Oregon court that orders payment of a  
20 set or determinable amount of support money by the subject parent and does not include an order  
21 or judgment in any proceeding in which the court did not order support.

22 (4) "Department" means the Department of Justice of this state or its equivalent in any other  
23 state from which a written request for establishment or enforcement of a support obligation is re-  
24 ceived under ORS 416.415.

25 (5) "Dependent child" means any person under the age of 18 who is not otherwise emancipated,  
26 self-supporting, married or a member of the Armed Forces of the United States. "Dependent child"  
27 also means a child attending school as defined in ORS 107.108.

28 (6) "Office" means the office of the Division of Child Support or the office of the district attor-  
29 ney.

30 (7) "Parent" means:

31 (a) The natural or adoptive father or mother of a dependent child or youth offender[.];

32 (b) **A person whose parentage has been established under section 2 of this 2017 Act; or**

33 (c) ["Parent" also means] **A stepparent** when the person has an obligation to support a depend-  
34 ent child under ORS 108.045.

35 (8) "Past support" means the amount of child support that could have been ordered and accu-  
36 mulated as arrears against a parent for the benefit of a child for any period of time during which  
37 the child was not supported by the parent and for which period no support order was in effect.

38 (9) "Public assistance" means any money payments made by the state that are paid to or for the  
39 benefit of any dependent child or youth offender, including but not limited to payments made so that  
40 food, shelter, medical care, clothing, transportation or other necessary goods, services or items may  
41 be provided, and payments made in compensation for the provision of the necessities. "Public as-  
42 sistance" does not include money payments made by the state to or for the benefit of a dependent  
43 child as the result of the child's removal from the parent's home against the wishes of the parent,  
44 if the Department of Human Services determines after completion of a child protective services as-  
45 sessment that the report of abuse is unfounded according to rules adopted by the Department of

1 Human Services.

2 (10) "Youth offender" has the meaning given that term in ORS 419A.004.

3 **SECTION 8.** ORS 25.020 is amended to read:

4 25.020. (1) Support payments for or on behalf of any person that are ordered, registered or filed  
5 under this chapter or ORS chapter 107, 108, 109, 110, 416, 419B or 419C, unless otherwise authorized  
6 by ORS 25.030, shall be made to the Department of Justice as the state disbursement unit:

7 (a) During periods for which support is assigned under ORS 412.024, 418.032, 419B.406 or  
8 419C.597;

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

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

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

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

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

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

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

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

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

27 (b) The Department of Justice:

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

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

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

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

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

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

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

42 (c) The obligee shall:

43 (A) Provide to the department, on a form approved by the department, information about the  
44 agreement with the collection agency; and

45 (B) Promptly notify the department when the agreement is terminated.

1 (d) The collection agency:

2 (A) May provide investigative and location services to the obligee and disclose relevant infor-  
3 mation from those services to the administrator for purposes of providing support enforcement ser-  
4 vices under ORS 25.080;

5 (B) May not charge interest or a fee for its services exceeding 29 percent of each support pay-  
6 ment received unless the collection agency, if allowed by the terms of the agreement between the  
7 collection agency and the obligee, hires an attorney to perform legal services on behalf of the  
8 obligee;

9 (C) May not initiate, without written authorization from the administrator, any enforcement  
10 action relating to support payments on which support enforcement services are provided by the ad-  
11 ministrator under ORS 25.080; and

12 (D) Shall include in the agreement with the obligee a notice printed in type size equal to at least  
13 12-point type that provides information on the fees, penalties, termination and duration of the  
14 agreement.

15 (e) The administrator may use information disclosed by the collection agency to provide support  
16 enforcement services under ORS 25.080.

17 (4) The Department of Justice may immediately transmit to the obligee payments received from  
18 any obligor without waiting for payment or clearance of the check or instrument received if the  
19 obligor has not previously tendered any payment by a check or instrument that was not paid or was  
20 dishonored.

21 (5) The Department of Justice shall notify each obligor and obligee by mail when support pay-  
22 ments shall be made to the department and when the obligation to make payments in this manner  
23 shall cease.

24 (6)(a) The administrator shall provide information about a child support account directly to a  
25 party to the support order regardless of whether the party is represented by an attorney. As used  
26 in this subsection, "information about a child support account" means the:

27 (A) Date of issuance of the support order.

28 (B) Amount of the support order.

29 (C) Dates and amounts of payments.

30 (D) Dates and amounts of disbursements.

31 (E) Payee of any disbursements.

32 (F) Amount of any arrearage.

33 (G) Source of any collection, to the extent allowed by federal law.

34 (b) Nothing in this subsection limits the information the administrator may provide by law to a  
35 party who is not represented by an attorney.

36 (7) Any pleading for the entry or modification of a support order must contain a statement that  
37 payment of support under a new or modified order will be by income withholding unless an excep-  
38 tion to payment by income withholding is granted under ORS 25.396.

39 (8)(a) Except as provided in paragraphs (d) and (e) of this subsection, a judgment or order es-  
40 tablishing [*paternity*] **parentage** or including a provision concerning support must contain:

41 (A) The residence, mailing or contact address, final four digits of the Social Security number,  
42 telephone number and final four digits of the driver license number of each party;

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

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

45 (D) Any other information required by rule adopted by the Chief Justice of the Supreme Court

1 under ORS 1.002.

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

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

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

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

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

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

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

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

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

30 (10) Subject to ORS 25.030, this section, to the extent it imposes any duty or function upon the  
31 Department of Justice, shall be deemed to supersede any provisions of ORS chapters 107, 108, 109,  
32 110, 416, 419A, 419B and 419C that would otherwise impose the same duties or functions upon the  
33 county clerk or the Department of Human Services.

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

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

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

40 (b) When payments are assigned to the State of Oregon, the obligor and obligee make sworn  
41 written statements that specific payments were made, canceled checks or other substantial evidence  
42 is presented to corroborate their statements and the obligee has been given prior written notice of  
43 any potential criminal or civil liability that may attach to an admission of the receipt of assigned  
44 support;

45 (c) When payments are assigned to another state and that state verifies that payments not paid

1 to the department were received by the other state; or

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

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

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

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

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

18 (b) Are consistent with federal regulations.

19 **SECTION 9.** ORS 25.075 is amended to read:

20 25.075. (1) Notwithstanding the provisions of ORS 25.080, the Department of Justice may enter  
21 into cooperative agreements with Indian tribes or tribal organizations within the borders of this  
22 state, if the Indian tribe or tribal organization demonstrates that the tribe or organization has an  
23 established tribal court system or a Court of Indian Offenses with the authority to:

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

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

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

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

32 **SECTION 10.** ORS 25.082 is amended to read:

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

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

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

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



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

2 **SECTION 11.** ORS 25.650 is amended to read:

3 25.650. (1) As used in this section, “consumer reporting agency” means any person that, for  
4 monetary fees or dues or on a cooperative nonprofit basis, regularly engages in whole or in part in  
5 the practice of assembling or evaluating consumer credit information or other information on con-  
6 sumers for the purpose of furnishing consumer reports to third parties, and that uses any means or  
7 facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

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

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

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

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

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

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

21 (C) Of the obligor’s right to request an administrative review within 30 days after the date of  
22 the notice; and

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

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

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

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

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

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

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

40 **SECTION 12.** ORS 25.750 is amended to read:

41 25.750. (1) All licenses, certificates, permits or registrations that a person is required by state  
42 law to possess in order to engage in an occupation or profession or to use a particular occupational  
43 or professional title, all annual licenses issued to individuals by the Oregon Liquor Control Com-  
44 mission, all driver licenses or permits issued by the Department of Transportation and recreational  
45 hunting and fishing licenses, as defined by rule of the Department of Justice, are subject to sus-

1 pension by the respective issuing entities upon certification to the issuing entity by the administra-  
2 tor that a child support case record is being maintained by the Department of Justice, that the case  
3 is being enforced by the administrator under the provisions of ORS 25.080 and that one or both of  
4 the following conditions apply:

5 (a) That the party holding the license, certificate, permit or registration is in arrears under any  
6 child support judgment or order, in an amount equal to the greater of three months of support or  
7 \$2,500, and:

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

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

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

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

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

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

18 **SECTION 13.** ORS 107.179 is amended to read:

19 107.179. (1) When either party to a child custody issue, other than one involving temporary  
20 custody, whether the issue arises from a case of marital annulment, dissolution or separation, or  
21 from a determination of [*paternity*] **parentage**, requests the court to grant joint custody of the minor  
22 children of the parties under ORS 107.105, the court, if the other party objects to the request for  
23 joint custody, shall proceed under this section. The request under this subsection must be made, in  
24 the petition or the response, or otherwise not less than 30 days before the date of trial in the case,  
25 except for good cause shown. The court in such circumstances, except as provided in subsection (3)  
26 of this section, shall direct the parties to participate in mediation in an effort to resolve their dif-  
27 ferences concerning custody. The court may order such participation in mediation within a medi-  
28 ation program established by the court or as conducted by any mediator approved by the court.  
29 Unless the court or the county provides a mediation service available to the parties, the court may  
30 order that the costs of the mediation be paid by one or both of the parties, as the court finds equi-  
31 table upon consideration of the relative ability of the parties to pay those costs. If, after 90 days,  
32 the parties do not arrive at a resolution of their differences, the court shall proceed to determine  
33 custody.

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

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

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

42 (c) Complete the trial of the case on all issues and order mediation under this section upon the  
43 conclusion of the trial, postponing entry of the judgment pending outcome of the mediation, in which  
44 case the court may enter a limited judgment as to issues other than custody upon completion of the  
45 trial or may postpone entry of any judgment until the expiration of the mediation period or agree-

1 ment of the parties as to custody.

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

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

9 **SECTION 14.** ORS 107.425 is amended to read:

10 107.425. (1) In suits or proceedings described in subsection (4) of this section in which there are  
11 minor children involved, the court may cause an investigation to be made as to the character, family  
12 relations, past conduct, earning ability and financial worth of the parties for the purpose of pro-  
13 tecting the children's future interest. The court may defer the entry of a general judgment until the  
14 court is satisfied that its judgment in such suit or proceeding will properly protect the welfare of  
15 such children. The investigative findings shall be offered as and subject to all rules of evidence.  
16 Costs of the investigation may be charged against one or more of the parties or as a cost in the  
17 proceedings but shall not be charged against funds appropriated for public defense services.

18 (2) The court, on its own motion or on the motion of a party, may order an independent physical,  
19 psychological, psychiatric or mental health examination of a party or the children and may require  
20 any party and the children to be interviewed, evaluated and tested by an expert or panel of experts.  
21 The court may also authorize the expert or panel of experts to interview other persons and to re-  
22 quest other persons to make available to the expert or panel of experts records deemed by the court  
23 or the expert or panel of experts to be relevant to the evaluation. The court may order the parties  
24 to authorize the disclosure of such records. In the event the parties are unable to stipulate to the  
25 selection of an expert or panel of experts to conduct the examination or evaluation, the court shall  
26 appoint a qualified expert or panel of experts. The court shall direct one or more of the parties to  
27 pay for the examination or evaluation in the absence of an agreement between the parties as to the  
28 responsibility for payment but shall not direct that the expenses be charged against funds appro-  
29 priated for public defense services. If more than one party is directed to pay, the court may deter-  
30 mine the amount that each party will pay based on financial ability.

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

36 (A) Gathering information;

37 (B) Monitoring compliance with court orders;

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

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

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

45 (c) The court may order one or more of the parties to pay for services provided under this

1 subsection, if the parties are unable to agree on their respective responsibilities for payment. The  
2 court may not order that expenses be charged against funds appropriated for public defense services.

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

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

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

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

10 (c) A parent of a child born to *[an unmarried woman]* **a person who is not married** initiates  
11 a civil proceeding to determine custody or support under ORS 109.103;

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

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

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

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

19 (6) The court, on its own motion or on the motion of a party, may appoint counsel for the chil-  
20 dren. However, if requested to do so by one or more of the children, the court shall appoint counsel  
21 for the child or children. A reasonable fee for an attorney so appointed may be charged against one  
22 or more of the parties or as a cost in the proceedings but shall not be charged against funds ap-  
23 propriated for public defense services.

24 (7) Prior to the entry of an order, the court on its own motion or on the motion of a party may  
25 take testimony from or confer with the child or children of the marriage and may exclude from the  
26 conference the parents and other persons if the court finds that such action would be likely to be  
27 in the best interests of the child or children. However, the court shall permit an attorney for each  
28 party to attend the conference and question the child, and the conference shall be reported.

29 **SECTION 15.** ORS 109.012 is amended to read:

30 109.012. (1)(a) The expenses of a minor child and the education of the minor child are chargeable  
31 upon the property of either or both parents who have not married each other. The parents may be  
32 sued jointly or separately for the expenses and education of the minor child.

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

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

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

40 (c) As used in this subsection, "expenses of a minor child" includes only expenses incurred for  
41 the benefit of a minor child.

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

45 (3) For the purposes of subsection (2) of this section, parents are considered separated if they

1 are living in separate residences without intention of reconciliation at the time the debt is incurred.  
2 The court may consider the following factors in determining whether the parents are separated, in  
3 addition to other relevant factors:

4 (a) Whether the parents subsequently reconciled.

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

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

7 (d) Whether the parents intend to reconcile.

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

10 **SECTION 16.** ORS 109.072 is amended to read:

11 109.072. (1) As used in this section:

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

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

14 [(A)] (i) Expressly or by inference determines the [*paternity*] **parentage** of a child, or that im-  
15 poses a child support obligation based on the [*paternity*] **parentage** of a child; and

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

18 **(B) “Parentage judgment” does not include a judgment or administrative order that de-**  
19 **termines paternity or parentage of a child conceived by assisted reproduction as defined in**  
20 **ORS 109.239.**

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

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

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

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

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

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

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

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

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

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

43 (a) Designate as parties:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (c)(A) Blood tests establish that the *[man]* **person** is not the biological *[father]* **parent** of the  
35 child **and the parentage determination was based on biological parentage; or**

36 **(B) The parentage determination was not based on biological parentage.**

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

40 (9) If the court finds, based on blood test evidence, that the *[man]* **person** may be the biological  
41 *[father]* **parent** of the child and that the cumulative paternity **or parentage** index based on the  
42 blood test evidence is 99 or greater, the court shall deny the petition.

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

45 (11) A judgment entered under this section vacating or setting aside the *[paternity]* **parentage**

1 determination of a *[paternity]* **parentage** judgment and determining *[nonpaternity]* **nonparentage**:

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

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

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

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

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

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

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

22 (15) If a *[man]* **person** whose *[paternity]* **parentage** of a child has been determined by a  
23 *[paternity]* **parentage** judgment has died, an action under this section may not be initiated by or on  
24 behalf of the estate of the *[man]* **person**.

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

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

30 **SECTION 17.** ORS 109.073 is amended to read:

31 109.073. Except as otherwise provided in ORS 25.020, the final four digits of the Social Security  
32 number of a parent who is subject to a *[paternity]* **parentage** determination pursuant to ORS  
33 *[109.070 (1)(d), (e), (f) or (g) or]* 416.400 to 416.465 **or section 2 (1)(e) or (g) of this 2017 Act** shall  
34 be included in the order, judgment or other declaration establishing paternity.

35 **SECTION 18.** ORS 109.092 is amended to read:

36 109.092. When it is determined that a woman is pregnant with a child, the woman and any man  
37 to whom she is not married and with whom she engaged in sexual intercourse at approximately the  
38 time of conception have an obligation to recognize that the man may be the other person responsible  
39 for the conception. During the months of pregnancy, the man may join the woman in acknowledging  
40 paternity and assuming the rights and duties of expectant parenthood. If the man acknowledges  
41 paternity of the expected child and the woman denies that he is the father or refuses to join him in  
42 acknowledging paternity, the man may seek relief under ORS 109.125. If the woman wants the man  
43 to join her in acknowledging his paternity of the expected child and the man denies that he is the  
44 father or refuses to join her in acknowledging paternity, the woman may seek relief under ORS  
45 109.125. If after the birth of the child the mother decides to surrender the child for adoption and

1 paternity has not been acknowledged as provided in [ORS 109.070 (1)(e)] **section 2 (1)(e) of this**  
 2 **2017 Act** or the putative father has not asserted his rights in filiation proceedings, the mother has  
 3 the right without the consent of the father to surrender the child as provided in ORS 418.270 or to  
 4 consent to the child's adoption.

5 **SECTION 19.** ORS 109.094 is amended to read:

6 109.094. Upon the [*paternity*] **parentage** of a child being established in the proceedings, [*the fa-*  
 7 *ther*] **a parent** shall have the same rights as a [*father*] **parent** who is or was married to the mother  
 8 of the child. The clerk of the court shall certify the fact of [*paternity*] **parentage** to the Center for  
 9 Health Statistics of the Oregon Health Authority, and the Center for Health Statistics shall amend  
 10 a record of live birth for the child and issue a new certified copy of the record of live birth for the  
 11 child.

12 **SECTION 20.** ORS 109.096 is amended to read:

13 109.096. (1) When the [*paternity*] **parentage** of a child has not been established under [ORS  
 14 109.070] **section 2 of this 2017 Act**, the putative father is entitled to reasonable notice in adoption  
 15 or other court proceedings concerning the custody of the child, except for juvenile court pro-  
 16 ceedings, if the petitioner knows, or by the exercise of ordinary diligence should have known:

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

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

23 (2) Except as provided in subsection (3) or (4) of this section, a verified statement of the mother  
 24 of the child or of the petitioner, or an affidavit of another person with knowledge of the facts, filed  
 25 in the proceeding and asserting that the child has not resided with the putative father, as provided  
 26 in subsection (1)(a) of this section, and that the putative father has not contributed or tried to con-  
 27 tribute to the support of the child, as provided in subsection (1)(b) of this section, is sufficient proof  
 28 to enable the court to grant the relief sought without notice to the putative father.

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

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

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

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

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

44 (8) A putative father has the primary responsibility to protect his rights, and nothing in this  
 45 section shall be used to set aside an act of a permanent nature including, but not limited to,



1 adoption or termination of parental rights, unless the father establishes within one year after the  
2 entry of the final judgment or order fraud on the part of a petitioner in the proceeding with respect  
3 to matters specified in subsections (1) to (5) of this section.

4 **SECTION 21.** ORS 109.098 is amended to read:

5 109.098. (1) If a putative father of a child by due appearance in a proceeding of which he is  
6 entitled to notice under ORS 109.096 objects to the relief sought, the court:

7 (a) May stay the adoption or other court proceeding to await the outcome of the filiation pro-  
8 ceedings only if notice of the initiation of filiation proceedings was on file as required by ORS  
9 109.096 (3) or (4).

10 (b) Shall, if filiation proceedings are not pending, inquire as to the paternity of the child, the  
11 putative father's past endeavors to fulfill his obligation to support the child and to contribute to the  
12 pregnancy-related medical expenses, the period that the child has lived with the putative father, the  
13 putative father's fitness to care for and rear the child and whether the putative father is willing to  
14 be declared the father of the child and to assume the responsibilities of a father.

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

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

18 (A) Upon the request of the putative father, to declare his paternity and to certify the fact of  
19 paternity in the manner provided in ORS 109.094; and

20 (B) To award custody of the child to [*the mother or the father*] **either parent** as may be in the  
21 best interests of the child, or to take any other action which the court may take if the parents are  
22 or were married to each other.

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

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

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

31 **SECTION 22.** ORS 109.103 is amended to read:

32 109.103. (1) If a child is born to an unmarried [*woman and paternity*] **person and parentage** has  
33 been established under [*ORS 109.070*] **section 2 of this 2017 Act**, or if a child is born to a married  
34 [*woman by a man*] **person by a person** other than [*her husband*] **the birth mother's spouse** and  
35 [*the man's paternity*] **parentage between the person and the child** has been established under  
36 [*ORS 109.070*] **section 2 of this 2017 Act**, either parent may initiate a civil proceeding to determine  
37 the custody or support of, or parenting time with, the child. The proceeding shall be brought in the  
38 circuit court of the county in which the child resides or is found or in the circuit court of the county  
39 in which either parent resides. The parents have the same rights and responsibilities regarding the  
40 custody and support of, and parenting time with, their child that married or divorced parents would  
41 have, and the provisions of ORS 107.094 to 107.449 that relate to custody, support and parenting  
42 time, the provisions of ORS 107.755 to 107.795 that relate to mediation procedures, and the pro-  
43 visions of ORS 107.810, 107.820 and 107.830 that relate to life insurance, apply to the proceeding.

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

1 known:

2 (a) Whether there is pending in this state or any other jurisdiction any type of support pro-  
3 ceeding involving the child, including one brought under ORS 109.100, 109.165, 125.025, 416.400 to  
4 416.465, 419B.400 or 419C.590 or ORS chapter 110; and

5 (b) Whether there exists in this state or any other jurisdiction a support order, as defined in  
6 ORS 110.503, involving the child.

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

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

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

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

23 (B) Changing beneficiaries or covered parties under any policy of health insurance that one  
24 party maintains to provide coverage for a minor child of the parties, or any life insurance policy.

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

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

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

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

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

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

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

36 109.145. If a respondent fails to answer or fails to appear at trial, the court shall have the power  
37 to proceed accordingly. In such case, the court may make a determination of [*paternity*] **parentage**  
38 and may impose such obligations on the respondent as it deems reasonable. In all such cases cor-  
39 roborating evidence in addition to the testimony of the parent or expectant parent shall be required  
40 to establish [*paternity*] **parentage** and the court may, in its discretion, order such investigation or  
41 the production of such evidence as it deems appropriate to establish a proper basis for relief. The  
42 testimony of the parent or expectant parent and the corroborating evidence may be presented by  
43 affidavit.

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

45 109.155. (1) The court, in a private hearing, shall first determine the issue of [*paternity*] **par-**

1 **entage**. If the respondent admits the [*paternity*] **parentage**, the admission shall be reduced to writ-  
 2 ing, verified by the respondent and filed with the court. If the [*paternity*] **parentage** is denied,  
 3 corroborating evidence, in addition to the testimony of the parent or expectant parent, shall be re-  
 4 quired.

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

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

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

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

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

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

24 (B) For courts to enforce the terms of settlements described in paragraph (b) of this subsection  
 25 to the fullest extent possible, except when to do so would violate the law or would clearly  
 26 contravene public policy.

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

31 (A) As contract terms using contract remedies;

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

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

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

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

43 (7) If [*a man's paternity of a child*] **parentage between a person and a child** has been estab-  
 44 lished under [*ORS 109.070*] **section 2 of this 2017 Act** and the [*paternity*] **parentage** has not been  
 45 disestablished before proceedings are initiated under ORS 109.125, the court may not render a

1 judgment under ORS 109.124 to 109.230 establishing [*another man's paternity of the child*] **parentage**  
 2 **between another person and the child** unless the judgment also disestablishes the [*paternity*]  
 3 **parentage** established under [ORS 109.070] **section 2 of this 2017 Act**.

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

5 109.175. (1) If [*paternity*] **parentage** of a child born out of wedlock is established pursuant to a  
 6 petition filed under ORS 109.125 or an order or judgment entered pursuant to ORS 109.124 to 109.230  
 7 or ORS 416.400 to 416.465, or if [*paternity*] **parentage** is established by the filing of a voluntary ac-  
 8 knowledgment of paternity as provided by [ORS 109.070 (1)(e)] **section 2 (1)(e) of this 2017 Act**, the  
 9 parent with physical custody at the time of filing of the petition or the notice under ORS 416.415,  
 10 or the parent with physical custody at the time of the filing of the voluntary acknowledgment of  
 11 paternity, has sole legal custody until a court specifically orders otherwise. The first time the court  
 12 determines who should have legal custody, neither parent shall have the burden of proving a change  
 13 of circumstances. The court shall give primary consideration to the best interests and welfare of the  
 14 child and shall consider all the standards set out in ORS 107.137.

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

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

20 109.251. As used in ORS 109.250 to 109.262, "blood tests" includes any test for genetic markers  
 21 to determine [*paternity*] **parentage** of a type generally acknowledged as reliable by accreditation  
 22 bodies designated by the Oregon Health Authority in compliance with the United States Secretary  
 23 of Health and Human Services, and performed by a laboratory approved by such accreditation body.  
 24 "Blood tests" includes but is not limited to the Human Leucocyte Antigen Test, the deoxyribonucleic  
 25 acid test and any test that extracts genetic material from any human tissue.

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

27 109.252. (1) Unless the court or administrator finds good cause not to proceed in a proceeding  
 28 under ORS 109.125 to 109.230 and 416.400 to 416.465, in which [*paternity*] **parentage** is a relevant  
 29 fact, the court or administrator, as defined in ORS 25.010, upon the court's or administrator's own  
 30 initiative or upon suggestion made by or on behalf of any person whose blood is involved may, or  
 31 upon motion of any party to the action made at a time so as not to delay the proceedings unduly  
 32 shall, order the mother, child, alleged father and any other named respondent who may be the father  
 33 to submit to blood tests. If any person refuses to submit to such tests, the court or administrator  
 34 may resolve the question of [*paternity*] **parentage** against such person or enforce the court's or  
 35 administrator's order if the rights of others and the interests of justice so require.

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

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

42 109.254. (1) The tests shall be made by experts qualified as examiners of genetic markers who  
 43 shall be appointed by the court or administrator, as defined in ORS 25.010. Any party or person at  
 44 whose suggestion the tests have been ordered may demand that other experts, qualified as examiners  
 45 of genetic markers, perform independent tests under order of the court or administrator, the results

1 of which may be offered in evidence. The number and qualifications of such experts shall be deter-  
2 mined by the court or administrator.

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

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

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

16 109.259. Notwithstanding the objections of a party to an order that seeks to establish  
17 *[paternity]* **parentage**, if the blood tests conducted under ORS 109.250 to 109.262 result in a cumu-  
18 lative paternity index of 99 or greater, the evidence of the blood tests together with the testimony  
19 of a parent is a sufficient basis upon which to presume paternity for establishing temporary support.  
20 Upon the motion of a party, the court shall enter a temporary order requiring the alleged father to  
21 provide support pending the determination of parentage by the court. In determining the amount of  
22 support, the court shall use the formula established under ORS 25.275.

23 **SECTION 30.** ORS 109.264 is amended to read:

24 109.264. In any action under ORS 109.250 to 109.262, the mother, **the** putative father, **if any,**  
25 **the alleged parent** and the state are parties.

26 **SECTION 31.** ORS 109.315 is amended to read:

27 109.315. (1) A petition for adoption of a minor child must be signed by the petitioner and, unless  
28 stated in the petition why the information or statement is omitted, must contain the following:

29 (a) The full name of the petitioner;

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

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

33 (d) An explanatory statement as to why the petitioner is of sufficient ability to bring up the  
34 minor child and furnish suitable nurture and education sufficient for judgment to be entered under  
35 ORS 109.350;

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

38 (f) The full name, gender and date and place of birth of the minor child;

39 (g) The marital or domestic partnership status of the biological mother at the time of conception,  
40 at the date of birth and during the 300 days prior to the date of birth of the minor child;

41 (h) A statement that the minor child is not an Indian child as defined in the Indian Child Wel-  
42 fare Act (25 U.S.C. 1901 et seq.) or, if the Indian Child Welfare Act applies:

43 (A) A statement of the efforts to notify the appropriate Indian tribe or tribes of the adoption;  
44 and

45 (B) A statement of the efforts to comply with the placement preferences of the Indian Child

1 Welfare Act or the placement preferences of the appropriate Indian tribe;

2 (i) The name and relationship to the minor child of any person who has executed a written re-  
3 lease or surrender of parental rights or of rights of guardianship of the minor child as provided by  
4 ORS 418.270 and the date of the release or surrender;

5 (j) The name and relationship to the minor child of any person who has given written consent  
6 as required under ORS 109.321, and the date the consent was given;

7 (k) The name and relationship to the minor child of any person or entity for whom the written  
8 consent requirement under ORS 109.321 is waived or not required as provided in ORS 109.322,  
9 109.323, 109.324, 109.325, 109.326 and 109.327 or whose written consent may be substituted for the  
10 written consent requirement under ORS 109.321 as provided in ORS 109.322, 109.323, 109.324,  
11 109.325, 109.326, 109.327, 109.328 and 109.329;

12 (L) The name and relationship to the minor child of all persons who have signed and attested  
13 to:

14 (A) A written certificate of irrevocability and waiver as provided in ORS 109.321 (2); or

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

17 (m) A statement of the facts and circumstances under which the petitioner obtained physical  
18 custody of the minor child, including date of placement with the petitioner for adoption and the  
19 name and relationship to the minor child of the individual or entity placing the minor child with the  
20 petitioner;

21 (n) The length of time that a minor child has been in the physical custody of the petitioner and,  
22 if the minor child is not in the physical custody of the petitioner, the reason why, and the date and  
23 manner in which the petitioner will obtain physical custody of the minor child;

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

26 (p) A statement establishing that the requirements of ORS 109.353 regarding advisement about  
27 the voluntary adoption registry and the registry's services have been met;

28 (q) A statement establishing that the requirements of ORS 109.346 regarding notice of right to  
29 counseling sessions have been met;

30 (r) A statement that the information required by the Uniform Child Custody Jurisdiction and  
31 Enforcement Act under ORS 109.701 to 109.834 has been provided in the Adoption Summary and  
32 Segregated Information Statement under ORS 109.317;

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

35 (t) Unless waived, a statement that a current home study was completed in compliance with ORS  
36 109.309 (7); and

37 (u) A declaration made under penalty of perjury that the petition, and the information and  
38 statements contained in the petition, are true to the best of the petitioner's knowledge and belief  
39 and that the petitioner understands the petition, and information and statements contained in the  
40 petition, may be used as evidence in court and are subject to penalty for perjury.

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

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

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

45 (c) A finding that the court has jurisdiction over the adoption proceeding, the parties and the

1 minor child;

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

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

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

9 (g) That the court require preparation of and certify a report of adoption as provided in ORS  
10 432.223;

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

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

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

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

18 (b) Any written consent to the adoption;

19 (c) Any certificate of irrevocability and waiver;

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

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

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

24 (4) The petition and documents filed as exhibits under subsection (3) of this section are confi-  
25 dential and may not be inspected or copied except as provided under ORS 109.305 to 109.410 and  
26 109.425 to 109.507.

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

32 (b) In the case of an adoption in which one of the child's *[biological or adoptive]* parents retains  
33 parental rights **as established under section 2 of this 2017 Act**, the petitioner shall also serve the  
34 petition by either registered or certified mail with return receipt or personal service:

35 (A) On all persons whose consent to the adoption is required under ORS 109.321 unless the  
36 person's written consent is filed with the court; and

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

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

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

45 (B) "Meet the essential requirements for the person's physical health or safety" means those

1 actions necessary to provide health care, food, shelter, clothing, personal hygiene and other care  
2 without which serious physical injury or illness is likely to occur.

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

4 **SECTION 32.** ORS 109.321 is amended to read:

5 109.321. (1) Except as provided in ORS 109.323 to 109.329, consent in writing to the adoption of  
6 a minor child pursuant to a petition filed under ORS 109.309 is required to be given by the following:

7 (a) The parents of the child, or the survivor of them.

8 (b) The guardian of the child, if the child has no living parent.

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

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

13 (2)(a) A person who gives consent to adoption under subsection (1) of this section may agree  
14 concurrently or subsequently to the giving of such consent that the consent shall be or become  
15 irrevocable, and may waive such person's right to a personal appearance in court, by a duly signed  
16 and attested certificate. The certificate of irrevocability and waiver shall be in effect when the fol-  
17 lowing are completed:

18 (A) The child is placed for the purpose of adoption in the physical custody of the person or  
19 persons to whom the consent is given;

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

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

24 (D) The Department of Human Services, an Oregon licensed adoption agency or an attorney who  
25 is representing the adoptive parents has filed either a department or an Oregon licensed adoption  
26 agency home study with the court approving the petitioner or petitioners as potential adoptive  
27 parents or the department has notified the court that the filing of such study has been waived;

28 (E) Information about the child's social, medical and genetic history required in ORS 109.342 has  
29 been provided to an attorney or the department or an Oregon licensed adoption agency by the per-  
30 son giving consent to the adoption; and

31 (F) The person signing the certificate of irrevocability and waiver has been given an explanation  
32 by an attorney who represents the person and who does not also represent the adoptive family, by  
33 the department or by an Oregon licensed adoption agency of the consequences of signing the cer-  
34 tificate.

35 (b) Upon the fulfillment of the conditions in paragraph (a) of this subsection, the consent for  
36 adoption may not be revoked unless fraud or duress is proved with respect to any material fact.

37 (3) Consent to the adoption of an Indian child as defined in the Indian Child Welfare Act (25  
38 U.S.C. 1901 et seq.) shall not be valid unless the requirements of the Indian Child Welfare Act are  
39 met. In accordance with the Indian Child Welfare Act, a certificate of irrevocability is not valid for  
40 the adoption of an Indian child.

41 **(4) As used in this section, "parent" means a person whose parentage has been estab-**  
42 **lished pursuant to section 2 of this 2017 Act.**

43 **SECTION 33.** ORS 109.326 is amended to read:

44 109.326. (1) If the mother of a child was married at the time of the conception or birth of the  
45 child, and it has been determined pursuant to [ORS 109.070] **section 2 of this 2017 Act** or judicially



1 determined that [her] **the mother's** [husband] **spouse** at such time or times was not the [father]  
2 **parent** of the child, the [husband's] **spouse's** authorization or waiver is not required in adoption,  
3 juvenile court or other proceedings concerning the custody of the child.

4 (2) If [paternity] **parentage** of the child has not been determined, a determination of  
5 [nonpaternity] **nonparentage** may be made by any court having adoption, divorce or juvenile court  
6 jurisdiction. The testimony or affidavit of the mother or the [husband] **spouse** or another person  
7 with knowledge of the facts filed in the proceeding constitutes competent evidence before the court  
8 making the determination.

9 (3) Before making the determination of [nonpaternity] **nonparentage**, the petitioner shall serve  
10 on the [husband] **spouse** a summons and a true copy of a motion and order to show cause why a  
11 judgment of [nonpaternity] **nonparentage** should not be entered if:

12 (a) There has been a determination by any court of competent jurisdiction that the [husband]  
13 **spouse** is the [father] **parent** of the child;

14 (b) The child resided with the [husband] **spouse** at any time since the child's birth; or

15 (c) The [husband] **spouse** repeatedly has contributed or tried to contribute to the support of the  
16 child.

17 (4) When the petitioner is required to serve the [husband] **spouse** with a summons and a motion  
18 and order to show cause under subsection (3) of this section, service must be made in the manner  
19 provided in ORCP 7 D and E, except as provided in subsection (6) of this section. Service must be  
20 proved as required in ORCP 7 F. The summons and the motion and order to show cause need not  
21 contain the names of the adoptive parents.

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

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

28 (b) A statement that:

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

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

37 \_\_\_\_\_

38  
39 IN THE CIRCUIT COURT OF  
40 THE STATE OF OREGON  
41 FOR THE COUNTY OF \_\_\_\_\_

42 \_\_\_\_\_, )  
43 Petitioner, ) NO. \_\_\_\_\_  
44 )  
45 ) ANSWER

1 and )  
2 )  
3 \_\_\_\_\_, )  
4 Respondent. )

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

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

8 \_\_\_\_\_  
9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_  
18 \_\_\_\_\_

19 Signature

20 DATE: \_\_\_\_\_

21 ADDRESS OR CONTACT ADDRESS:

22 \_\_\_\_\_  
23 \_\_\_\_\_

24 TELEPHONE OR CONTACT TELEPHONE:

25 \_\_\_\_\_  
26 \_\_\_\_\_

27  
28 (c) A notice that, if the *[husband]* **spouse** answers the motion and order to show cause, the  
29 court:

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

32 (B) Will order the *[husband]* **spouse** to appear personally; and

33 (C) May schedule other hearings related to the petition and may order the *[husband]* **spouse** to  
34 appear personally.

35 (d) A notice that the *[husband]* **spouse** has the right to be represented by an attorney. The no-  
36 tice must be in substantially the following form:

37 \_\_\_\_\_

38  
39 You have a right to be represented by an attorney. If you wish to be represented by an attorney,  
40 please retain one as soon as possible to represent you in this proceeding. If you meet the state's  
41 financial guidelines, you are entitled to have an attorney appointed for you at state expense. To  
42 request appointment of an attorney to represent you at state expense, you must contact the circuit  
43 court immediately. Phone \_\_\_\_\_ for further information.

44 \_\_\_\_\_

45

1 (e) A statement that the *[husband]* **spouse** has the responsibility to maintain contact with the  
 2 *[husband's]* **spouse's** attorney and to keep the attorney advised of the *[husband's]* **spouse's** where-  
 3 abouts.

4 (6) A *[husband]* **spouse** who is served with a summons and a motion and order to show cause  
 5 under this section shall file with the court a written answer to the motion and order to show cause  
 6 within 30 days after the date on which the *[husband]* **spouse** is served with the summons or, if  
 7 service is made by publication or posting under ORCP 7 D(6), within 30 days from the date of last  
 8 publication or posting. In the answer, the *[husband]* **spouse** shall inform the court and the petitioner  
 9 of the *[husband's]* **spouse's** telephone number or contact telephone number and current address, as  
 10 defined in ORS 25.011. The answer may be in substantially the form described in subsection (5) of  
 11 this section.

12 (7) If the *[husband]* **spouse** requests the assistance of appointed counsel and the court deter-  
 13 mines that the *[husband]* **spouse** is financially eligible, the court shall appoint an attorney to rep-  
 14 resent the *[husband]* **spouse** at state expense. Appointment of counsel under this subsection is  
 15 subject to ORS 135.055, 151.216 and 151.219. The court may not substitute one appointed counsel for  
 16 another except pursuant to the policies, procedures, standards and guidelines adopted under ORS  
 17 151.216.

18 (8) If the *[husband]* **spouse** files an answer as required under subsection (6) of this section, the  
 19 court, by oral order made on the record or by written order provided to the *[husband]* **spouse** in  
 20 person or mailed to the *[husband]* **spouse** at the address provided by the *[husband]* **spouse**, shall:

21 (a) Inform the *[husband]* **spouse** of the time, place and purpose of the next hearing or hearings  
 22 related to the motion and order to show cause or the adoption petition;

23 (b) Require the *[husband]* **spouse** to appear personally at the next hearing or hearings related  
 24 to the motion and order to show cause or the adoption petition; and

25 (c) Inform the *[husband]* **spouse** that, if the *[husband]* **spouse** fails to appear as ordered for any  
 26 hearing related to the motion and order to show cause or the adoption petition, the court, without  
 27 further notice and in the *[husband's]* **spouse's** absence, may take any action that is authorized by  
 28 law, including but not limited to entering a judgment of *[nonpaternity]* **nonparentage** on the date  
 29 specified in the order or on a future date, without the consent of the *[husband]* **spouse**.

30 (9) If a *[husband]* **spouse** fails to file a written answer as required in subsection (6) of this sec-  
 31 tion or fails to appear for a hearing related to the motion and order to show cause or the petition  
 32 as directed by court order under this section, the court, without further notice to the *[husband]*  
 33 **spouse** and in the *[husband's]* **spouse's** absence, may take any action that is authorized by law,  
 34 including but not limited to entering a judgment of *[nonpaternity]* **nonparentage**.

35 (10) There shall be sufficient proof to enable the court to grant the relief sought without notice  
 36 to the *[husband]* **spouse** provided that the affidavit of the mother of the child, of the *[husband]*  
 37 **spouse** or of another person with knowledge of the facts filed in the proceeding states or the court  
 38 finds from other competent evidence:

39 (a) That the mother of the child was not cohabiting with *[her]* **the mother's** *[husband]* **spouse**  
 40 at the time of conception of the child and that the *[husband]* **spouse** is not the *[father]* **parent** of  
 41 the child;

42 (b) That the *[husband]* **spouse** has not been judicially determined to be the *[father]* **parent of**  
 43 **the child**;

44 (c) That the child has not resided with the *[husband]* **spouse**; and

45 (d) That the *[husband]* **spouse** has not contributed or tried to contribute to the support of the

1 child.

2 (11) Notwithstanding ORS 109.070 (1)(a), service of a summons and a motion and order to show  
3 cause on the [*husband*] **spouse** under subsection (3) of this section is not required and the  
4 [*husband's*] **spouse's** consent, authorization or waiver is not required in adoption proceedings con-  
5 cerning the child unless the [*husband*] **spouse** has met the requirements of subsection (3)(a), (b) or  
6 (c) of this section.

7 (12) A [*husband*] **spouse** who was not cohabiting with the mother at the time of the child's  
8 conception has the primary responsibility to protect the [*husband's*] **spouse's** rights.

9 (13) Nothing in this section shall be used to set aside an act of a permanent nature, including  
10 but not limited to adoption, unless the [*father*] **parent** establishes, within one year after the entry  
11 of the order or general judgment, as defined in ORS 18.005, fraud on the part of the petitioner with  
12 respect to the matters specified in subsection (10)(a), (b), (c) or (d) of this section.

13 **SECTION 34.** ORS 109.704 is amended to read:

14 109.704. As used in ORS 109.701 to 109.834:

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

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

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

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

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

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

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

36 (8) "Initial determination" means the first child custody determination concerning a particular  
37 child.

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

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

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

44 (12) "Person" means an individual, corporation, public corporation, business trust, estate, trust,  
45 partnership, limited liability company, association, joint venture, government or a governmental

1 subdivision, agency or instrumentality, or any other legal or commercial entity.

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

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

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

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

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

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

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

16 **SECTION 35.** ORS 112.105 is amended to read:

17 112.105. (1) For all purposes of intestate succession, full effect shall be given to all relationships  
18 as described in ORS 109.060, except as otherwise provided by law in case of adoption.

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

22 (a) The [*paternity*] **parentage** of the child shall have been established under [*ORS 109.070*]  
23 **section 2 of this 2017 Act** during the lifetime of the child[.]; **and**

24 (b) **The parent must have acknowledged being the parent of the child in writing, signed**  
25 **by the parent during the lifetime of the child.**

26 **SECTION 36.** ORS 163.565 is amended to read:

27 163.565. (1) Proof that a child was born [*to a woman*] during the time a [*man*] **person** lived and  
28 cohabited with [*her*] **the child's mother**, or held [*her*] **the child's mother** out as [*his*] **that**  
29 **person's** spouse in a marriage, is prima facie evidence that [*he*] **the person** is the [*father*] **parent**  
30 of the child. This subsection does not exclude any other legal evidence tending to establish the  
31 parental relationship.

32 (2) No provision of law prohibiting the disclosure of confidential communications between  
33 spouses in a marriage apply to prosecutions for criminal nonsupport. A spouse is a competent and  
34 compellable witness for or against either party.

35 **SECTION 37.** ORS 180.320 is amended to read:

36 180.320. (1) All state agencies, district attorneys and all police officers of the state, county or  
37 any municipality, university or court thereof, shall cooperate with the Division of Child Support of  
38 the Department of Justice in furnishing and making available information, records and documents  
39 necessary to assist in establishing or enforcing support obligations or [*paternity*] **parentage**, in  
40 performing the duties set out in ORS 25.080 and in determining the location of any absent parent  
41 or child for the purpose of enforcing any state or federal law regarding the unlawful taking or re-  
42 straint of a child or for the purpose of making or enforcing a child custody determination.  
43 Notwithstanding the provisions of ORS 109.225 or 416.430 or ORS chapter 432, records pertaining  
44 to the [*paternity*] **parentage** of a child shall be made available upon written request of an authorized  
45 representative of the Division of Child Support. Any information obtained pursuant to this sub-

1 section is confidential, and shall be used only for the purposes set out in this subsection.

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

7 **SECTION 38.** ORS 180.380 is amended to read:

8 180.380. (1) In addition to its other duties, powers and functions, the Division of Child Support  
9 may disclose confidential information from the Federal Parent Locator Service to an authorized  
10 person if the information is needed to:

- 11 (a) Enforce any state or federal law regarding the unlawful taking or restraint of a child;
- 12 (b) Make or enforce a child custody determination;
- 13 (c) Establish [*paternity*] **parentage**; or
- 14 (d) Establish, modify or enforce a child support order.

15 (2)(a) If the request for information is made for a purpose described in subsection (1)(a) or (b)  
16 of this section, the division may provide the most recent address and place of employment of the  
17 child or parent.

18 (b) If the request for information is made for a purpose described in subsection (1)(c) or (d) of  
19 this section, the division may provide the following information:

20 (A) The Social Security number and address of the parent or alleged parent;

21 (B) The name, address and federal employer identification number of the employer of the parent  
22 or alleged parent; and

23 (C) The wages or other income from and benefits of employment of the parent or alleged parent.

24 (c) If there is evidence of possible domestic violence or child abuse by the individual requesting  
25 information under subsection (1) of this section, the division may disclose information under this  
26 subsection only to a court in accordance with rules adopted by the division.

27 (3) As used in ORS 180.320 and this section:

28 (a) "Authorized person" includes:

29 (A) Any agent or attorney of any state who has the duty or authority under the law of such  
30 state to enforce a child custody determination;

31 (B) Any court or any agent of the court having jurisdiction to make or enforce a judgment of  
32 [*paternity*] **parentage**, a judgment of support or a child custody determination;

33 (C) Any agent or attorney of the United States or of a state who has the duty or authority to  
34 investigate, enforce or bring a prosecution with respect to the unlawful taking or restraint of a  
35 child;

36 (D) A state agency responsible for administering an approved child welfare plan or an approved  
37 foster care and adoption assistance plan; and

38 (E) A custodial parent, legal guardian or agent of a child, other than a child receiving temporary  
39 assistance for needy families, who is seeking to establish [*paternity*] **parentage** or to establish,  
40 modify or enforce a child support order.

41 (b) "Custody determination" means a judgment or other order of a court providing for the cus-  
42 tody of, parenting time with or visitation with a child, and includes permanent and temporary or-  
43 ders, and initial orders and modifications.

44 **SECTION 39.** ORS 192.535 is amended to read:

45 192.535. (1) A person may not obtain genetic information from an individual, or from an

1 individual's DNA sample, without first obtaining informed consent of the individual or the  
2 individual's representative, except:

3 (a) As authorized by ORS 181A.155 or comparable provisions of federal criminal law relating to  
4 the identification of persons, or for the purpose of establishing the identity of a person in the course  
5 of an investigation conducted by a law enforcement agency, a district attorney, a medical examiner  
6 or the Criminal Justice Division of the Department of Justice;

7 (b) For anonymous research or coded research conducted under conditions described in ORS  
8 192.537 (2), after notification pursuant to ORS 192.538 or pursuant to ORS 192.547 (7)(b);

9 (c) As permitted by rules of the Oregon Health Authority for identification of deceased individ-  
10 uals;

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

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

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

15 (2) Except as provided in subsection (3) of this section, a physician licensed under ORS chapter  
16 677 shall seek the informed consent of the individual or the individual's representative for the pur-  
17 poses of subsection (1) of this section in the manner provided by ORS 677.097. Except as provided  
18 in subsection (3) of this section, any other licensed health care provider or facility must seek the  
19 informed consent of the individual or the individual's representative for the purposes of subsection  
20 (1) of this section in a manner substantially similar to that provided by ORS 677.097 for physicians.

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

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

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

31 **SECTION 40.** ORS 192.539 is amended to read:

32 192.539. (1) Regardless of the manner of receipt or the source of genetic information, including  
33 information received from an individual or a blood relative of the individual, a person may not dis-  
34 close or be compelled, by subpoena or any other means, to disclose the identity of an individual upon  
35 whom a genetic test has been performed or the identity of a blood relative of the individual, or to  
36 disclose genetic information about the individual or a blood relative of the individual in a manner  
37 that permits identification of the individual, unless:

38 (a) Disclosure is authorized by ORS 181A.155 or comparable provisions of federal criminal law  
39 relating to identification of persons, or is necessary for the purpose of a criminal or death investi-  
40 gation, a criminal or juvenile proceeding, an inquest, or a child fatality review by a county multi-  
41 disciplinary child abuse team;

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

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

45 (d) Disclosure is specifically authorized by the tested individual or the tested individual's rep-

1 resentative by signing a consent form prescribed by rules of the Oregon Health Authority;

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

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

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

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

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

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

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

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

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

17 **SECTION 41.** ORS 419A.004, as amended by section 46, chapter 106, Oregon Laws 2016, is  
18 amended to read:

19 419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires  
20 otherwise:

21 (1) "Age-appropriate or developmentally appropriate activities" means:

22 (a) Activities or items that are generally accepted as suitable for children of the same chrono-  
23 logical age or level of maturity or that are determined to be developmentally appropriate for a child,  
24 based on the development of cognitive, emotional, physical and behavioral capacities that are typical  
25 for an age or age group; and

26 (b) In the case of a specific child, activities or items that are suitable for the child based on the  
27 developmental stages attained by the child with respect to the cognitive, emotional, physical and  
28 behavioral capacities of the child.

29 (2) "Another planned permanent living arrangement" means an out-of-home placement for a ward  
30 16 years of age or older that is consistent with the case plan and in the best interests of the ward  
31 other than placement:

32 (a) By adoption;

33 (b) With a legal guardian; or

34 (c) With a fit and willing relative.

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

39 (4) "Child care center" means a residential facility for wards or youth offenders that is licensed,  
40 certified or otherwise authorized as a child-caring agency as that term is defined in ORS 418.205.

41 (5) "Community service" has the meaning given that term in ORS 137.126.

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

44 (7) "Counselor" means a juvenile department counselor or a county juvenile probation officer.

45 (8) "Court" means the juvenile court.



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

3 (10) "Court facility" has the meaning given that term in ORS 166.360.

4 (11) "Current caretaker" means a foster parent who:

5 (a) Is currently caring for a ward who is in the legal custody of the Department of Human  
6 Services and who has a permanency plan or concurrent permanent plan of adoption; and

7 (b) Who has cared for the ward, or at least one sibling of the ward, for at least the immediately  
8 prior 12 consecutive months or for one-half of the ward's or sibling's life where the ward or sibling  
9 is younger than two years of age.

10 (12) "Department" means the Department of Human Services.

11 (13) "Detention" or "detention facility" means a facility established under ORS 419A.010 to  
12 419A.020 and 419A.050 to 419A.063 for the detention of children, wards, youths or youth offenders  
13 pursuant to a judicial commitment or order.

14 (14) "Director" means the director of a juvenile department established under ORS 419A.010 to  
15 419A.020 and 419A.050 to 419A.063.

16 (15) "Guardian" means guardian of the person and not guardian of the estate.

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

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

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

21 (17) "Juvenile court" means the court having jurisdiction of juvenile matters in the several  
22 counties of this state.

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

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

26 (a) A [*man*] **person** who has adopted the child, ward, youth or youth offender or whose  
27 [*paternity*] **parentage** has been established or declared under ORS [*109.070 or*] 416.400 to 416.465 or  
28 **section 2 of this 2017 Act or** by a juvenile court; and

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

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

35 (21) "Public building" has the meaning given that term in ORS 166.360.

36 (22) "Reasonable and prudent parent standard" means the standard, characterized by careful and  
37 sensible parental decisions that maintain the health, safety and best interests of a child or ward  
38 while encouraging the emotional and developmental growth of the child or ward, that a substitute  
39 care provider shall use when determining whether to allow a child or ward in substitute care to  
40 participate in extracurricular, enrichment, cultural and social activities.

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

43 (24) "Records" means any information in written form, pictures, photographs, charts, graphs,  
44 recordings or documents pertaining to a case.

45 (25) "Resides" or "residence," when used in reference to the residence of a child, ward, youth

1 or youth offender, means the place where the child, ward, youth or youth offender is actually living  
2 or the jurisdiction in which wardship or jurisdiction has been established.

3 (26) "Restitution" has the meaning given that term in ORS 137.103.

4 (27) "Serious physical injury" means:

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

6 (b) A physical injury that:

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

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

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

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

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

14 (30) "Sibling" means one of two or more children or wards related:

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

16 (b) Through the marriage of the children's or wards' legal or biological parents.

17 (31) "Substitute care" means an out-of-home placement directly supervised by the department  
18 or other agency, including placement in a foster family home, group home, child-caring agency as  
19 defined in ORS 418.205 or other child caring institution or facility. "Substitute care" does not in-  
20 clude care in:

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

22 (b) A family home that the court has approved as a ward's permanent placement, when a child-  
23 caring agency as defined in ORS 418.205 has been appointed guardian of the ward and when the  
24 ward's care is entirely privately financed; or

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

26 (32) "Surrogate" means a person appointed by the court to protect the right of the child, ward,  
27 youth or youth offender to receive procedural safeguards with respect to the provision of free ap-  
28 propriate public education.

29 (33) "Tribal court" means a court with jurisdiction over child custody proceedings and that is  
30 either a Court of Indian Offenses, a court established and operated under the code of custom of an  
31 Indian tribe or any other administrative body of a tribe that is vested with authority over child  
32 custody proceedings.

33 (34) "Victim" means any person determined by the district attorney, the juvenile department or  
34 the court to have suffered direct financial, psychological or physical harm as a result of the act that  
35 has brought the youth or youth offender before the juvenile court. When the victim is a minor,  
36 "victim" includes the legal guardian of the minor. The youth or youth offender may not be consid-  
37 ered the victim. When the victim of the crime cannot be determined, the people of Oregon, as re-  
38 presented by the district attorney, are considered the victims.

39 (35) "Violent felony" means any offense that, if committed by an adult, would constitute a felony  
40 and:

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

42 (b) Is a sexual offense. As used in this paragraph, "sexual offense" has the meaning given the  
43 term "sex crime" in ORS 163A.005.

44 (36) "Ward" means a person within the jurisdiction of the juvenile court under ORS 419B.100.

45 (37) "Young person" means a person who has been found responsible except for insanity under

1 ORS 419C.411 and placed under the jurisdiction of the Psychiatric Security Review Board.

2 (38) "Youth" means a person under 18 years of age who is alleged to have committed an act that  
3 is a violation, or, if done by an adult would constitute a violation, of a law or ordinance of the  
4 United States or a state, county or city.

5 (39) "Youth care center" has the meaning given that term in ORS 420.855.

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

8 **SECTION 42.** ORS 419B.395 is amended to read:

9 419B.395. (1) If in any proceeding under ORS 419B.100 or 419B.500 the juvenile court determines  
10 that the child or ward has [*no legal father*] **fewer than two legal parents** or that [*paternity*] **par-**  
11 **entage** is disputed as allowed in ORS 109.070, the court may enter a judgment of [*paternity*] **par-**  
12 **entage** or a judgment of [*nonpaternity*] **nonparentage** in compliance with the provisions of ORS  
13 109.070, 109.124 to 109.230, 109.250 to 109.262 and 109.326 **and section 2 of this 2017 Act.**

14 (2) Before entering a judgment under subsection (1) of this section, the court must find that  
15 adequate notice and an opportunity to be heard was provided to:

16 (a) The parties to the proceeding;

17 (b) The [*man*] **person** alleged or claiming to be the child or ward's [*father*] **parent**; and

18 (c) The Administrator of the Division of Child Support of the Department of Justice or the  
19 branch office providing support services to the county in which the court is located.

20 (3) When appropriate, the court shall inform a [*man*] **person** before the court claiming to be the  
21 [*father*] **parent** of a child or ward that [*paternity*] **parentage** establishment services may be available  
22 through the administrator if the child or ward:

23 (a) Is a child born out of wedlock;

24 (b) Has not been placed for adoption; and

25 (c) Has [*no legal father*] **fewer than two legal parents.**

26 (4) As used in this section:

27 (a) "Administrator" has the meaning given that term in ORS 25.010.

28 (b) "Child born out of wedlock" has the meaning given that term in ORS 109.124.

29 (c) "Legal [*father*] **parent**" has the meaning given that term in ORS 419A.004 (19).

30 **SECTION 43.** ORS 419B.839 is amended to read:

31 419B.839. (1) Summons in proceedings to establish jurisdiction under ORS 419B.100 must be  
32 served on:

33 (a) The parents of the child without regard to who has legal or physical custody of the child;

34 (b) The legal guardian of the child;

35 (c) A putative father of the child who satisfies the criteria set out in ORS 419B.875 (1)(a)(C),  
36 except as provided in subsection (4) of this section;

37 (d) A putative father of the child if notice of the initiation of filiation or [*paternity*] **parentage**  
38 proceedings was on file with the Center for Health Statistics of the Oregon Health Authority prior  
39 to the initiation of the juvenile court proceedings, except as provided in subsection (4) of this sec-  
40 tion;

41 (e) The person who has physical custody of the child, if the child is not in the physical custody  
42 of a parent; and

43 (f) The child, if the child is 12 years of age or older.

44 (2) If it appears to the court that the welfare of the child or of the public requires that the child  
45 immediately be taken into custody, the court may indorse an order on the summons directing the

1 officer serving it to take the child into custody.

2 (3) Summons may be issued requiring the appearance of any person whose presence the court  
3 deems necessary.

4 (4) Summons under subsection (1) of this section is not required to be given to a putative father  
5 whom a court of competent jurisdiction has found not to be the child's legal [*father*] **parent** or who  
6 has filed a petition for filiation that was dismissed if no appeal from the judgment or order is  
7 pending.

8 (5) If a guardian ad litem has been appointed for a parent under ORS 419B.231, a copy of a  
9 summons served on the parent under this section must be provided to the guardian ad litem.

10 **SECTION 44.** ORS 419B.875 is amended to read:

11 419B.875. (1)(a) Parties to proceedings in the juvenile court under ORS 419B.100 and 419B.500  
12 are:

13 (A) The child or ward;

14 (B) The parents or guardian of the child or ward;

15 (C) A putative father of the child or ward who has demonstrated a direct and significant com-  
16 mitment to the child or ward by assuming, or attempting to assume, responsibilities normally asso-  
17 ciated with parenthood, including but not limited to:

18 (i) Residing with the child or ward;

19 (ii) Contributing to the financial support of the child or ward; or

20 (iii) Establishing psychological ties with the child or ward;

21 (D) The state;

22 (E) The juvenile department;

23 (F) A court appointed special advocate, if appointed;

24 (G) The Department of Human Services or other child-caring agency if the agency has temporary  
25 custody of the child or ward; and

26 (H) The tribe in cases subject to the Indian Child Welfare Act if the tribe has intervened pur-  
27 suant to the Indian Child Welfare Act.

28 (b) An intervenor who is granted intervention under ORS 419B.116 is a party to a proceeding  
29 under ORS 419B.100. An intervenor under this paragraph is not a party to a proceeding under ORS  
30 419B.500.

31 (2) The rights of the parties include, but are not limited to:

32 (a) The right to notice of the proceeding and copies of the petitions, answers, motions and other  
33 papers;

34 (b) The right to appear with counsel and, except for intervenors under subsection (1)(b) of this  
35 section, to have counsel appointed as otherwise provided by law;

36 (c) The right to call witnesses, cross-examine witnesses and participate in hearings;

37 (d) The right of appeal; and

38 (e) The right to request a hearing.

39 (3) A putative father who satisfies the criteria set out in subsection (1)(a)(C) of this section shall  
40 be treated as a parent, as that term is used in this chapter and ORS chapters 419A and 419C, until  
41 the court confirms his [*paternity*] **parentage** or finds that he is not the legal or biological [*father*]  
42 **parent** of the child or ward.

43 (4) If no appeal from the judgment or order is pending, a putative father whom a court of com-  
44 petent jurisdiction has found not to be the child or ward's legal or biological [*father*] **parent** or who  
45 has filed a petition for filiation that was dismissed is not a party under subsection (1) of this section.

1 (5)(a) A person granted rights of limited participation under ORS 419B.116 is not a party to a  
2 proceeding under ORS 419B.100 or 419B.500 but has only those rights specified in the order granting  
3 rights of limited participation.

4 (b) Persons moving for or granted rights of limited participation are not entitled to appointed  
5 counsel but may appear with retained counsel.

6 (6) If a foster parent, preadoptive parent or relative is currently providing care for a child or  
7 ward, the Department of Human Services shall give the foster parent, preadoptive parent or relative  
8 notice of a proceeding concerning the child or ward. A foster parent, preadoptive parent or relative  
9 providing care for a child or ward has the right to be heard at the proceeding. Except when allowed  
10 to intervene, the foster parent, preadoptive parent or relative providing care for the child or ward  
11 is not considered a party to the juvenile court proceeding solely because of notice and the right to  
12 be heard at the proceeding.

13 (7)(a) The Department of Human Services shall make diligent efforts to identify and obtain  
14 contact information for the grandparents of a child or ward committed to the department's custody.  
15 Except as provided in paragraph (b) of this subsection, when the department knows the identity of  
16 and has contact information for a grandparent, the department shall give the grandparent notice of  
17 a hearing concerning the child or ward. Upon a showing of good cause, the court may relieve the  
18 department of its responsibility to provide notice under this paragraph.

19 (b) If a grandparent of a child or ward is present at a hearing concerning the child or ward, and  
20 the court informs the grandparent of the date and time of a future hearing, the department is not  
21 required to give notice of the future hearing to the grandparent.

22 (c) If a grandparent is present at a hearing concerning a child or ward, the court shall give the  
23 grandparent an opportunity to be heard.

24 (d) The court's orders or judgments entered in proceedings under ORS 419B.185, 419B.310,  
25 419B.325, 419B.449, 419B.476 and 419B.500 must include findings of the court as to whether the  
26 grandparent had notice of the hearing, attended the hearing and had an opportunity to be heard.

27 (e) Notwithstanding the provisions of this subsection, a grandparent is not a party to the juve-  
28 nile court proceeding unless the grandparent has been granted rights of intervention under ORS  
29 419B.116.

30 (f) As used in this subsection, "grandparent" means the legal parent of the child's or ward's leg-  
31 al parent, regardless of whether the parental rights of the child's or ward's legal parent have been  
32 terminated under ORS 419B.500 to 419B.524.

33 (8) Interpreters for parties and persons granted rights of limited participation shall be appointed  
34 in the manner specified by ORS 45.275 and 45.285.

35 **SECTION 45.** ORS 432.088 is amended to read:

36 432.088. (1) A report of live birth for each live birth that occurs in this state shall be submitted  
37 to the Center for Health Statistics, or as otherwise directed by the State Registrar of the Center for  
38 Health Statistics, within five calendar days after the live birth and shall be registered if the report  
39 has been completed and filed in accordance with this section.

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

43 (3) When a live birth occurs in an institution or en route to an institution, the person in charge  
44 of the institution or an authorized designee shall obtain all data required by the state registrar,  
45 prepare the report of live birth, certify either by signature or electronic signature that the child

1 was born alive at the place and time and on the date stated and submit the report as described in  
2 subsection (1) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

40 (8) For purposes of making a report of live birth and live birth registration, the woman who  
41 gives live birth is the [*live*] birth mother. If a court of competent jurisdiction determines that a  
42 woman other than the [*live*] birth mother is the biological or genetic mother, the court may order  
43 the state registrar to amend the record of live birth. The record of live birth shall then be placed  
44 under seal.

45 (9)(a) If the **birth** mother is married at the time of either conception or live birth, or within 300

1 days before the live birth, the name of the mother's spouse in a marriage shall be entered on the  
 2 report of live birth as *[the]* a parent of the child unless parentage has been determined otherwise  
 3 by a court of competent jurisdiction.

4 (b) If the **birth** mother is not married at the time of either conception or live birth, or within  
 5 300 days before the live birth, the name of the **other** parent shall not be entered on the report of  
 6 live birth unless a voluntary acknowledgment of paternity form or other form prescribed under ORS  
 7 432.098 is:

8 (A) Signed by the **birth** mother and the person to be named as the **other** parent; and

9 (B) Filed with the state registrar.

10 (c) If the **birth** mother is a partner in a domestic partnership registered by the state at the time  
 11 of either conception or live birth, or between conception and live birth, the name of the **birth**  
 12 mother's partner shall be entered on the report of live birth as a parent of the child, unless par-  
 13 entage has been determined otherwise by a court of competent jurisdiction.

14 (d) In any case in which paternity **or parentage** of a child is determined by a court of compe-  
 15 tent jurisdiction, or by an administrative determination of paternity **or parentage**, the Center for  
 16 Health Statistics shall enter the name of *[the]* **each** parent on the new record of live birth. The  
 17 Center for Health Statistics shall change the surname of the child if so ordered by the court or, in  
 18 a proceeding under ORS 416.430, by the administrator as defined in ORS 25.010.

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

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

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

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

28 **SECTION 46.** ORS 432.098 is amended to read:

29 432.098. (1) The Director of the Oregon Health Authority shall adopt by rule a form of a vol-  
 30 untary acknowledgment of paternity that includes the minimum requirements specified by the United  
 31 States Secretary of Health and Human Services. When the form is signed by both biological parents  
 32 and witnessed by a third party, the form establishes *[paternity]* **parentage** for all purposes when  
 33 filed with the State Registrar of the Center for Health Statistics, provided there is no *[male]* **second**  
 34 parent already named in the report of live birth. Establishment of *[paternity]* **parentage** under this  
 35 section is subject to the provisions and the requirements in ORS 109.070. When there is no *[other*  
 36 *male]* **second parent** named *[as father]* on the child's record of live birth, the filing of such voluntary  
 37 acknowledgment of paternity form shall cause the state registrar to place the name of the *[male]*  
 38 parent who has signed the voluntary acknowledgment of paternity form on the record of live birth  
 39 of the child or, if appropriate, establish a replacement for the record containing the name of the  
 40 child's *[male]* parent, as that parent is named in the voluntary acknowledgment of paternity form.  
 41 When signed by both parents in the health care facility of the child's birth within five days after the  
 42 birth, the voluntary acknowledgment of paternity form is not a sworn document. When thus signed,  
 43 a staff member of the health care facility shall witness the signatures of the parents. In all other  
 44 circumstances, the form is a sworn document. The filing of the voluntary acknowledgment of  
 45 paternity form created by this section is subject to the payment of any fees that may apply.

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

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

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

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

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

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

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

14 **SECTION 47.** ORS 432.103 is amended to read:

15 432.103. A determination of paternity **or parentage** by another state is entitled to full faith and  
16 credit.

17 **SECTION 48.** ORS 432.245 is amended to read:

18 432.245. (1) For a person born in this state, the State Registrar of the Center for Health Statis-  
19 tics shall amend a record of live birth and establish a replacement for the record if the state  
20 registrar receives one of the following:

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

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

28 (c) A written and notarized request, signed by both parents, acknowledging paternity; or

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

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

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

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

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



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

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

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

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

19 **SECTION 49.** ORCP 4 K is amended to read:

20 K Certain marital and domestic relations actions.

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

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

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

35 **SECTION 50.** ORS 109.030 is amended to read:

36 109.030. The rights and responsibilities of the parents, in the absence of misconduct, are equal,  
 37 and [*the mother*] **each parent** is as fully entitled to the custody and control of the children and their  
 38 earnings as the [*father*] **other parent**. In case of the [*father's*] death **of one parent**, the [*mother*]  
 39 **other parent** shall come into [*as*] full and complete control of the children and their estate [*as the*  
 40 *father does in case of the mother's death*].

41 **SECTION 51.** ORS 109.124 is amended to read:

42 109.124. As used in ORS 109.124 to 109.230, unless the context requires otherwise:

43 (1) "Child attending school" has the meaning given that term in ORS 107.108.

44 (2) "Child born out of wedlock" means a child born to an unmarried [*woman*] **person** or to a  
 45 married [*woman*] **person** by [*a man other than her husband*] **another person who is not the**

1 **person's spouse.**

2 (3) "Respondent" may include, but is not limited to, one or more persons who may be the father  
3 of a child born out of wedlock, the [*husband*] **spouse** of a woman who has or may have a child born  
4 out of wedlock, the mother of a child born out of wedlock, the [*woman*] **person** pregnant with a child  
5 who may be born out of wedlock, or the duly appointed and acting guardian of the child or  
6 conservator of the child's estate.

7 **SECTION 52.** ORS 109.125 is amended to read:

8 109.125. (1) Any of the following may initiate proceedings under this section:

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

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

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

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

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

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

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

22 (A) The name of the mother of the child born out of wedlock or the [*woman*] **person** pregnant  
23 with a child who may be born out of wedlock;

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

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

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

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

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

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

31 (A) The name of the mother of the child born out of wedlock or the [*woman*] **person** pregnant  
32 with a child who may be born out of wedlock;

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

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

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

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

40 (3) When proceedings are initiated by the administrator, as defined in ORS 25.010, the state and  
41 the child's mother and putative father are parties.

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

1 suit is filed.

2 (5) A *[man]* **person** whose *[paternity]* **parentage** of a child has been established under *[ORS*  
3 *109.070]* **section 2 of this 2017 Act** is a necessary party to proceedings initiated under this section  
4 unless the *[paternity]* **parentage** has been disestablished before the proceedings are initiated.

5 **SECTION 53.** The amendments to ORS 25.020, 25.075, 25.082, 25.650, 25.750, 107.179, 107.425,  
6 109.012, 109.030, 109.070, 109.072, 109.073, 109.092, 109.094, 109.096, 109.098, 109.103, 109.124,  
7 109.125, 109.145, 109.155, 109.175, 109.239, 109.243, 109.247, 109.251, 109.252, 109.254, 109.259,  
8 109.264, 109.315, 109.321, 109.326, 109.704, 112.105, 163.565, 180.320, 180.380, 192.535, 192.539,  
9 416.400, 419A.004, 419B.395, 419B.839, 419B.875, 432.088, 432.098, 432.103 and 432.245 and ORCP  
10 4 K by sections 2 to 52 of this 2017 Act apply to establishments and disestablishments of  
11 **parentage and parentage proceedings made or commenced on or after the effective date of**  
12 **this 2017 Act.**

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