

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 512**

1 On page 1 of the printed bill, line 2, after “25.075,” delete the rest of the
2 line and lines 3 through 8 and insert “25.082, 25.650, 25.750, 107.179, 109.012,
3 109.030, 109.070, 109.072, 109.073, 109.092, 109.096, 109.103, 109.124, 109.125,
4 109.155, 109.175, 109.243, 109.264, 109.315, 109.326, 109.704, 112.105, 180.320,
5 180.380, 192.535, 192.539, 416.400, 416.430, 419A.004, 419B.395, 419B.839,
6 419B.875, 432.088, 432.103 and 432.245 and ORCP 4 K.”.

7 Delete lines 10 through 31 and delete pages 2 through 50 and insert:

8 **“SECTION 1.** ORS 109.070, as amended by section 42, chapter 106, Oregon
9 Laws 2016, is amended to read:

10 “109.070. (1) The [*paternity*] **parentage** of a person may be established as
11 follows:

12 “(a) A [*man*] **person** is rebuttably presumed to be the [*father*] **parent** of
13 a child born to a woman if [*he*] **the person** and the woman were married to
14 each other at the time of the child’s birth, without a judgment of separation,
15 regardless of whether the marriage is void.

16 “(b) A [*man*] **person** is rebuttably presumed to be the [*father*] **parent** of
17 a child born to a woman if [*he*] **the person** and the woman were married to
18 each other and the child is born within 300 days after the marriage is ter-
19 minated by death, annulment or dissolution or after entry of a judgment of
20 separation.

21 “(c) By the marriage of the parents of a child after the birth of the child,

1 and the parents filing with the State Registrar of the Center for Health
2 Statistics the voluntary acknowledgment of paternity form as provided for
3 by ORS 432.098.

4 “(d) A person is the mother of a child the person gives birth to.

5 “[d] (e) By filiation proceedings.

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

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

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

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

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

24 “(4)(a) A party to a voluntary acknowledgment of paternity may rescind
25 the acknowledgment within the earlier of:

26 “(A) Sixty days after filing the acknowledgment; or

27 “(B) The date of a proceeding relating to the child, including a proceeding
28 to establish a support order, in which the party wishing to rescind the ac-
29 knowledgment is also a party. For the purposes of this subparagraph, the
30 date of a proceeding is the date on which an order is entered in the pro-

1 ceeding.

2 “(b) To rescind the acknowledgment, the party shall sign and file with the
3 State Registrar of the Center for Health Statistics a written document de-
4 claring the rescission.

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

9 “(b) The challenge may be brought by:

10 “(A) A party to the acknowledgment;

11 “(B) The child named in the acknowledgment; or

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

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

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

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

24 “(f) If the court finds by a preponderance of the evidence that the ac-
25 knowledgment was signed because of fraud, duress or material mistake of
26 fact, the court shall set aside the acknowledgment unless, giving consider-
27 ation to the interests of the parties and the child, the court finds that setting
28 aside the acknowledgment would be substantially inequitable.

29 “(6) Within one year after a voluntary acknowledgment of paternity form
30 is filed in this state and if blood tests, as defined in ORS 109.251, have not

1 been completed, a party to the acknowledgment, or the department if the
2 child named in the acknowledgment is in the care and custody of the de-
3 partment under ORS chapter 419B, may apply to the administrator for an
4 order for blood tests in accordance with ORS 416.443.

5 “(7)(a) A voluntary acknowledgment of paternity is not valid if, before the
6 party signed the acknowledgment:

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

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

11 “(C) The party’s parental rights were terminated by a court; or

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

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

18 “**SECTION 2.** ORS 416.400 is amended to read:

19 “416.400. As used in ORS 416.400 to 416.465, unless the context requires
20 otherwise:

21 “(1) ‘Administrator’ has the meaning given that term in ORS 25.010.

22 “(2) ‘Court’ means any circuit court of this state and any court in another
23 state having jurisdiction to determine the liability of persons for the support
24 of another person.

25 “(3) ‘Court order’ means any judgment or order of any Oregon court that
26 orders payment of a set or determinable amount of support money by the
27 subject parent and does not include an order or judgment in any proceeding
28 in which the court did not order support.

29 “(4) ‘Department’ means the Department of Justice of this state or its
30 equivalent in any other state from which a written request for establishment

1 or enforcement of a support obligation is received under ORS 416.415.

2 “(5) ‘Dependent child’ means any person under the age of 18 who is not
3 otherwise emancipated, self-supporting, married or a member of the Armed
4 Forces of the United States. ‘Dependent child’ also means a child attending
5 school as defined in ORS 107.108.

6 “(6) ‘Office’ means the office of the Division of Child Support or the office
7 of the district attorney.

8 “(7) ‘Parent’ means:

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

11 “(b) **A person whose parentage has been established under ORS**
12 **109.070; or**

13 “(c) [*Parent’ also means*] **A stepparent** when the person has an obligation
14 to support a dependent child under ORS 108.045.

15 “(8) ‘Past support’ means the amount of child support that could have
16 been ordered and accumulated as arrears against a parent for the benefit of
17 a child for any period of time during which the child was not supported by
18 the parent and for which period no support order was in effect.

19 “(9) ‘Public assistance’ means any money payments made by the state that
20 are paid to or for the benefit of any dependent child or youth offender, in-
21 cluding but not limited to payments made so that food, shelter, medical care,
22 clothing, transportation or other necessary goods, services or items may be
23 provided, and payments made in compensation for the provision of the ne-
24 cessities. ‘Public assistance’ does not include money payments made by the
25 state to or for the benefit of a dependent child as the result of the child’s
26 removal from the parent’s home against the wishes of the parent, if the De-
27 partment of Human Services determines after completion of a child protec-
28 tive services assessment that the report of abuse is unfounded according to
29 rules adopted by the Department of Human Services.

30 “(10) ‘Youth offender’ has the meaning given that term in ORS 419A.004.

1 “CONFORMING AMENDMENTS

2
3 “**SECTION 3.** ORS 18.052 is amended to read:

4 “18.052. (1) A judge rendering a judgment shall file with the court ad-
5 ministrator a judgment document that incorporates the judgment. The judge
6 must sign the judgment document unless the court administrator is author-
7 ized by law to sign the judgment document. Before signing a judgment doc-
8 ument, the judge shall ensure that all requirements imposed by law for entry
9 of the judgment have been fulfilled, including the making of any written
10 findings of fact or conclusions of law. If a proposed judgment document
11 submitted under ORS 18.035 does not comply with the requirements of ORS
12 18.038, 18.042 and 18.048, the judge may not sign the judgment document. If
13 a proposed judgment document submitted under ORS 18.035 establishes
14 [*paternity*] **parentage** or includes a provision concerning support, but does
15 not comply with the requirements of ORS 25.020 (8), the judge may not sign
16 the judgment document. Unless the judgment is exempt under ORS 18.038 (2),
17 the judge shall ensure that the title of the judgment document indicates
18 whether the judgment is a limited judgment, general judgment or supple-
19 mental judgment. If the judgment is a limited judgment rendered under the
20 provisions of ORCP 67 B, the judge must determine that there is no just
21 reason for delay, but the judgment document need not reflect that determi-
22 nation if the title of the judgment document indicates that the judgment is
23 a limited judgment.

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

26 “(3) This section does not apply to justice courts, municipal courts or
27 county courts performing judicial functions.

28 “**SECTION 4.** ORS 25.020 is amended to read:

29 “25.020. (1) Support payments for or on behalf of any person that are or-
30 dered, registered or filed under this chapter or ORS chapter 107, 108, 109, 110,

1 416, 419B or 419C, unless otherwise authorized by ORS 25.030, shall be made
2 to the Department of Justice as the state disbursement unit:

3 “(a) During periods for which support is assigned under ORS 412.024,
4 418.032, 419B.406 or 419C.597;

5 “(b) As provided by rules adopted under ORS 180.345, when public assist-
6 ance is provided to a person who receives or has a right to receive support
7 payments on the person’s own behalf or on behalf of another person;

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

10 “(d) For any period during which support enforcement services are pro-
11 vided under ORS 25.080;

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

13 “(f) When a support order that is entered or modified on or after January
14 1, 1994, includes a provision requiring the obligor to pay support by income
15 withholding; or

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

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

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

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

30 “(b) The Department of Justice:

1 “(A) Shall disburse support payments, to which the obligee is legally en-
2 titled, to the collection agency if the obligee submits the completed form
3 referred to in paragraph (c)(A) of this subsection to the department;

4 “(B) May reinstate disbursements to the obligee if:

5 “(i) The obligee requests that disbursements be made directly to the
6 obligee;

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

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

11 “(C) Shall credit the obligor’s account for the full amount of each support
12 payment received by the department and disbursed to the collection agency;
13 and

14 “(D) Shall develop the form referred to in paragraph (c)(A) of this sub-
15 section, which shall include a notice to the obligee printed in type size equal
16 to at least 12-point type that the obligee may be eligible for support
17 enforcement services from the department or the district attorney without
18 paying the interest or fee that is typically charged by a collection agency.

19 “(c) The obligee shall:

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

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

23 “(d) The collection agency:

24 “(A) May provide investigative and location services to the obligee and
25 disclose relevant information from those services to the administrator for
26 purposes of providing support enforcement services under ORS 25.080;

27 “(B) May not charge interest or a fee for its services exceeding 29 percent
28 of each support payment received unless the collection agency, if allowed by
29 the terms of the agreement between the collection agency and the obligee,
30 hires an attorney to perform legal services on behalf of the obligee;

1 “(C) May not initiate, without written authorization from the adminis-
2 trator, any enforcement action relating to support payments on which sup-
3 port enforcement services are provided by the administrator under ORS
4 25.080; and

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

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

10 “(4) The Department of Justice may immediately transmit to the obligee
11 payments received from any obligor without waiting for payment or clear-
12 ance of the check or instrument received if the obligor has not previously
13 tendered any payment by a check or instrument that was not paid or was
14 dishonored.

15 “(5) The Department of Justice shall notify each obligor and obligee by
16 mail when support payments shall be made to the department and when the
17 obligation to make payments in this manner shall cease.

18 “(6)(a) The administrator shall provide information about a child support
19 account directly to a party to the support order regardless of whether the
20 party is represented by an attorney. As used in this subsection, ‘information
21 about a child support account’ means the:

22 “(A) Date of issuance of the support order.

23 “(B) Amount of the support order.

24 “(C) Dates and amounts of payments.

25 “(D) Dates and amounts of disbursements.

26 “(E) Payee of any disbursements.

27 “(F) Amount of any arrearage.

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

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

1 “(7) Any pleading for the entry or modification of a support order must
2 contain a statement that payment of support under a new or modified order
3 will be by income withholding unless an exception to payment by income
4 withholding is granted under ORS 25.396.

5 “(8)(a) Except as provided in paragraphs (d) and (e) of this subsection, a
6 judgment or order establishing [*paternity*] **parentage** or including a pro-
7 vision concerning support must contain:

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

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

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

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

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

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

21 “(B) May request that the administrator review the amount of support
22 ordered after three years, or such shorter cycle as determined by rule of the
23 Department of Justice, or at any time upon a substantial change of circum-
24 stances.

25 “(c) The administrator may require of the parties any additional infor-
26 mation that is necessary for the provision of support enforcement services
27 under ORS 25.080.

28 “(d)(A) Upon a finding, which may be made ex parte, that the health,
29 safety or liberty of a party or child would unreasonably be put at risk by the
30 disclosure of information specified in this subsection or by the disclosure of

1 other information concerning a child or party to a [*paternity*] **parentage** or
2 support proceeding or if an existing order so requires, a court or adminis-
3 trator or administrative law judge, when the proceeding is administrative,
4 shall order that the information not be contained in any document provided
5 to another party or otherwise disclosed to a party other than the state.

6 “(B) The Department of Justice shall adopt rules providing for similar
7 confidentiality for information described in subparagraph (A) of this para-
8 graph that is maintained by an entity providing support enforcement services
9 under ORS 25.080.

10 “(e) The Chief Justice of the Supreme Court may, in consultation with the
11 Department of Justice, adopt rules under ORS 1.002 to designate information
12 specified in this subsection as confidential and require that the information
13 be submitted through an alternate procedure to ensure that the information
14 is exempt from public disclosure under ORS 192.502.

15 “(9)(a) Except as otherwise provided in paragraph (b) of this subsection,
16 in any subsequent child support enforcement action, the court or adminis-
17 trator, upon a showing of diligent effort made to locate the obligor or
18 obligee, may deem due process requirements to be met by mailing notice to
19 the last-known residential, mailing or employer address or contact address
20 as provided in ORS 25.085.

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

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

28 “(11) Except as provided for in subsections (12), (13) and (14) of this sec-
29 tion, credit may not be given for payments not made to the Department of
30 Justice as required under subsection (1) of this section.

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

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

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

12 “(c) When payments are assigned to another state and that state verifies
13 that payments not paid to the department were received by the other state;
14 or

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

16 “(13) An obligor may apply to the Department of Justice for credit for
17 payments made other than to the Department of Justice. If the obligee or
18 other state does not provide the agreement, sworn statement or verification
19 required by subsection (12) of this section, credit may be given pursuant to
20 order of an administrative law judge assigned from the Office of Adminis-
21 trative Hearings after notice and opportunity to object and be heard are
22 given to both obligor and obligee. Notice shall be served upon the obligee
23 as provided by ORS 25.085. Notice to the obligor may be by regular mail at
24 the address provided in the application for credit. A hearing conducted under
25 this subsection is a contested case hearing and ORS 183.413 to 183.470 apply.
26 Any party may seek a hearing de novo in the circuit court.

27 “(14) Nothing in this section precludes the Department of Justice from
28 giving credit for payments not made to the department when there has been
29 a judicially determined credit or satisfaction or when there has been a sat-
30 isfaction of support executed by the person to whom support is owed.

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

2 “(a) Direct how support payments that are made through the department
3 are to be applied and disbursed; and

4 “(b) Are consistent with federal regulations.

5 “**SECTION 5.** ORS 25.075 is amended to read:

6 “25.075. (1) Notwithstanding the provisions of ORS 25.080, the Department
7 of Justice may enter into cooperative agreements with Indian tribes or tribal
8 organizations within the borders of this state, if the Indian tribe or tribal
9 organization demonstrates that the tribe or organization has an established
10 tribal court system or a Court of Indian Offenses with the authority to:

11 “(a) Establish [*paternity*] **parentage**;

12 “(b) Establish, modify and enforce support orders; and

13 “(c) Enter support orders in accordance with child support guidelines es-
14 tablished by the tribe or organization.

15 “(2) The agreements must provide for the cooperative delivery of child
16 support enforcement services and for the forwarding of all child support
17 collections pursuant to the functions performed by the tribe or organization
18 to the department, or conversely, by the department to the tribe or organ-
19 ization, which shall distribute the child support collections in accordance
20 with the agreement.

21 “**SECTION 6.** ORS 25.082 is amended to read:

22 “25.082. (1) When services are being provided under Title IV-D of the So-
23 cial Security Act, the enforcing agency of this or any other state may
24 subpoena financial records and other information needed to establish
25 [*paternity*] **parentage** or to establish, modify or enforce a support order. The
26 subpoena may be served on a party or on a public or private entity. Service
27 of the subpoena may be by certified mail.

28 “(2) A party or public or private entity that discloses information to the
29 enforcing agency in compliance with a subpoena served under subsection (1)
30 of this section is not liable to any person for any loss, damage or injury

1 arising out of the disclosure.

2 “(3) Upon request of an enforcing agency of another state, only a court
3 or enforcing agency of Oregon may enforce a subpoena issued by the en-
4 forcing agency of the other state.

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

9 “(5) The Department of Justice shall adopt rules to implement the pro-
10 visions of this section.

11 **“SECTION 7.** ORS 25.650 is amended to read:

12 “25.650. (1) As used in this section, ‘consumer reporting agency’ means
13 any person that, for monetary fees or dues or on a cooperative nonprofit
14 basis, regularly engages in whole or in part in the practice of assembling or
15 evaluating consumer credit information or other information on consumers
16 for the purpose of furnishing consumer reports to third parties, and that uses
17 any means or facility of interstate commerce for the purpose of preparing
18 or furnishing consumer reports.

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

22 “(A) Report periodically to consumer reporting agencies the name of any
23 obligor who is delinquent in the payment of support and the amount owed
24 by the obligor; and

25 “(B) Otherwise make available to a consumer reporting agency upon its
26 request information regarding the amount of past due support owed by an
27 obligor.

28 “(b) The department shall provide advance notice to both the obligor and
29 the obligee concerning the proposed reporting of information to the consumer
30 reporting agencies. The notice must inform both parties:

1 “(A) Of the amount of the past due support the department will report to
2 the consumer reporting agencies;

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

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

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

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

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

13 “(3)(a) If [*paternity*] **parentage** has been established and a consumer re-
14 port is needed for the purpose of establishing or modifying a child support
15 order, the administrator may request that a consumer reporting agency pro-
16 vide a report.

17 “(b) At least 10 days prior to making a request under paragraph (a) of this
18 subsection, the administrator shall notify the obligor or obligee whose report
19 is requested, by certified or registered mail, that the report will be requested.

20 “(4) The department shall report information under subsection (2) of this
21 section only to a person that has furnished evidence satisfactory to the de-
22 partment that the person is a consumer reporting agency.

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

27 **“SECTION 8.** ORS 25.750 is amended to read:

28 “25.750. (1) All licenses, certificates, permits or registrations that a person
29 is required by state law to possess in order to engage in an occupation or
30 profession or to use a particular occupational or professional title, all annual

1 licenses issued to individuals by the Oregon Liquor Control Commission, all
2 driver licenses or permits issued by the Department of Transportation and
3 recreational hunting and fishing licenses, as defined by rule of the Depart-
4 ment of Justice, are subject to suspension by the respective issuing entities
5 upon certification to the issuing entity by the administrator that a child
6 support case record is being maintained by the Department of Justice, that
7 the case is being enforced by the administrator under the provisions of ORS
8 25.080 and that one or both of the following conditions apply:

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

12 “(A) Has not entered into an agreement with the administrator with re-
13 spect to the child support obligation; or

14 “(B) Is not in compliance with an agreement entered into with the ad-
15 ministrator; or

16 “(b) That the party holding the license, certificate, permit or registration
17 has failed, after receiving appropriate notice, to comply with a subpoena or
18 other procedural order relating to a [*paternity*] **parentage** or child support
19 proceeding and:

20 “(A) Has not entered into an agreement with the administrator with re-
21 spect to compliance; or

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

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

26 “**SECTION 9.** ORS 107.179 is amended to read:

27 “107.179. (1) When either party to a child custody issue, other than one
28 involving temporary custody, whether the issue arises from a case of marital
29 annulment, dissolution or separation, or from a determination of [*paternity*]
30 **parentage**, requests the court to grant joint custody of the minor children

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

16 “(2) At its discretion, the court may:

17 “(a) Order mediation under this section prior to trial and postpone trial
18 of the case pending the outcome of the mediation, in which case the issue
19 of custody shall be tried only upon failure to resolve the issue of custody
20 by mediation;

21 “(b) Order mediation under this section prior to trial and proceed to try
22 the case as to issues other than custody while the parties are at the same
23 time engaged in the mediation, in which case the issue of custody shall be
24 tried separately upon failure to resolve the issue of custody by mediation;
25 or

26 “(c) Complete the trial of the case on all issues and order mediation under
27 this section upon the conclusion of the trial, postponing entry of the judg-
28 ment pending outcome of the mediation, in which case the court may enter
29 a limited judgment as to issues other than custody upon completion of the
30 trial or may postpone entry of any judgment until the expiration of the me-

1 diation period or agreement of the parties as to custody.

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

8 “(4) Communications made by or to a mediator or between parties as a
9 part of mediation ordered under this section are privileged and are not ad-
10 missible as evidence in any civil or criminal proceeding.

11 **“SECTION 10.** ORS 109.012 is amended to read:

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

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

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

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

24 “(c) As used in this subsection, ‘expenses of a minor child’ includes only
25 expenses incurred for the benefit of a minor child.

26 “(2) Notwithstanding subsection (1) of this section, a parent is not re-
27 sponsible for debts contracted by the other parent after the separation of one
28 parent from the other parent, except for debts incurred for maintenance,
29 support and education of the minor child of the parents.

30 “(3) For the purposes of subsection (2) of this section, parents are con-

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

5 “(a) Whether the parents subsequently reconciled.

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

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

8 “(d) Whether the parents intend to reconcile.

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

11 **“SECTION 11.** ORS 109.072 is amended to read:

12 “109.072. (1) As used in this section:

13 “(a) ‘Blood tests’ has the meaning given that term in ORS 109.251.

14 “(b) ‘[*Paternity*] **Parentage** judgment’ means a judgment or administrative
15 order that:

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

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

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
23 section.

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

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

30 “(B) The Department of Human Services if the child is in the care and

1 custody of the Department of Human Services under ORS chapter 419B.

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

5 “(b) The petitioner may file the petition in the circuit court proceeding
6 in which the [*paternity*] **parentage** judgment was entered, in a related pro-
7 ceeding or in a separate action. The petitioner shall attach a copy of the
8 [*paternity*] **parentage** judgment to the petition.

9 “(c) If the ground for the petition is that the [*paternity*] **parentage** de-
10 termination was obtained by or was the result of mistake, inadvertence,
11 surprise or excusable neglect, the petitioner may not file the petition more
12 than one year after entry of the [*paternity*] **parentage** judgment.

13 “(d) If the ground for the petition is that the [*paternity*] **parentage** de-
14 termination was obtained by or was the result of fraud, misrepresentation
15 or other misconduct of an adverse party, the petitioner may not file the pe-
16 tition more than one year after the petitioner discovers the fraud, misrepre-
17 sentation or other misconduct.

18 “(3) In the petition, the petitioner shall:

19 “(a) Designate as parties:

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

21 “(B) The child if the child is a child attending school, as defined in ORS
22 107.108;

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

25 “(D) The Administrator of the Division of Child Support of the Depart-
26 ment of Justice if the child support rights of the child or of one of the par-
27 ties to the [*paternity*] **parentage** judgment have been assigned to the state.

28 “(b) Provide the full name and date of birth of the child whose
29 [*paternity*] **parentage** was determined by the [*paternity*] **parentage** judgment.

30 “(c) Allege the facts and circumstances that resulted in the entry of the

1 [paternity] **parentage** judgment and explain why the issue of [paternity]
2 **parentage** was not contested.

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

6 “(5) The court, on its own motion or on the motion of a party, may ap-
7 point counsel for the child. However, if requested to do so by the child, the
8 court shall appoint counsel for the child. A reasonable fee for an attorney
9 so appointed may be charged against one or more of the parties or as a cost
10 in the proceeding, but may not be charged against funds appropriated for
11 public defense services.

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

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

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

27 “(A) Mistake, inadvertence, surprise or excusable neglect; or

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

29 “(b) The mistake, inadvertence, surprise, excusable neglect, fraud, mis-
30 representation or other misconduct was discovered by the petitioner after the

1 entry of the [*paternity*] **parentage** judgment; and

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

5 “(B) **The parentage determination was not based on biological par-**
6 **entage.**

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

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

15 “(10) The court may grant the relief authorized by this section upon a
16 party’s default, or by consent or stipulation of the parties, without blood test
17 evidence.

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

21 “(a) Shall contain the full name and date of birth of the child whose
22 [*paternity*] **parentage** was established or declared by the [*paternity*] **parent-**
23 **age** judgment.

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

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

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

1 “(12) If the court vacates or sets aside the [*paternity*] **parentage** deter-
2 mination of a [*paternity*] **parentage** judgment under this section and enters
3 a judgment of [*nonpaternity*] **nonparentage**, the petitioner shall send a
4 court-certified true copy of the judgment entered under this section to the
5 State Registrar of the Center for Health Statistics and to the Department
6 of Justice as the state disbursement unit. Upon receipt of the court-certified
7 true copy of the judgment entered under this section, the state registrar shall
8 correct any records maintained by the state registrar that indicate that the
9 [*male*] party to the [*paternity*] **parentage** judgment is the [*father*] **parent** of
10 the child.

11 “(13) The court may award to the prevailing party a judgment for rea-
12 sonable attorney fees and costs, including the cost of any blood tests ordered
13 by the court and paid by the prevailing party.

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

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

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

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

29 “**SECTION 12.** ORS 109.073 is amended to read:

30 “109.073. Except as otherwise provided in ORS 25.020, the final four digits

1 of the Social Security number of a parent who is subject to a [*paternity*]
2 **parentage** determination pursuant to ORS 109.070 [(1)(d), (e), (f) or (g)]
3 **(1)(e), (f), (g) or (h)** or 416.400 to 416.465 shall be included in the order,
4 judgment or other declaration establishing [*paternity*] **parentage**.

5 **“SECTION 13.** ORS 109.092 is amended to read:

6 “109.092. When it is determined that a woman is pregnant with a child,
7 the woman and any man to whom she is not married and with whom she
8 engaged in sexual intercourse at approximately the time of conception have
9 an obligation to recognize that the man may be the other person responsible
10 for the conception. During the months of pregnancy, the man may join the
11 woman in acknowledging paternity and assuming the rights and duties of
12 expectant parenthood. If the man acknowledges paternity of the expected
13 child and the woman denies that he is the father or refuses to join him in
14 acknowledging paternity, the man may seek relief under ORS 109.125. If the
15 woman wants the man to join her in acknowledging his paternity of the ex-
16 pected child and the man denies that he is the father or refuses to join her
17 in acknowledging paternity, the woman may seek relief under ORS 109.125.
18 If after the birth of the child the mother decides to surrender the child for
19 adoption and paternity has not been acknowledged as provided in ORS
20 109.070 [(1)(e)] **(1)(f)** or the putative father has not asserted his rights in
21 filiation proceedings, the mother has the right without the consent of the
22 father to surrender the child as provided in ORS 418.270 or to consent to the
23 child’s adoption.

24 **“SECTION 14.** ORS 109.096 is amended to read:

25 “109.096. (1) When the [*paternity*] **parentage** of a child has not been es-
26 tablished under ORS 109.070, the putative father is entitled to reasonable
27 notice in adoption or other court proceedings concerning the custody of the
28 child, except for juvenile court proceedings, if the petitioner knows, or by
29 the exercise of ordinary diligence should have known:

30 “(a) That the child resided with the putative father at any time during

1 the 60 days immediately preceding the initiation of the proceeding, or at any
2 time since the child's birth if the child is less than 60 days old when the
3 proceeding is initiated; or

4 “(b) That the putative father repeatedly has contributed or tried to con-
5 tribute to the support of the child during the year immediately preceding the
6 initiation of the proceeding, or during the period since the child's birth if
7 the child is less than one year old when the proceeding is initiated.

8 “(2) Except as provided in subsection (3) or (4) of this section, a verified
9 statement of the mother of the child or of the petitioner, or an affidavit of
10 another person with knowledge of the facts, filed in the proceeding and as-
11 serting that the child has not resided with the putative father, as provided
12 in subsection (1)(a) of this section, and that the putative father has not
13 contributed or tried to contribute to the support of the child, as provided in
14 subsection (1)(b) of this section, is sufficient proof to enable the court to
15 grant the relief sought without notice to the putative father.

16 “(3) The putative father is entitled to reasonable notice in a proceeding
17 for the adoption of the child if notice of the initiation of filiation pro-
18 ceedings as required by ORS 109.225 was on file with the Center for Health
19 Statistics of the Oregon Health Authority prior to the child's being placed
20 in the physical custody of a person or persons for the purpose of adoption
21 by them. If the notice of the initiation of filiation proceedings was not on
22 file at the time of the placement, the putative father is barred from contest-
23 ing the adoption proceeding.

24 “(4) Except as otherwise provided in subsection (3) of this section, the
25 putative father is entitled to reasonable notice in court proceedings con-
26 cerning the custody of the child, other than juvenile court proceedings, if
27 notice of the initiation of filiation proceedings as required by ORS 109.225
28 was on file with the Center for Health Statistics prior to the initiation of
29 the proceedings.

30 “(5) Notice under this section is not required to be given to a putative

1 father who was a party to filiation proceedings under ORS 109.125 that were
2 dismissed or resulted in a finding that he was not the father of the child.

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

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

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

13 **“SECTION 15.** ORS 109.103 is amended to read:

14 “109.103. (1) If a child is born to an unmarried woman and [*paternity*]
15 **parentage** has been established under ORS 109.070, or if a child is born to
16 a married woman by a [*man*] **person** other than her [*husband*] **spouse** and
17 the [*man’s paternity*] **person’s parentage** has been established under ORS
18 109.070, either parent may initiate a civil proceeding to determine the cus-
19 tody or support of, or parenting time with, the child. The proceeding shall
20 be brought in the circuit court of the county in which the child resides or
21 is found or in the circuit court of the county in which either parent resides.
22 The parents have the same rights and responsibilities regarding the custody
23 and support of, and parenting time with, their child that married or divorced
24 parents would have, and the provisions of ORS 107.094 to 107.449 that relate
25 to custody, support and parenting time, the provisions of ORS 107.755 to
26 107.795 that relate to mediation procedures, and the provisions of ORS
27 107.810, 107.820 and 107.830 that relate to life insurance, apply to the pro-
28 ceeding.

29 “(2) A parent may initiate the proceeding by filing with the court a peti-
30 tion setting forth the facts and circumstances upon which the parent relies.

1 The parent shall state in the petition, to the extent known:

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

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

8 “(3) The parent shall include with the petition a certificate regarding any
9 pending support proceeding and any existing support order. The parent shall
10 use a certificate that is in a form established by court rule and include in-
11 formation required by court rule and subsection (2) of this section.

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

18 “(5)(a) After a petition is filed under this section and upon service of
19 summons and petition upon the respondent as provided in ORCP 7, a re-
20 straining order is issued and in effect against the petitioner and the re-
21 spondent until a final judgment is issued, until the petition is dismissed or
22 until further order of the court, restraining the petitioner and the respondent
23 from:

24 “(A) Canceling, modifying, terminating or allowing to lapse for nonpay-
25 ment of premiums any policy of health insurance that one party maintains
26 to provide coverage for the other party or a minor child of the parties, or
27 any life insurance policy that names either of the parties or a minor child
28 of the parties as a beneficiary; and

29 “(B) Changing beneficiaries or covered parties under any policy of health
30 insurance that one party maintains to provide coverage for a minor child of

1 the parties, or any life insurance policy.

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

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

8 “(d) A copy of the restraining order issued under this subsection must be
9 attached to the summons.

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

13 “(A) Criminal prosecution based on the violation; or

14 “(B) Imposition of punitive sanctions under ORS 33.065 based on the vio-
15 lation.

16 **“SECTION 16.** ORS 109.155 is amended to read:

17 “109.155. (1) The court, in a private hearing, shall first determine the is-
18 sue of paternity. If the respondent admits the paternity, the admission shall
19 be reduced to writing, verified by the respondent and filed with the court.
20 If the paternity is denied, corroborating evidence, in addition to the testi-
21 mony of the parent or expectant parent, shall be required.

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

30 “(3) The court, in its discretion, may postpone the hearing from time to

1 time to facilitate any investigation or the production of such evidence as it
2 deems appropriate.

3 “(4) The court may order either parent to pay such sum as the court
4 deems appropriate for the past and future support and maintenance of the
5 child during the child’s minority and while the child is attending school, as
6 defined in ORS 107.108, and the reasonable and necessary expenses incurred
7 or to be incurred in connection with prenatal care, expenses attendant with
8 the birth and postnatal care. The court may grant the prevailing party rea-
9 sonable costs of suit, which may include expert witness fees, and reasonable
10 attorney fees at trial and on appeal. The provisions of ORS 107.108 apply to
11 an order entered under this section for the support of a child attending
12 school.

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

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

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

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

21 “(b) In a proceeding under this section, the court may enforce the terms
22 set forth in a stipulated judgment of paternity signed by the parties, a
23 judgment of paternity resulting from a settlement on the record or a judg-
24 ment of paternity incorporating a settlement agreement:

25 “(A) As contract terms using contract remedies;

26 “(B) By imposing any remedy available to enforce a judgment, including
27 but not limited to contempt; or

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

30 “(c) A party may seek to enforce an agreement and obtain remedies de-

1 scribed in paragraph (b) of this subsection by filing a motion, serving notice
2 on the other party in the manner provided by ORCP 7 and, if a remedy under
3 paragraph (b)(B) of this subsection is sought, complying with the statutory
4 requirements for that remedy. All claims for relief arising out of the same
5 acts or omissions must be joined in the same proceeding.

6 “(d) Nothing in paragraph (b) or (c) of this subsection limits a party’s
7 ability, in a separate proceeding, to file a motion to set aside, alter or modify
8 a judgment under ORS 109.165 or to seek enforcement of an ancillary agree-
9 ment to the judgment.

10 “(7) If a [*man’s paternity*] **person’s parentage** of a child has been estab-
11 lished under ORS 109.070 and the [*paternity*] **parentage** has not been dises-
12 tablished before proceedings are initiated under ORS 109.125, the court may
13 not render a judgment under ORS 109.124 to 109.230 establishing another
14 [*man’s paternity*] **person’s parentage** of the child unless the judgment also
15 disestablishes the [*paternity*] **parentage** established under ORS 109.070.

16 “**SECTION 17.** ORS 109.175 is amended to read:

17 “109.175. (1) If [*paternity*] **parentage** of a child born out of wedlock is
18 established pursuant to a petition filed under ORS 109.125 or an order or
19 judgment entered pursuant to ORS 109.124 to 109.230 or ORS 416.400 to
20 416.465, or if [*paternity*] **parentage** is established by the filing of a voluntary
21 acknowledgment of paternity as provided by ORS 109.070 [(1)(e)] **(1)(f)**, the
22 parent with physical custody at the time of filing of the petition or the no-
23 tice under ORS 416.415, or the parent with physical custody at the time of
24 the filing of the voluntary acknowledgment of paternity, has sole legal cus-
25 tody until a court specifically orders otherwise. The first time the court de-
26 termines who should have legal custody, neither parent shall have the
27 burden of proving a change of circumstances. The court shall give primary
28 consideration to the best interests and welfare of the child and shall consider
29 all the standards set out in ORS 107.137.

30 “(2) In any proceeding under this section, the court may cause an inves-

1 tigation, examination or evaluation to be made under ORS 107.425 or may
2 appoint an individual or a panel or may designate a program to assist the
3 court in creating parenting plans or resolving disputes regarding parenting
4 time and to assist parents in creating and implementing parenting plans
5 under ORS 107.425 (3).

6 **“SECTION 18.** ORS 109.264 is amended to read:

7 “109.264. In any action under ORS 109.250 to 109.262, the mother, putative
8 father, **if any, alleged parent** and the state are parties.

9 **“SECTION 19.** ORS 109.315 is amended to read:

10 “109.315. (1) A petition for adoption of a minor child must be signed by
11 the petitioner and, unless stated in the petition why the information or
12 statement is omitted, must contain the following:

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

14 “(b) The state and length of residency in the state of the petitioner and
15 information sufficient to establish that the residency requirement of ORS
16 109.309 (2) has been met;

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

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

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

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

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

28 “(h) A statement that the minor child is not an Indian child as defined
29 in the Indian Child Welfare Act (25 U.S.C. 1901 et seq.) or, if the Indian
30 Child Welfare Act applies:

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

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

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

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

13 “(k) The name and relationship to the minor child of any person or entity
14 for whom the written consent requirement under ORS 109.321 is waived or
15 not required as provided in ORS 109.322, 109.323, 109.324, 109.325, 109.326 and
16 109.327 or whose written consent may be substituted for the written consent
17 requirement under ORS 109.321 as provided in ORS 109.322, 109.323, 109.324,
18 109.325, 109.326, 109.327, 109.328 and 109.329;

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

21 “(A) A written certificate of irrevocability and waiver as provided in ORS
22 109.321 (2); or

23 “(B) A written certificate stating that a release or surrender under ORS
24 418.270 (4) shall become irrevocable as soon as the child is placed for the
25 purpose of adoption;

26 “(m) A statement of the facts and circumstances under which the
27 petitioner obtained physical custody of the minor child, including date of
28 placement with the petitioner for adoption and the name and relationship to
29 the minor child of the individual or entity placing the minor child with the
30 petitioner;

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

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

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

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

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

16 “(s) A statement that the Interstate Compact on the Placement of Chil-
17 dren does or does not apply and, if applicable, a statement of the efforts
18 undertaken to comply with the compact;

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

21 “(u) A declaration made under penalty of perjury that the petition, and
22 the information and statements contained in the petition, are true to the best
23 of the petitioner’s knowledge and belief and that the petitioner understands
24 the petition, and information and statements contained in the petition, may
25 be used as evidence in court and are subject to penalty for perjury.

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

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

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

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

3 “(d) With respect to the appropriate persons, the termination of parental
4 rights or a determination of [*nonpaternity*] **nonparentage**;

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

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

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

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

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

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

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

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

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

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

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

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

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

29 “(5)(a) Within 30 days after being filed with the court, the petitioner shall
30 serve copies of the petition, the documents filed as exhibits under subsection

1 (3) of this section and the Adoption Summary and Segregated Information
2 Statement described in ORS 109.317, including any amendments and exhibits
3 attached to the statement, on the Director of Human Services by either reg-
4 istered or certified mail with return receipt or personal service.

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

9 “(A) On all persons whose consent to the adoption is required under ORS
10 109.321 unless the person’s written consent is filed with the court; and

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

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

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

22 “(B) ‘Meet the essential requirements for the person’s physical health or
23 safety’ means those actions necessary to provide health care, food, shelter,
24 clothing, personal hygiene and other care without which serious physical
25 injury or illness is likely to occur.

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

28 **“SECTION 20.** ORS 109.326 is amended to read:

29 “109.326. (1) If the mother of a child was married at the time of the con-
30 ception or birth of the child, and it has been determined pursuant to ORS

1 109.070 or judicially determined that her [*husband*] **spouse** at such time or
2 times was not the [*father*] **parent** of the child, the [*husband's*] **spouse's** au-
3 thorization or waiver is not required in adoption, juvenile court or other
4 proceedings concerning the custody of the child.

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

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

15 “(a) There has been a determination by any court of competent jurisdic-
16 tion that the [*husband*] **spouse** is the [*father*] **parent** of the child;

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

19 “(c) The [*husband*] **spouse** repeatedly has contributed or tried to con-
20 tribute to the support of the child.

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

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

28 “(a) A statement that if the [*husband*] **spouse** fails to file a written an-
29 swer to the motion and order to show cause within the time provided, the
30 court, without further notice and in the [*husband's*] **spouse's** absence, may

1 take any action that is authorized by law, including but not limited to en-
2 tering a judgment of *[nonpaternity]* **nonparentage** on the date the answer
3 is required or on a future date.

4 “(b) A statement that:

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

10 “(B) In the answer, the *[husband]* **spouse** must inform the court and the
11 petitioner of the *[husband’s]* **spouse’s** telephone number or contact telephone
12 number and the *[husband’s]* **spouse’s** current residence, mailing or contact
13 address in the same state as the *[husband’s]* **spouse’s** home. The answer may
14 be in substantially the following form:

15 “ _____

16 IN THE CIRCUIT COURT OF
17 THE STATE OF OREGON
18 FOR THE COUNTY OF _____

19 _____,)

20 Petitioner,) NO. _____

21)

22) ANSWER

23 and)

24)

25 _____,)

26 Respondent.)

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

29 [] I do not consent to the entry of a judgment of *[nonpaternity]* **non-**
30 **parentage**. The court should not enter a judgment of *[nonpaternity]* **non-**

1 **parentage** for the following reasons:

2 _____
3 _____
4 _____
5 _____
6 _____
7 _____
8 _____

9 Signature

10 DATE: _____

11 ADDRESS OR CONTACT ADDRESS:

12 _____
13 _____

14 TELEPHONE OR CONTACT TELEPHONE:

15 _____

16 “ _____

17 “(c) A notice that, if the [*husband*] **spouse** answers the motion and order
18 to show cause, the court:

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

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

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

24 “(d) A notice that the [*husband*] **spouse** has the right to be represented
25 by an attorney. The notice must be in substantially the following form:

26 “ _____

27 You have a right to be represented by an attorney. If you wish to be re-
28 presented by an attorney, please retain one as soon as possible to represent
29 you in this proceeding. If you meet the state’s financial guidelines, you are
30 entitled to have an attorney appointed for you at state expense. To request

1 appointment of an attorney to represent you at state expense, you must
2 contact the circuit court immediately. Phone _____ for further informa-
3 tion.

4 “ _____
5 “(e) A statement that the [*husband*] **spouse** has the responsibility to
6 maintain contact with the [*husband’s*] **spouse’s** attorney and to keep the
7 attorney advised of the [*husband’s*] **spouse’s** whereabouts.

8 “(6) A [*husband*] **spouse** who is served with a summons and a motion and
9 order to show cause under this section shall file with the court a written
10 answer to the motion and order to show cause within 30 days after the date
11 on which the [*husband*] **spouse** is served with the summons or, if service is
12 made by publication or posting under ORCP 7 D(6), within 30 days from the
13 date of last publication or posting. In the answer, the [*husband*] **spouse** shall
14 inform the court and the petitioner of the [*husband’s*] **spouse’s** telephone
15 number or contact telephone number and current address, as defined in ORS
16 25.011. The answer may be in substantially the form described in subsection
17 (5) of this section.

18 “(7) If the [*husband*] **spouse** requests the assistance of appointed counsel
19 and the court determines that the [*husband*] **spouse** is financially eligible,
20 the court shall appoint an attorney to represent the [*husband*] **spouse** at
21 state expense. Appointment of counsel under this subsection is subject to
22 ORS 135.055, 151.216 and 151.219. The court may not substitute one appointed
23 counsel for another except pursuant to the policies, procedures, standards
24 and guidelines adopted under ORS 151.216.

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

29 “(a) Inform the [*husband*] **spouse** of the time, place and purpose of the
30 next hearing or hearings related to the motion and order to show cause or

1 the adoption petition;

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

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

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

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

24 “(a) That the mother of the child was not cohabiting with her [*husband*]
25 **spouse** at the time of conception of the child and that the [*husband*] **spouse**
26 is not the [*father*] **parent** of the child;

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

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

30 “(d) That the [*husband*] **spouse** has not contributed or tried to contribute

1 to the support of the child.

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

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

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

17 **“SECTION 21.** ORS 109.704 is amended to read:

18 “109.704. As used in ORS 109.701 to 109.834:

19 “(1) ‘Abandoned’ means left without provision for reasonable and neces-
20 sary care or supervision.

21 “(2) ‘Child’ means an individual who has not attained 18 years of age.

22 “(3) ‘Child custody determination’ means a judgment or other order of a
23 court providing for the legal custody, physical custody, parenting time or
24 visitation with respect to a child. ‘Child custody determination’ includes a
25 permanent, temporary, initial and modification order. ‘Child custody deter-
26 mination’ does not include an order relating to child support or other mon-
27 etary obligation of an individual.

28 “(4) ‘Child custody proceeding’ means a proceeding in which legal cus-
29 tody, physical custody, parenting time or visitation with respect to a child
30 is an issue. ‘Child custody proceeding’ includes a proceeding for divorce,

1 separation, neglect, abuse, dependency, guardianship, [*paternity*] **parentage**,
2 termination of parental rights and protection from domestic violence in
3 which the issue may appear. ‘Child custody proceeding’ does not include a
4 proceeding involving juvenile delinquency, contractual emancipation or
5 enforcement under ORS 109.774 to 109.827.

6 “(5) ‘Commencement’ means the filing of the first pleading in a proceed-
7 ing.

8 “(6) ‘Court’ means an entity authorized under the law of a state to es-
9 tablish, enforce or modify a child custody determination.

10 “(7) ‘Home state’ means the state in which a child lived with a parent or
11 a person acting as a parent for at least six consecutive months immediately
12 before the commencement of a child custody proceeding. In the case of a
13 child less than six months of age, ‘home state’ means the state in which the
14 child lived from birth with any of the persons mentioned. Any temporary
15 absence of any of the mentioned persons is part of the period.

16 “(8) ‘Initial determination’ means the first child custody determination
17 concerning a particular child.

18 “(9) ‘Issuing court’ means the court that makes a child custody determi-
19 nation for which enforcement is sought under ORS 109.701 to 109.834.

20 “(10) ‘Issuing state’ means the state in which a child custody determi-
21 nation is made.

22 “(11) ‘Modification’ means a child custody determination that changes,
23 replaces, supersedes or is otherwise made after a previous determination
24 concerning the same child, whether or not it is made by the court that made
25 the previous determination.

26 “(12) ‘Person’ means an individual, corporation, public corporation, busi-
27 ness trust, estate, trust, partnership, limited liability company, association,
28 joint venture, government or a governmental subdivision, agency or
29 instrumentality, or any other legal or commercial entity.

30 “(13) ‘Person acting as a parent’ means a person, other than a parent,

1 who:

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

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

8 “(14) ‘Physical custody’ means the physical care and supervision of a
9 child.

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

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

15 “(17) ‘Warrant’ means an order issued by a court authorizing law
16 enforcement officers to take physical custody of a child.

17 **“SECTION 22.** ORS 112.105 is amended to read:

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

21 “(2) For all purposes of intestate succession and for those purposes only,
22 before the relationship of [*father*] **parent** and child and other relationships
23 dependent upon the establishment of [*paternity*] **parentage** shall be given
24 effect under subsection (1) of this section, the [*paternity*] **parentage** of the
25 child shall have been established under ORS 109.070 during the lifetime of
26 the child.

27 **“SECTION 23.** ORS 180.320 is amended to read:

28 “180.320. (1) All state agencies, district attorneys and all police officers
29 of the state, county or any municipality, university or court thereof, shall
30 cooperate with the Division of Child Support of the Department of Justice

1 in furnishing and making available information, records and documents nec-
2 essary to assist in establishing or enforcing support obligations or
3 [*paternity*] **parentage**, in performing the duties set out in ORS 25.080 and in
4 determining the location of any absent parent or child for the purpose of
5 enforcing any state or federal law regarding the unlawful taking or restraint
6 of a child or for the purpose of making or enforcing a child custody deter-
7 mination. Notwithstanding the provisions of ORS 109.225 or 416.430 or ORS
8 chapter 432, records pertaining to the [*paternity*] **parentage** of a child shall
9 be made available upon written request of an authorized representative of
10 the Division of Child Support. Any information obtained pursuant to this
11 subsection is confidential, and shall be used only for the purposes set out in
12 this subsection.

13 “(2) Information furnished to the Division of Child Support by the De-
14 partment of Revenue and made confidential by ORS 314.835 shall be used by
15 the division and its employees solely for the purpose of enforcing the pro-
16 visions of ORS 180.320 to 180.365 and shall not be disclosed or made known
17 for any other purpose. Any person who violates the prohibition against dis-
18 closure contained in this subsection, upon conviction, is punishable as pro-
19 vided in ORS 314.991 (2).

20 “**SECTION 24.** ORS 180.380 is amended to read:

21 “180.380. (1) In addition to its other duties, powers and functions, the
22 Division of Child Support may disclose confidential information from the
23 Federal Parent Locator Service to an authorized person if the information
24 is needed to:

25 “(a) Enforce any state or federal law regarding the unlawful taking or
26 restraint of a child;

27 “(b) Make or enforce a child custody determination;

28 “(c) Establish [*paternity*] **parentage**; or

29 “(d) Establish, modify or enforce a child support order.

30 “(2)(a) If the request for information is made for a purpose described in

1 subsection (1)(a) or (b) of this section, the division may provide the most
2 recent address and place of employment of the child or parent.

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

6 “(A) The Social Security number and address of the parent or alleged
7 parent;

8 “(B) The name, address and federal employer identification number of the
9 employer of the parent or alleged parent; and

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

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

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

17 “(a) ‘Authorized person’ includes:

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

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

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

26 “(D) A state agency responsible for administering an approved child wel-
27 fare plan or an approved foster care and adoption assistance plan; and

28 “(E) A custodial parent, legal guardian or agent of a child, other than a
29 child receiving temporary assistance for needy families, who is seeking to
30 establish [*paternity*] **parentage** or to establish, modify or enforce a child

1 support order.

2 “(b) ‘Custody determination’ means a judgment or other order of a court
3 providing for the custody of, parenting time with or visitation with a child,
4 and includes permanent and temporary orders, and initial orders and mod-
5 ifications.

6 **“SECTION 25.** ORS 192.535 is amended to read:

7 “192.535. (1) A person may not obtain genetic information from an indi-
8 vidual, or from an individual’s DNA sample, without first obtaining informed
9 consent of the individual or the individual’s representative, except:

10 “(a) As authorized by ORS 181A.155 or comparable provisions of federal
11 criminal law relating to the identification of persons, or for the purpose of
12 establishing the identity of a person in the course of an investigation con-
13 ducted by a law enforcement agency, a district attorney, a medical examiner
14 or the Criminal Justice Division of the Department of Justice;

15 “(b) For anonymous research or coded research conducted under condi-
16 tions described in ORS 192.537 (2), after notification pursuant to ORS 192.538
17 or pursuant to ORS 192.547 (7)(b);

18 “(c) As permitted by rules of the Oregon Health Authority for identifica-
19 tion of deceased individuals;

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

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

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

26 “(2) Except as provided in subsection (3) of this section, a physician li-
27 censed under ORS chapter 677 shall seek the informed consent of the indi-
28 vidual or the individual’s representative for the purposes of subsection (1)
29 of this section in the manner provided by ORS 677.097. Except as provided
30 in subsection (3) of this section, any other licensed health care provider or

1 facility must seek the informed consent of the individual or the individual's
2 representative for the purposes of subsection (1) of this section in a manner
3 substantially similar to that provided by ORS 677.097 for physicians.

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

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

12 “(5) The Oregon Health Authority may not adopt rules under subsection
13 (1)(d) of this section that would require the providing of a DNA sample for
14 the purpose of obtaining complete genetic information used to screen all
15 newborns.

16 **“SECTION 26.** ORS 192.539 is amended to read:

17 “192.539. (1) Regardless of the manner of receipt or the source of genetic
18 information, including information received from an individual or a blood
19 relative of the individual, a person may not disclose or be compelled, by
20 subpoena or any other means, to disclose the identity of an individual upon
21 whom a genetic test has been performed or the identity of a blood relative
22 of the individual, or to disclose genetic information about the individual or
23 a blood relative of the individual in a manner that permits identification of
24 the individual, unless:

25 “(a) Disclosure is authorized by ORS 181A.155 or comparable provisions
26 of federal criminal law relating to identification of persons, or is necessary
27 for the purpose of a criminal or death investigation, a criminal or juvenile
28 proceeding, an inquest, or a child fatality review by a county multidisciplinary
29 child abuse team;

30 “(b) Disclosure is required by specific court order entered pursuant to

1 rules adopted by the Chief Justice of the Supreme Court for civil actions;

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

4 “(d) Disclosure is specifically authorized by the tested individual or the
5 tested individual’s representative by signing a consent form prescribed by
6 rules of the Oregon Health Authority;

7 “(e) Disclosure is for the purpose of furnishing genetic information re-
8 lating to a decedent for medical diagnosis of blood relatives of the decedent;
9 or

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

11 “(2) The prohibitions of this section apply to any redisclosure by any
12 person after another person has disclosed genetic information or the identity
13 of an individual upon whom a genetic test has been performed, or has dis-
14 closed genetic information or the identity of a blood relative of the individ-
15 ual.

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

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

19 “(b) It is not due to willful neglect;

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

21 “(d) The correction with respect to genetic information is completed be-
22 fore the information is read or heard by a third party; and

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

25 “**SECTION 27.** ORS 416.430 is amended to read:

26 “416.430. (1) The administrator may establish paternity of a child in the
27 course of a support proceeding under ORS 416.400 to 416.465 when both par-
28 ents sign statements that paternity has not been legally established and that
29 the male parent is the father of the child. The administrator may enter an
30 order which establishes paternity.

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

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

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

23 “(b) Any response denying paternity and requesting a hearing shall be
24 sent by the enforcement office to the obligee by regular mail.

25 “(5) An action to establish paternity initiated under ORS 416.400 to
26 416.465 shall not be certified to court for trial unless all of the following
27 have occurred:

28 “(a) Blood tests have been conducted;

29 “(b) The results of the blood tests have been served upon the parties and
30 notice has been given that an order establishing paternity will be entered

1 unless a written objection is received within 30 days; and

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

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

6 “(a) Shall certify the matter to court:

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

10 “(B) When a party requests certification in writing after the administra-
11 tor has received a party’s written denial of paternity if at least 120 days have
12 elapsed from receipt of the denial; or

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

15 “(b) May certify the matter to court at any time under any other cir-
16 cumstances.

17 “(7) If the blood tests conducted under ORS 109.250 to 109.262 result in
18 a cumulative paternity index of 99 or greater, evidence of the tests, together
19 with the testimony of the parent, shall be a sufficient basis upon which to
20 establish paternity and the administrator may enter an order declaring the
21 alleged father as the legal [*father*] **parent** of the child unless a party objects
22 in writing to the entry of the order. The testimony of the parent may be
23 presented by affidavit.

24 “(8) Prior to certification to court, the administrator may attempt to re-
25 solve the issue of paternity by discovery conducted under the Oregon Rules
26 of Civil Procedure. Unless otherwise specifically provided by statute, the
27 proceedings shall be conducted under the Oregon Rules of Civil Procedure.

28 “(9) When, in accordance with subsection (6)(a)(A) of this section, a party
29 objects to the entry of an order and the blood tests conducted under ORS
30 109.250 to 109.262 result in a cumulative paternity index of 99 or greater,

1 notwithstanding the party’s objection, evidence of the tests, together with
2 the testimony of a parent, is a sufficient basis upon which to presume
3 paternity for purposes of establishing temporary support under this section.
4 The court shall, upon motion of any party, enter a temporary order requiring
5 the alleged father to provide support pending the determination of parentage
6 by the court. In determining the amount of support, the court shall use the
7 formula established under ORS 25.275.

8 **“SECTION 28.** ORS 419A.004, as amended by section 46, chapter 106,
9 Oregon Laws 2016, is amended to read:

10 “419A.004. As used in this chapter and ORS chapters 419B and 419C, un-
11 less the context requires otherwise:

12 “(1) ‘Age-appropriate or developmentally appropriate activities’ means:

13 “(a) Activities or items that are generally accepted as suitable for chil-
14 dren of the same chronological age or level of maturity or that are deter-
15 mined to be developmentally appropriate for a child, based on the
16 development of cognitive, emotional, physical and behavioral capacities that
17 are typical for an age or age group; and

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

22 “(2) ‘Another planned permanent living arrangement’ means an out-of-
23 home placement for a ward 16 years of age or older that is consistent with
24 the case plan and in the best interests of the ward other than placement:

25 “(a) By adoption;

26 “(b) With a legal guardian; or

27 “(c) With a fit and willing relative.

28 “(3) ‘CASA Volunteer Program’ means a program that is approved or
29 sanctioned by a juvenile court, has received accreditation from the National
30 CASA Association and has entered into a contract with the Oregon Volun-

1 teers Commission for Voluntary Action and Service under ORS 458.581 to
2 recruit, train and supervise volunteers to serve as court appointed special
3 advocates.

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

7 “(5) ‘Community service’ has the meaning given that term in ORS 137.126.

8 “(6) ‘Conflict of interest’ means a person appointed to a local citizen re-
9 view board who has a personal or pecuniary interest in a case being reviewed
10 by that board.

11 “(7) ‘Counselor’ means a juvenile department counselor or a county juve-
12 nile probation officer.

13 “(8) ‘Court’ means the juvenile court.

14 “(9) ‘Court appointed special advocate’ means a person in a CASA Vol-
15 unteer Program who is appointed by the court to act as a court appointed
16 special advocate pursuant to ORS 419B.112.

17 “(10) ‘Court facility’ has the meaning given that term in ORS 166.360.

18 “(11) ‘Current caretaker’ means a foster parent who:

19 “(a) Is currently caring for a ward who is in the legal custody of the
20 Department of Human Services and who has a permanency plan or concur-
21 rent permanent plan of adoption; and

22 “(b) Who has cared for the ward, or at least one sibling of the ward, for
23 at least the immediately prior 12 consecutive months or for one-half of the
24 ward’s or sibling’s life where the ward or sibling is younger than two years
25 of age.

26 “(12) ‘Department’ means the Department of Human Services.

27 “(13) ‘Detention’ or ‘detention facility’ means a facility established under
28 ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 for the detention of
29 children, wards, youths or youth offenders pursuant to a judicial commitment
30 or order.

1 “(14) ‘Director’ means the director of a juvenile department established
2 under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063.

3 “(15) ‘Guardian’ means guardian of the person and not guardian of the
4 estate.

5 “(16) ‘Indian child’ means any unmarried person less than 18 years of age
6 who is:

7 “(a) A member of an Indian tribe; or

8 “(b) Eligible for membership in an Indian tribe and is the biological child
9 of a member of an Indian tribe.

10 “(17) ‘Juvenile court’ means the court having jurisdiction of juvenile
11 matters in the several counties of this state.

12 “(18) ‘Local citizen review board’ means the board specified by ORS
13 419A.090 and 419A.092.

14 “(19) ‘Parent’ means the biological or adoptive mother and the legal [*fa-*
15 *ther*] **parent** of the child, ward, youth or youth offender. As used in this
16 subsection, ‘legal [*father*] **parent**’ means:

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

20 “(b) In cases in which the Indian Child Welfare Act applies, a man who
21 is a father under applicable tribal law.

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

27 “(21) ‘Public building’ has the meaning given that term in ORS 166.360.

28 “(22) ‘Reasonable and prudent parent standard’ means the standard,
29 characterized by careful and sensible parental decisions that maintain the
30 health, safety and best interests of a child or ward while encouraging the

1 emotional and developmental growth of the child or ward, that a substitute
2 care provider shall use when determining whether to allow a child or ward
3 in substitute care to participate in extracurricular, enrichment, cultural and
4 social activities.

5 “(23) ‘Reasonable time’ means a period of time that is reasonable given
6 a child or ward’s emotional and developmental needs and ability to form and
7 maintain lasting attachments.

8 “(24) ‘Records’ means any information in written form, pictures, photo-
9 graphs, charts, graphs, recordings or documents pertaining to a case.

10 “(25) ‘Resides’ or ‘residence,’ when used in reference to the residence of
11 a child, ward, youth or youth offender, means the place where the child,
12 ward, youth or youth offender is actually living or the jurisdiction in which
13 wardship or jurisdiction has been established.

14 “(26) ‘Restitution’ has the meaning given that term in ORS 137.103.

15 “(27) ‘Serious physical injury’ means:

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

17 “(b) A physical injury that:

18 “(A) Has a permanent or protracted significant effect on a child’s daily
19 activities;

20 “(B) Results in substantial and recurring pain; or

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

22 “(28) ‘Shelter care’ means a home or other facility suitable for the safe-
23 keeping of a child, ward, youth or youth offender who is taken into tempo-
24 rary custody pending investigation and disposition.

25 “(29) ‘Short-term detention facility’ means a facility established under
26 ORS 419A.050 (3) for holding children, youths and youth offenders pending
27 further placement.

28 “(30) ‘Sibling’ means one of two or more children or wards related:

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

30 “(b) Through the marriage of the children’s or wards’ legal or biological

1 parents.

2 “(31) ‘Substitute care’ means an out-of-home placement directly supervised
3 by the department or other agency, including placement in a foster family
4 home, group home, child-caring agency as defined in ORS 418.205 or other
5 child caring institution or facility. ‘Substitute care’ does not include care in:

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

7 “(b) A family home that the court has approved as a ward’s permanent
8 placement, when a child-caring agency as defined in ORS 418.205 has been
9 appointed guardian of the ward and when the ward’s care is entirely pri-
10 vately financed; or

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

12 “(32) ‘Surrogate’ means a person appointed by the court to protect the
13 right of the child, ward, youth or youth offender to receive procedural safe-
14 guards with respect to the provision of free appropriate public education.

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

20 “(34) ‘Victim’ means any person determined by the district attorney, the
21 juvenile department or the court to have suffered direct financial, psycho-
22 logical or physical harm as a result of the act that has brought the youth
23 or youth offender before the juvenile court. When the victim is a minor,
24 ‘victim’ includes the legal guardian of the minor. The youth or youth
25 offender may not be considered the victim. When the victim of the crime
26 cannot be determined, the people of Oregon, as represented by the district
27 attorney, are considered the victims.

28 “(35) ‘Violent felony’ means any offense that, if committed by an adult,
29 would constitute a felony and:

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

1 “(b) Is a sexual offense. As used in this paragraph, ‘sexual offense’ has
2 the meaning given the term ‘sex crime’ in ORS 163A.005.

3 “(36) ‘Ward’ means a person within the jurisdiction of the juvenile court
4 under ORS 419B.100.

5 “(37) ‘Young person’ means a person who has been found responsible ex-
6 cept for insanity under ORS 419C.411 and placed under the jurisdiction of
7 the Psychiatric Security Review Board.

8 “(38) ‘Youth’ means a person under 18 years of age who is alleged to have
9 committed an act that is a violation, or, if done by an adult would constitute
10 a violation, of a law or ordinance of the United States or a state, county or
11 city.

12 “(39) ‘Youth care center’ has the meaning given that term in ORS 420.855.

13 “(40) ‘Youth offender’ means a person who has been found to be within
14 the jurisdiction of the juvenile court under ORS 419C.005 for an act com-
15 mitted when the person was under 18 years of age.

16 **“SECTION 29.** ORS 419B.395 is amended to read:

17 “419B.395. (1) If in any proceeding under ORS 419B.100 or 419B.500 the
18 juvenile court determines that the child or ward has [*no legal father*] **fewer**
19 **than two legal parents** or that [*paternity*] **parentage** is disputed as allowed
20 in ORS 109.070, the court may enter a judgment of [*paternity*] **parentage** or
21 a judgment of [*nonpaternity*] **nonparentage** in compliance with the pro-
22 visions of ORS 109.070, 109.124 to 109.230, 109.250 to 109.262 and 109.326.

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

26 “(a) The parties to the proceeding;

27 “(b) The [*man*] **person** alleged or claiming to be the child or ward’s [*fa-*
28 *ther*] **parent**; and

29 “(c) The Administrator of the Division of Child Support of the Depart-
30 ment of Justice or the branch office providing support services to the county

1 in which the court is located.

2 “(3) When appropriate, the court shall inform a [*man*] **person** before the
3 court claiming to be the [*father*] **parent** of a child or ward that [*paternity*]
4 **parentage** establishment services may be available through the administra-
5 tor if the child or ward:

6 “(a) Is a child born out of wedlock;

7 “(b) Has not been placed for adoption; and

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

9 “(4) As used in this section:

10 “(a) ‘Administrator’ has the meaning given that term in ORS 25.010.

11 “(b) ‘Child born out of wedlock’ has the meaning given that term in ORS
12 109.124.

13 “(c) ‘Legal [*father*] **parent**’ has the meaning given that term in ORS
14 419A.004 (19).

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

16 “419B.839. (1) Summons in proceedings to establish jurisdiction under
17 ORS 419B.100 must be served on:

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

20 “(b) The legal guardian of the child;

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

23 “(d) A putative father of the child if notice of the initiation of filiation
24 or [*paternity*] **parentage** proceedings was on file with the Center for Health
25 Statistics of the Oregon Health Authority prior to the initiation of the ju-
26 venile court proceedings, except as provided in subsection (4) of this section;

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

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

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

1 requires that the child immediately be taken into custody, the court may
2 indorse an order on the summons directing the officer serving it to take the
3 child into custody.

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

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

11 “(5) If a guardian ad litem has been appointed for a parent under ORS
12 419B.231, a copy of a summons served on the parent under this section must
13 be provided to the guardian ad litem.

14 **“SECTION 31.** ORS 419B.875 is amended to read:

15 “419B.875. (1)(a) Parties to proceedings in the juvenile court under ORS
16 419B.100 and 419B.500 are:

17 “(A) The child or ward;

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

19 “(C) A putative father of the child or ward who has demonstrated a direct
20 and significant commitment to the child or ward by assuming, or attempting
21 to assume, responsibilities normally associated with parenthood, including
22 but not limited to:

23 “(i) Residing with the child or ward;

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

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

26 “(D) The state;

27 “(E) The juvenile department;

28 “(F) A court appointed special advocate, if appointed;

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

1 “(H) The tribe in cases subject to the Indian Child Welfare Act if the
2 tribe has intervened pursuant to the Indian Child Welfare Act.

3 “(b) An intervenor who is granted intervention under ORS 419B.116 is a
4 party to a proceeding under ORS 419B.100. An intervenor under this para-
5 graph is not a party to a proceeding under ORS 419B.500.

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

7 “(a) The right to notice of the proceeding and copies of the petitions,
8 answers, motions and other papers;

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

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

14 “(d) The right of appeal; and

15 “(e) The right to request a hearing.

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

21 “(4) If no appeal from the judgment or order is pending, a putative father
22 whom a court of competent jurisdiction has found not to be the child or
23 ward’s legal or biological [*father*] **parent** or who has filed a petition for
24 filiation that was dismissed is not a party under subsection (1) of this sec-
25 tion.

26 “(5)(a) A person granted rights of limited participation under ORS
27 419B.116 is not a party to a proceeding under ORS 419B.100 or 419B.500 but
28 has only those rights specified in the order granting rights of limited par-
29 ticipation.

30 “(b) Persons moving for or granted rights of limited participation are not

1 entitled to appointed counsel but may appear with retained counsel.

2 “(6) If a foster parent, preadoptive parent or relative is currently provid-
3 ing care for a child or ward, the Department of Human Services shall give
4 the foster parent, preadoptive parent or relative notice of a proceeding con-
5 cerning the child or ward. A foster parent, preadoptive parent or relative
6 providing care for a child or ward has the right to be heard at the proceed-
7 ing. Except when allowed to intervene, the foster parent, preadoptive parent
8 or relative providing care for the child or ward is not considered a party to
9 the juvenile court proceeding solely because of notice and the right to be
10 heard at the proceeding.

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

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

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

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

29 “(e) Notwithstanding the provisions of this subsection, a grandparent is
30 not a party to the juvenile court proceeding unless the grandparent has been

1 granted rights of intervention under ORS 419B.116.

2 “(f) As used in this subsection, ‘grandparent’ means the legal parent of
3 the child’s or ward’s legal parent, regardless of whether the parental rights
4 of the child’s or ward’s legal parent have been terminated under ORS
5 419B.500 to 419B.524.

6 “(8) Interpreters for parties and persons granted rights of limited partic-
7 ipation shall be appointed in the manner specified by ORS 45.275 and 45.285.

8 **“SECTION 32.** ORS 432.088 is amended to read:

9 “432.088. (1) A report of live birth for each live birth that occurs in this
10 state shall be submitted to the Center for Health Statistics, or as otherwise
11 directed by the State Registrar of the Center for Health Statistics, within
12 five calendar days after the live birth and shall be registered if the report
13 has been completed and filed in accordance with this section.

14 “(2) The physician, institution or other person providing prenatal care
15 related to a live birth shall provide prenatal care information as required
16 by the state registrar by rule to the institution where the delivery is ex-
17 pected to occur not less than 30 calendar days prior to the expected delivery
18 date.

19 “(3) When a live birth occurs in an institution or en route to an institu-
20 tion, the person in charge of the institution or an authorized designee shall
21 obtain all data required by the state registrar, prepare the report of live
22 birth, certify either by signature or electronic signature that the child was
23 born alive at the place and time and on the date stated and submit the report
24 as described in subsection (1) of this section.

25 “(4) In obtaining the information required for the report of live birth, an
26 institution shall use information gathering procedures provided or approved
27 by the state registrar. Institutions may establish procedures to transfer,
28 electronically or otherwise, information required for the report from other
29 sources, provided that the procedures are reviewed and approved by the state
30 registrar prior to the implementation of the procedures to ensure that the

1 information being transferred is the same as the information being requested.

2 “(5)(a) When a live birth occurs outside an institution, the information
3 for the report of live birth shall be submitted within five calendar days of
4 the live birth in a format adopted by the state registrar by rule in the fol-
5 lowing order of priority:

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

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

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

11 “(D) By a person not described in subparagraphs (A) to (C) of this para-
12 graph and not required by law to be licensed to practice midwifery who is
13 registered with the Center for Health Statistics to submit reports of live
14 birth and who was in attendance at the live birth; or

15 “(E) By the father, the **birth** mother, **any other parent** or, in the ab-
16 sence **or inability of any parent** [*of the father and the inability of the*
17 *mother*], the person in charge of the premises where the live birth occurred.

18 “(b) The state registrar may establish by rule the manner of submitting
19 the information for the report of live birth by a person described in para-
20 graph (a)(D) of this subsection or a physician or licensed direct entry
21 midwife who attends the birth of his or her own child, grandchild, niece or
22 nephew.

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

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

1 “(a) Within the United States and the child is first removed from the
2 conveyance in this state, the live birth shall be registered in this state and
3 the place where it is first removed shall be considered the place of live birth.

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

8 “(8) For purposes of making a report of live birth and live birth regis-
9 tration, the woman who gives live birth is the [*live*] birth mother. If a court
10 of competent jurisdiction determines that a woman other than the [*live*] birth
11 mother is the biological or genetic mother, the court may order the state
12 registrar to amend the record of live birth. The record of live birth shall then
13 be placed under seal.

14 “(9)(a) If the **birth** mother is married at the time of either conception or
15 live birth, or within 300 days before the live birth, the name of the mother’s
16 spouse in a marriage shall be entered on the report of live birth as [*the*] **a**
17 parent of the child unless parentage has been determined otherwise by a
18 court of competent jurisdiction.

19 “(b) If the **birth** mother is not married at the time of either conception
20 or live birth, or within 300 days before the live birth, the name of the **other**
21 parent shall not be entered on the report of live birth unless a voluntary
22 acknowledgment of paternity form or other form prescribed under ORS
23 432.098 is:

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

26 “(B) Filed with the state registrar.

27 “(c) If the **birth** mother is a partner in a domestic partnership registered
28 by the state at the time of either conception or live birth, or between con-
29 ception and live birth, the name of the **birth** mother’s partner shall be en-
30 tered on the report of live birth as a parent of the child, unless parentage

1 has been determined otherwise by a court of competent jurisdiction.

2 “(d) In any case in which paternity **or parentage** of a child is determined
3 by a court of competent jurisdiction, or by an administrative determination
4 of paternity **or parentage**, the Center for Health Statistics shall enter the
5 name of [*the*] **each** parent on the new record of live birth. The Center for
6 Health Statistics shall change the surname of the child if so ordered by the
7 court or, in a proceeding under ORS 416.430, by the administrator as defined
8 in ORS 25.010.

9 “(e) If a biological parent is not named on the report of live birth, infor-
10 mation other than the identity of the biological parent may be entered on
11 the report.

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

16 “(11) A report of live birth submitted after five calendar days, but within
17 one year after the date of live birth, shall be registered in the manner pre-
18 scribed in this section. The record shall not be marked ‘Delayed.’

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

21 **“SECTION 33.** ORS 432.103 is amended to read:

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

24 **“SECTION 34.** ORS 432.245 is amended to read:

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

29 “(a) A report of adoption as provided in ORS 432.223 or a certified copy
30 of the judgment of adoption, with the information necessary to identify the

1 original record of live birth and to establish a replacement for the record,
2 unless the court ordering the adoption requests that a replacement for the
3 record not be established;

4 “(b) A request that a replacement record of live birth be prepared to es-
5 tablish parentage, as prescribed by the state registrar by rule or ordered by
6 a court of competent jurisdiction in this state that has determined the
7 [*paternity*] **parentage** of a person;

8 “(c) A written and notarized request, signed by both parents, acknowl-
9 edging paternity; or

10 “(d) A certified copy of a judgment that indicates that an individual born
11 in this state has completed sexual reassignment and that the sex on the re-
12 cord of live birth must be changed.

13 “(2) To change a person’s name under subsection (1) of this section, the
14 request or court order must include the name that currently appears **on** the
15 record of live birth and the new name to be designated on the replacement
16 for the record. The new name of the person shall be shown on the replace-
17 ment for the record.

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

22 “(4) When a replacement for a record of live birth is prepared, the city,
23 county and date of live birth must be included in the replacement. The re-
24 placement for the record must be substituted for the original record of live
25 birth. The original record of live birth and all evidence submitted with the
26 request or court order for the replacement for the record must be placed
27 under seal and is not subject to inspection, except upon the order of a court
28 of competent jurisdiction in this state or as provided by rule of the state
29 registrar.

30 “(5) Upon receipt of an amended judgment of adoption, the record of live

1 birth shall be amended by the state registrar as provided by the state
2 registrar by rule.

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

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

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

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

27 **“SECTION 35.** ORCP 4 K is amended to read:

28 **“K Certain marital and domestic relations actions.**

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

1 this state.

2 “K(2) In any action to enforce personal obligations arising under ORS
3 chapter 106 or 107, if the parties to a marriage have concurrently maintained
4 the same or separate residences or domiciles within this state for a period
5 of six months, notwithstanding departure from this state and acquisition of
6 a residence or domicile in another state or country before filing of such
7 action; but if an action to enforce personal obligations arising under ORS
8 chapter 106 or 107 is not commenced within one year following the date upon
9 which the party who left the state acquired a residence or domicile in an-
10 other state or country, no jurisdiction is conferred by this subsection in any
11 such action.

12 “K(3) In any proceeding to establish [*paternity*] **parentage** under ORS
13 chapter 109 or 110, or any action for declaration of [*paternity*] **parentage**
14 where the primary purpose of the action is to establish responsibility for
15 child support, when the act of sexual intercourse which resulted in the birth
16 of the child is alleged to have taken place in this state.

17 **“SECTION 36.** ORS 109.030 is amended to read:

18 “109.030. The rights and responsibilities of the parents, in the absence of
19 misconduct, are equal, and [*the mother*] **each parent** is as fully entitled to
20 the custody and control of the children and their earnings as the [*father*]
21 **other parent**. In case of the [*father’s*] death **of one parent**, the [*mother*]
22 **other parent** shall come into [*as*] full and complete control of the children
23 and their estate [*as the father does in case of the mother’s death*].

24 **“SECTION 37.** ORS 109.124 is amended to read:

25 “109.124. As used in ORS 109.124 to 109.230, unless the context requires
26 otherwise:

27 “(1) ‘Child attending school’ has the meaning given that term in ORS
28 107.108.

29 “(2) ‘Child born out of wedlock’ means a child born to an unmarried
30 woman or to a married woman by a man [*other than her husband*] **who is**

1 **not her spouse.**

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

8 **“SECTION 38.** ORS 109.243 is amended to read:

9 “109.243. The relationship, rights and obligation between a child born as
10 a result of artificial insemination and the mother’s [*husband*] **spouse** shall
11 be the same to all legal intents and purposes as if the child had been na-
12 turally and legitimately conceived by the mother and the mother’s
13 [*husband*] **spouse** if the [*husband*] **spouse** consented to the performance of
14 artificial insemination.

15 **“SECTION 39.** ORS 109.125 is amended to read:

16 “109.125. (1) Any of the following may initiate proceedings under this
17 section:

18 “(a) A mother of a child born out of wedlock or a woman pregnant with
19 a child who may be born out of wedlock;

20 “(b) The duly appointed and acting guardian of the child, conservator of
21 the child’s estate or a guardian ad litem, if the guardian or conservator has
22 the physical custody of the child or is providing support for the child;

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

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

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

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

29 “(a) If the initiating party is one of those specified in subsection (1)(a),
30 (b), (c) or (e) of this section:

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

3 “(B) The name of the mother’s [*husband*] **spouse** if the child is alleged
4 to be a child born to a married woman by a man other than her [*husband*]
5 **spouse**;

6 “(C) Facts showing the petitioner’s status to initiate proceedings;

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

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

10 “(F) A statement of the specific relief sought.

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

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

15 “(B) The name of the mother’s [*husband*] **spouse** if the child is alleged
16 to be a child born to a married woman by a man other than her [*husband*]
17 **spouse**;

18 “(C) A statement that the initiating party is the father of the child and
19 accepts the same responsibility for the support and education of the child
20 and for all pregnancy-related expenses that he would have if the child were
21 born to him in lawful wedlock;

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

24 “(E) A statement of the specific relief sought.

25 “(3) When proceedings are initiated by the administrator, as defined in
26 ORS 25.010, the state and the child’s mother and putative father are parties.

27 “(4) When a proceeding is initiated under this section and the child sup-
28 port rights of one of the parties or of the child at issue have been assigned
29 to the state, a true copy of the petition shall be served by mail or personal
30 delivery on the Administrator of the Division of Child Support of the De-

1 department of Justice or on the branch office providing support services to the
2 county in which the suit is filed.

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

7 **“SECTION 40. The amendments to ORS 18.052, 25.020, 25.075, 25.082,**
8 **25.650, 25.750, 107.179, 109.012, 109.030, 109.070, 109.072, 109.073, 109.092,**
9 **109.096, 109.103, 109.124, 109.125, 109.155, 109.175, 109.243, 109.264, 109.315,**
10 **109.326, 109.704, 112.105, 180.320, 180.380, 192.535, 192.539, 416.400, 416.430,**
11 **419A.004, 419B.395, 419B.839, 419B.875, 432.088, 432.103 and 432.245 and**
12 **ORCP 4 K by sections 1 to 38 of this 2017 Act apply to establishments**
13 **and disestablishments of parentage and parentage proceedings made**
14 **or commenced on or after the effective date of this 2017 Act.**

15 **“SECTION 41. The unit captions used in this 2017 Act are provided**
16 **only for the convenience of the reader and do not become part of the**
17 **statutory law of this state or express any legislative intent in the**
18 **enactment of this 2017 Act.”.**

19