

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 512**

1 On page 1 of the printed bill, line 2, delete “18.052,” and after “25.075,”
2 delete the rest of the line and lines 3 through 8 and insert “25.082, 25.650,
3 25.750, 107.179, 107.425, 109.012, 109.030, 109.070, 109.072, 109.073, 109.092,
4 109.094, 109.096, 109.098, 109.103, 109.124, 109.125, 109.145, 109.155, 109.175,
5 109.239, 109.243, 109.247, 109.251, 109.252, 109.254, 109.259, 109.264, 109.315,
6 109.321, 109.326, 109.704, 112.105, 163.565, 180.320, 180.380, 192.535, 192.539,
7 416.400, 419A.004, 419B.395, 419B.839, 419B.875, 432.088, 432.098, 432.103 and
8 432.245 and ORCP 4 K.”.

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

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

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

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

15 **“(b) An unrebutted presumption of parentage under ORS 109.070;**

16 **“(c) An adjudication of the person’s maternity or paternity;**

17 **“(d) Adoption of the child by the person;**

18 **“(e) An effective acknowledgement of paternity by the man under**
19 **ORS 109.070 or pursuant to the laws of another state, unless the ac-**
20 **knowledgement has been rescinded or successfully challenged;**

21 **“(f) Establishment of paternity by an administrative order issued**

1 **pursuant to ORS chapter 416;**

2 **“(g) Filiation proceedings; or**

3 **“(h) Parentage being established or declared by another provision**
4 **of law.**

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

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

9 **“109.070. (1) The [paternity] parentage of a person [may be established as**
10 **follows] is rebuttably presumed if:**

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

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

20 **“[(c) By the marriage of the parents of a child after the birth of the child,**
21 **and the parents filing with the State Registrar of the Center for Health Sta-**
22 **tistics the voluntary acknowledgment of paternity form as provided for by ORS**
23 **432.098.]**

24 **“[(d) By filiation proceedings.]**

25 **“[(e) By filing with the State Registrar of the Center for Health Statistics**
26 **the voluntary acknowledgment of paternity form as provided for by ORS**
27 **432.098. Except as otherwise provided in subsections (4) to (7) of this section,**
28 **this filing establishes paternity for all purposes.]**

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

1 “[g] *By paternity being established or declared by other provision of law.*]

2 “(2) The [*paternity*] **parentage** of a child established under subsection
3 (1)(a) or [(c)] **(4)(a)** of this section may be challenged in an action or pro-
4 ceeding by [*the husband or wife*] **either spouse**. The [*paternity*] **parentage**
5 may not be challenged by a person other than [*the husband or wife*] **a spouse**
6 as long as the [*husband and wife*] **spouses** are married and **are** cohabiting,
7 unless [*the husband and wife*] **both spouses** consent to the challenge.

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

12 “(4) **The paternity of a person may be established by a voluntary**
13 **acknowledgement as follows:**

14 “(a) **By the marriage of the parents of a child after the birth of the**
15 **child, and the parents filing with the State Registrar of the Center for**
16 **Health Statistics the voluntary acknowledgement of paternity form as**
17 **provided by ORS 432.098.**

18 “(b) **By filing with the State Registrar of the Center for Health**
19 **Statistics the voluntary acknowledgement of paternity form as pro-**
20 **vided under ORS 432.098. Except as otherwise provided in subsections**
21 **(5) and (8) of this section, a filing under this paragraph establishes**
22 **paternity for all purposes.**

23 “(c) **By establishment of paternity through a voluntary acknowl-**
24 **edgement of paternity in another state.**

25 “[*(4)(a)*] **(5)(a)** A party to a voluntary acknowledgment of paternity may
26 rescind the acknowledgment within the earlier of:

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

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

1 date of a proceeding is the date on which an order is entered in the pro-
2 ceeding.

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

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

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

11 “(A) A party to the acknowledgment;

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

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

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

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

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

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

30 “[6)] **(7)** Within one year after a voluntary acknowledgment of paternity

1 form is filed in this state and if blood tests, as defined in ORS 109.251, have
2 not been completed, a party to the acknowledgment, or the department if the
3 child named in the acknowledgment is in the care and custody of the de-
4 partment under ORS chapter 419B, may apply to the administrator for an
5 order for blood tests in accordance with ORS 416.443.

6 “[~~(7)(a)~~] **(8)(a)** A voluntary acknowledgment of paternity is not valid if,
7 before the party signed the acknowledgment:

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

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

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

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

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

19 **“SECTION 4.** ORS 109.239 is amended to read:

20 **“109.239. (1) As used in ORS 109.239 to 109.247, ‘assisted**
21 **reproduction’ means a method of causing pregnancy other than sexual**
22 **intercourse. ‘Assisted reproduction’ includes, but is not limited to:**

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

24 **“(b) Donation of eggs;**

25 **“(c) Donation of embryos;**

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

27 **“(e) Intracytoplasmic sperm injection.**

28 **“(2) If the donor of [*semen*] gametes used in [*artificial insemination*] as-**
29 **sisted reproduction is not the mother’s [*husband*] spouse:**

30 **“[(1)] (a) [*Such*] The donor shall have no right, obligation or interest**

1 with respect to [a] **any child [born] conceived** as a result of the [*artificial*
2 *insemination*] **assisted reproduction**; and

3 “[2] (b) [A] **Any child [born] conceived** as a result of the [*artificial*
4 *insemination*] **assisted reproduction** shall have no right, obligation or in-
5 terest with respect to [*such*] **the donor**.

6 **“SECTION 5.** ORS 109.243 is amended to read:

7 “109.243. The relationship, rights and obligation between a child [*born*]
8 **conceived** as a result of [*artificial insemination*] **assisted reproduction** and
9 the mother’s [*husband*] **spouse** shall be the same to all legal intents and
10 purposes as if the child had been naturally and legitimately conceived by the
11 mother and the mother’s [*husband*] **spouse** if the [*husband*] **spouse** con-
12 sented to the performance of [*artificial insemination*] **assisted**
13 **reproduction**.

14 **“SECTION 6.** ORS 109.247 is amended to read:

15 “109.247. Except as may be otherwise provided by a judicial decree entered
16 in any action filed before October 4, 1977, the provisions of ORS 109.239 to
17 109.247, 677.355 to 677.365 and 677.990 (3) apply to all persons conceived as
18 a result of [*artificial insemination*] **assisted reproduction**.

19 **“SECTION 7.** ORS 416.400 is amended to read:

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

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

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

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

30 “(4) ‘Department’ means the Department of Justice of this state or its

1 equivalent in any other state from which a written request for establishment
2 or enforcement of a support obligation is received under ORS 416.415.

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

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

9 “(7) ‘Parent’ means:

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

12 “(b) **A person whose parentage has been established under section**
13 **2 of this 2017 Act; or**

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

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

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

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

2 **“SECTION 8.** ORS 25.020 is amended to read:

3 “25.020. (1) Support payments for or on behalf of any person that are or-
4 dered, registered or filed under this chapter or ORS chapter 107, 108, 109, 110,
5 416, 419B or 419C, unless otherwise authorized by ORS 25.030, shall be made
6 to the Department of Justice as the state disbursement unit:

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

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

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

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

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

17 “(f) When a support order that is entered or modified on or after January
18 1, 1994, includes a provision requiring the obligor to pay support by income
19 withholding; or

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

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

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

30 “(3)(a) When the administrator is providing support enforcement services

1 under ORS 25.080, the obligee may enter into an agreement with a collection
2 agency, as defined in ORS 697.005, for assistance in collecting child support
3 payments.

4 “(b) The Department of Justice:

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

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

9 “(i) The obligee requests that disbursements be made directly to the
10 obligee;

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

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

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

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

23 “(c) The obligee shall:

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

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

27 “(d) The collection agency:

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

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

5 “(C) May not initiate, without written authorization from the adminis-
6 trator, any enforcement action relating to support payments on which sup-
7 port enforcement services are provided by the administrator under ORS
8 25.080; and

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

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

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

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

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

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

27 “(B) Amount of the support order.

28 “(C) Dates and amounts of payments.

29 “(D) Dates and amounts of disbursements.

30 “(E) Payee of any disbursements.

1 “(F) Amount of any arrearage.

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

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

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

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

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

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

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

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

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

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

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

29 “(c) The administrator may require of the parties any additional infor-
30 mation that is necessary for the provision of support enforcement services

1 under ORS 25.080.

2 “(d)(A) Upon a finding, which may be made ex parte, that the health,
3 safety or liberty of a party or child would unreasonably be put at risk by the
4 disclosure of information specified in this subsection or by the disclosure of
5 other information concerning a child or party to a [*paternity*] **parentage** or
6 support proceeding or if an existing order so requires, a court or adminis-
7 trator or administrative law judge, when the proceeding is administrative,
8 shall order that the information not be contained in any document provided
9 to another party or otherwise disclosed to a party other than the state.

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

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

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

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

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

1 clerk or the Department of Human Services.

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

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

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

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

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

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

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

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

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

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

8 “(b) Are consistent with federal regulations.

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

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

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

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

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

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

25 “**SECTION 10.** ORS 25.082 is amended to read:

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

1 of the subpoena may be by certified mail.

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

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

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

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

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

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

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

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

29 “(B) Otherwise make available to a consumer reporting agency upon its
30 request information regarding the amount of past due support owed by an

1 obligor.

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

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

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

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

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

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

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

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

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

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

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

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

2 “25.750. (1) All licenses, certificates, permits or registrations that a person
3 is required by state law to possess in order to engage in an occupation or
4 profession or to use a particular occupational or professional title, all annual
5 licenses issued to individuals by the Oregon Liquor Control Commission, all
6 driver licenses or permits issued by the Department of Transportation and
7 recreational hunting and fishing licenses, as defined by rule of the Depart-
8 ment of Justice, are subject to suspension by the respective issuing entities
9 upon certification to the issuing entity by the administrator that a child
10 support case record is being maintained by the Department of Justice, that
11 the case is being enforced by the administrator under the provisions of ORS
12 25.080 and that one or both of the following conditions apply:

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

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

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

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

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

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

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

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

1 “107.179. (1) When either party to a child custody issue, other than one
2 involving temporary custody, whether the issue arises from a case of marital
3 annulment, dissolution or separation, or from a determination of [*paternity*]
4 **parentage**, requests the court to grant joint custody of the minor children
5 of the parties under ORS 107.105, the court, if the other party objects to the
6 request for joint custody, shall proceed under this section. The request under
7 this subsection must be made, in the petition or the response, or otherwise
8 not less than 30 days before the date of trial in the case, except for good
9 cause shown. The court in such circumstances, except as provided in sub-
10 section (3) of this section, shall direct the parties to participate in mediation
11 in an effort to resolve their differences concerning custody. The court may
12 order such participation in mediation within a mediation program estab-
13 lished by the court or as conducted by any mediator approved by the court.
14 Unless the court or the county provides a mediation service available to the
15 parties, the court may order that the costs of the mediation be paid by one
16 or both of the parties, as the court finds equitable upon consideration of the
17 relative ability of the parties to pay those costs. If, after 90 days, the parties
18 do not arrive at a resolution of their differences, the court shall proceed to
19 determine custody.

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

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

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

30 “(c) Complete the trial of the case on all issues and order mediation under

1 this section upon the conclusion of the trial, postponing entry of the judg-
2 ment pending outcome of the mediation, in which case the court may enter
3 a limited judgment as to issues other than custody upon completion of the
4 trial or may postpone entry of any judgment until the expiration of the me-
5 diation period or agreement of the parties as to custody.

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

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

15 **“SECTION 14.** ORS 107.425 is amended to read:

16 “107.425. (1) In suits or proceedings described in subsection (4) of this
17 section in which there are minor children involved, the court may cause an
18 investigation to be made as to the character, family relations, past conduct,
19 earning ability and financial worth of the parties for the purpose of pro-
20 tecting the children’s future interest. The court may defer the entry of a
21 general judgment until the court is satisfied that its judgment in such suit
22 or proceeding will properly protect the welfare of such children. The inves-
23 tigative findings shall be offered as and subject to all rules of evidence. Costs
24 of the investigation may be charged against one or more of the parties or
25 as a cost in the proceedings but shall not be charged against funds appro-
26 priated for public defense services.

27 “(2) The court, on its own motion or on the motion of a party, may order
28 an independent physical, psychological, psychiatric or mental health exam-
29 ination of a party or the children and may require any party and the children
30 to be interviewed, evaluated and tested by an expert or panel of experts. The

1 court may also authorize the expert or panel of experts to interview other
2 persons and to request other persons to make available to the expert or panel
3 of experts records deemed by the court or the expert or panel of experts to
4 be relevant to the evaluation. The court may order the parties to authorize
5 the disclosure of such records. In the event the parties are unable to stipu-
6 late to the selection of an expert or panel of experts to conduct the exam-
7 ination or evaluation, the court shall appoint a qualified expert or panel of
8 experts. The court shall direct one or more of the parties to pay for the ex-
9 amination or evaluation in the absence of an agreement between the parties
10 as to the responsibility for payment but shall not direct that the expenses
11 be charged against funds appropriated for public defense services. If more
12 than one party is directed to pay, the court may determine the amount that
13 each party will pay based on financial ability.

14 “(3)(a) In addition to an investigation, examination or evaluation under
15 subsections (1) and (2) of this section, the court may appoint an individual
16 or a panel or may designate a program to assist the court in creating par-
17 enting plans or resolving disputes regarding parenting time and to assist
18 parents in creating and implementing parenting plans. The services provided
19 to the court and to parents under this section may include:

20 “(A) Gathering information;

21 “(B) Monitoring compliance with court orders;

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

24 “(D) Providing parents with problem solving, conflict management and
25 parenting time coordination services or other services approved by the court.

26 “(b) Services provided under this section may require the provider to
27 possess and utilize mediation skills, but the services are not comprised ex-
28 clusively of mediation services under ORS 107.755 to 107.795. If only medi-
29 ation services are provided, the provisions of ORS 107.755 to 107.795 apply.

30 “(c) The court may order one or more of the parties to pay for services

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

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

9 “(4) The provisions of this section apply when:

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

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

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

16 “(d) A person petitions or files a motion for intervention under ORS
17 109.119;

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

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

22 “(5) Application of the provisions of subsection (1), (2) or (3) of this sec-
23 tion to the proceedings under subsection (4) of this section does not prevent
24 initiation, entry or enforcement of an order of support.

25 “(6) The court, on its own motion or on the motion of a party, may ap-
26 point counsel for the children. However, if requested to do so by one or more
27 of the children, the court shall appoint counsel for the child or children. A
28 reasonable fee for an attorney so appointed may be charged against one or
29 more of the parties or as a cost in the proceedings but shall not be charged
30 against funds appropriated for public defense services.

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

8 **“SECTION 15.** ORS 109.012 is amended to read:

9 “109.012. (1)(a) The expenses of a minor child and the education of the
10 minor child are chargeable upon the property of either or both parents who
11 have not married each other. The parents may be sued jointly or separately
12 for the expenses and education of the minor child.

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

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

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

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

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

27 “(3) For the purposes of subsection (2) of this section, parents are con-
28 sidered separated if they are living in separate residences without intention
29 of reconciliation at the time the debt is incurred. The court may consider the
30 following factors in determining whether the parents are separated, in addi-

1 tion to other relevant factors:

2 “(a) Whether the parents subsequently reconciled.

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

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

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

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

8 **“SECTION 16.** ORS 109.072 is amended to read:

9 “109.072. (1) As used in this section:

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

11 “(b)(A) ‘*[Paternity]* **Parentage** judgment’ means a judgment or adminis-
12 trative order that:

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

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

18 **“(B) ‘Parentage judgment’ does not include a judgment or admin-
19 istrative order that determines paternity or parentage of a child con-
20 ceived by assisted reproduction as defined in ORS 109.239.**

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

22 “(d) ‘Petitioner’ means the person filing a petition or motion under this
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 17.** 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) or*
3 *416.400 to 416.465 or section 2 (1)(e) or (g) of this 2017 Act* shall be in-
4 cluded in the order, judgment or other declaration establishing paternity.

5 **“SECTION 18.** 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)*] **section 2 (1)(e) of this 2017 Act** or the putative father has
21 not asserted his rights in filiation proceedings, the mother has the right
22 without the consent of the father to surrender the child as provided in ORS
23 418.270 or to consent to the child’s adoption.

24 **“SECTION 19.** ORS 109.094 is amended to read:

25 “109.094. Upon the [*paternity*] **parentage** of a child being established in
26 the proceedings, [*the father*] **a parent** shall have the same rights as a
27 [*father*] **parent** who is or was married to the mother of the child. The clerk
28 of the court shall certify the fact of [*paternity*] **parentage** to the Center for
29 Health Statistics of the Oregon Health Authority, and the Center for Health
30 Statistics shall amend a record of live birth for the child and issue a new

1 certified copy of the record of live birth for the child.

2 **“SECTION 20.** ORS 109.096 is amended to read:

3 “109.096. (1) When the [*paternity*] **parentage** of a child has not been es-
4 tablished under [*ORS 109.070*] **section 2 of this 2017 Act**, the putative father
5 is entitled to reasonable notice in adoption or other court proceedings con-
6 cerning the custody of the child, except for juvenile court proceedings, if the
7 petitioner knows, or by the exercise of ordinary diligence should have
8 known:

9 “(a) That the child resided with the putative father at any time during
10 the 60 days immediately preceding the initiation of the proceeding, or at any
11 time since the child’s birth if the child is less than 60 days old when the
12 proceeding is initiated; or

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

17 “(2) Except as provided in subsection (3) or (4) of this section, a verified
18 statement of the mother of the child or of the petitioner, or an affidavit of
19 another person with knowledge of the facts, filed in the proceeding and as-
20 serting that the child has not resided with the putative father, as provided
21 in subsection (1)(a) of this section, and that the putative father has not
22 contributed or tried to contribute to the support of the child, as provided in
23 subsection (1)(b) of this section, is sufficient proof to enable the court to
24 grant the relief sought without notice to the putative father.

25 “(3) The putative father is entitled to reasonable notice in a proceeding
26 for the adoption of the child if notice of the initiation of filiation pro-
27 ceedings as required by ORS 109.225 was on file with the Center for Health
28 Statistics of the Oregon Health Authority prior to the child’s being placed
29 in the physical custody of a person or persons for the purpose of adoption
30 by them. If the notice of the initiation of filiation proceedings was not on

1 file at the time of the placement, the putative father is barred from contest-
2 ing the adoption proceeding.

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

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

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

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

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

22 **“SECTION 21.** ORS 109.098 is amended to read:

23 “109.098. (1) If a putative father of a child by due appearance in a pro-
24 ceeding of which he is entitled to notice under ORS 109.096 objects to the
25 relief sought, the court:

26 “(a) May stay the adoption or other court proceeding to await the out-
27 come of the filiation proceedings only if notice of the initiation of filiation
28 proceedings was on file as required by ORS 109.096 (3) or (4).

29 “(b) Shall, if filiation proceedings are not pending, inquire as to the
30 paternity of the child, the putative father’s past endeavors to fulfill his ob-

1 ligation to support the child and to contribute to the pregnancy-related
2 medical expenses, the period that the child has lived with the putative father,
3 the putative father's fitness to care for and rear the child and whether the
4 putative father is willing to be declared the father of the child and to assume
5 the responsibilities of a father.

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

7 “(a) That the putative father is the father of the child and is fit and
8 willing to assume the responsibilities of a father, it shall have the power:

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

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

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

17 “(c) That the putative father is the natural father of the child but is not
18 fit or willing to assume the responsibilities of a father, it may grant the re-
19 lief sought in the proceeding or any other relief that the court deems to be
20 in the best interests of the child, notwithstanding the father's objection.

21 “(3) If a putative father of a child is given the notice of a proceeding re-
22 quired by ORS 109.096 and he fails to enter due appearance and to object to
23 the relief sought therein within the time specified in the notice, the court
24 may grant the relief sought without the putative father's consent.

25 **“SECTION 22.** ORS 109.103 is amended to read:

26 “109.103. (1) If a child is born to an unmarried [*woman and paternity*]
27 **person and parentage** has been established under [*ORS 109.070*] **section 2**
28 **of this 2017 Act**, or if a child is born to a married [*woman by a man*] **person**
29 **by a person** other than [*her husband*] **the birth mother's spouse** and [*the*
30 *man's paternity*] **parentage between the person and the child** has been

1 established under [ORS 109.070] **section 2 of this 2017 Act**, either parent
2 may initiate a civil proceeding to determine the custody or support of, or
3 parenting time with, the child. The proceeding shall be brought in the circuit
4 court of the county in which the child resides or is found or in the circuit
5 court of the county in which either parent resides. The parents have the
6 same rights and responsibilities regarding the custody and support of, and
7 parenting time with, their child that married or divorced parents would have,
8 and the provisions of ORS 107.094 to 107.449 that relate to custody, support
9 and parenting time, the provisions of ORS 107.755 to 107.795 that relate to
10 mediation procedures, and the provisions of ORS 107.810, 107.820 and 107.830
11 that relate to life insurance, apply to the proceeding.

12 “(2) A parent may initiate the proceeding by filing with the court a peti-
13 tion setting forth the facts and circumstances upon which the parent relies.
14 The parent shall state in the petition, to the extent known:

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

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

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

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

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

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

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

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

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

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

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

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

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

29 **“SECTION 23.** ORS 109.145 is amended to read:

30 “109.145. If a respondent fails to answer or fails to appear at trial, the

1 court shall have the power to proceed accordingly. In such case, the court
2 may make a determination of [*paternity*] **parentage** and may impose such
3 obligations on the respondent as it deems reasonable. In all such cases cor-
4 roborating evidence in addition to the testimony of the parent or expectant
5 parent shall be required to establish [*paternity*] **parentage** and the court
6 may, in its discretion, order such investigation or the production of such
7 evidence as it deems appropriate to establish a proper basis for relief. The
8 testimony of the parent or expectant parent and the corroborating evidence
9 may be presented by affidavit.

10 **“SECTION 24.** ORS 109.155 is amended to read:

11 “109.155. (1) The court, in a private hearing, shall first determine the is-
12 sue of [*paternity*] **parentage**. If the respondent admits the [*paternity*] **par-**
13 **entage**, the admission shall be reduced to writing, verified by the respondent
14 and filed with the court. If the [*paternity*] **parentage** is denied, corroborat-
15 ing evidence, in addition to the testimony of the parent or expectant parent,
16 shall be required.

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

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

28 “(4) The court may order either parent to pay such sum as the court
29 deems appropriate for the past and future support and maintenance of the
30 child during the child’s minority and while the child is attending school, as

1 defined in ORS 107.108, and the reasonable and necessary expenses incurred
2 or to be incurred in connection with prenatal care, expenses attendant with
3 the birth and postnatal care. The court may grant the prevailing party rea-
4 sonable costs of suit, which may include expert witness fees, and reasonable
5 attorney fees at trial and on appeal. The provisions of ORS 107.108 apply to
6 an order entered under this section for the support of a child attending
7 school.

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

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

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

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

16 “(b) In a proceeding under this section, the court may enforce the terms
17 set forth in a stipulated judgment of [*paternity*] **parentage** signed by the
18 parties, a judgment of [*paternity*] **parentage** resulting from a settlement on
19 the record or a judgment of [*paternity*] **parentage** incorporating a settlement
20 agreement:

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

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

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

26 “(c) A party may seek to enforce an agreement and obtain remedies de-
27 scribed in paragraph (b) of this subsection by filing a motion, serving notice
28 on the other party in the manner provided by ORCP 7 and, if a remedy under
29 paragraph (b)(B) of this subsection is sought, complying with the statutory
30 requirements for that remedy. All claims for relief arising out of the same

1 acts or omissions must be joined in the same proceeding.

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

6 “(7) If [*a man’s paternity of a child*] **parentage between a person and**
7 **a child** has been established under [*ORS 109.070*] **section 2 of this 2017 Act**
8 and the [*paternity*] **parentage** has not been disestablished before proceedings
9 are initiated under ORS 109.125, the court may not render a judgment under
10 ORS 109.124 to 109.230 establishing [*another man’s paternity of the child*]
11 **parentage between another person and the child** unless the judgment
12 also disestablishes the [*paternity*] **parentage** established under [*ORS*
13 *109.070*] **section 2 of this 2017 Act**.

14 “**SECTION 25.** ORS 109.175 is amended to read:

15 “109.175. (1) If [*paternity*] **parentage** of a child born out of wedlock is
16 established pursuant to a petition filed under ORS 109.125 or an order or
17 judgment entered pursuant to ORS 109.124 to 109.230 or ORS 416.400 to
18 416.465, or if [*paternity*] **parentage** is established by the filing of a voluntary
19 acknowledgment of paternity as provided by [*ORS 109.070 (1)(e)*] **section 2**
20 **(1)(e) of this 2017 Act**, the parent with physical custody at the time of filing
21 of the petition or the notice under ORS 416.415, or the parent with physical
22 custody at the time of the filing of the voluntary acknowledgment of
23 paternity, has sole legal custody until a court specifically orders otherwise.
24 The first time the court determines who should have legal custody, neither
25 parent shall have the burden of proving a change of circumstances. The court
26 shall give primary consideration to the best interests and welfare of the child
27 and shall consider all the standards set out in ORS 107.137.

28 “(2) In any proceeding under this section, the court may cause an inves-
29 tigation, examination or evaluation to be made under ORS 107.425 or may
30 appoint an individual or a panel or may designate a program to assist the

1 court in creating parenting plans or resolving disputes regarding parenting
2 time and to assist parents in creating and implementing parenting plans
3 under ORS 107.425 (3).

4 **“SECTION 26.** ORS 109.251 is amended to read:

5 “109.251. As used in ORS 109.250 to 109.262, ‘blood tests’ includes any test
6 for genetic markers to determine [*paternity*] **parentage** of a type generally
7 acknowledged as reliable by accreditation bodies designated by the Oregon
8 Health Authority in compliance with the United States Secretary of Health
9 and Human Services, and performed by a laboratory approved by such ac-
10 creditation body. ‘Blood tests’ includes but is not limited to the Human
11 Leucocyte Antigen Test, the deoxyribonucleic acid test and any test that
12 extracts genetic material from any human tissue.

13 **“SECTION 27.** ORS 109.252 is amended to read:

14 “109.252. (1) Unless the court or administrator finds good cause not to
15 proceed in a proceeding under ORS 109.125 to 109.230 and 416.400 to 416.465,
16 in which [*paternity*] **parentage** is a relevant fact, the court or administrator,
17 as defined in ORS 25.010, upon the court’s or administrator’s own initiative
18 or upon suggestion made by or on behalf of any person whose blood is in-
19 volved may, or upon motion of any party to the action made at a time so as
20 not to delay the proceedings unduly shall, order the mother, child, alleged
21 father and any other named respondent who may be the father to submit to
22 blood tests. If any person refuses to submit to such tests, the court or ad-
23 ministrator may resolve the question of [*paternity*] **parentage** against such
24 person or enforce the court’s or administrator’s order if the rights of others
25 and the interests of justice so require.

26 “(2) When child support enforcement services are being provided under
27 ORS 25.080, the Child Support Program shall pay any costs for blood tests
28 subject to recovery from the party who requested the tests. If the original
29 test result is contested prior to the entry of an order establishing
30 [*paternity*] **parentage**, the court or administrator shall order additional

1 testing upon request and advance payment by the party making the request.

2 **“SECTION 28.** ORS 109.254 is amended to read:

3 “109.254. (1) The tests shall be made by experts qualified as examiners of
4 genetic markers who shall be appointed by the court or administrator, as
5 defined in ORS 25.010. Any party or person at whose suggestion the tests
6 have been ordered may demand that other experts, qualified as examiners of
7 genetic markers, perform independent tests under order of the court or ad-
8 ministrator, the results of which may be offered in evidence. The number
9 and qualifications of such experts shall be determined by the court or ad-
10 ministrator.

11 “(2) The blood test results and the conclusions and explanations of the
12 blood test experts are admissible as evidence of [*paternity*] **parentage** with-
13 out the need for foundation testimony or other proof of authenticity or ac-
14 curacy, unless a written challenge to the testing procedure or the results of
15 the blood test has been filed with the court and delivered to opposing counsel
16 at least 10 days before any hearing set to determine the issue of [*paternity*]
17 **parentage**. Failure to make such timely challenge constitutes a waiver of
18 the right to have the experts appear in person and is not grounds for a
19 continuance of the hearing to determine [*paternity*] **parentage**. A copy of the
20 results, conclusions and explanations must be furnished to both parties or
21 their counsel at least 20 days before the date of the hearing for this sub-
22 section to apply. The court for good cause or the parties may waive the time
23 limits established by this subsection.

24 “(3) An affidavit documenting the chain of custody of the specimens is
25 prima facie evidence to establish the chain of custody.

26 **“SECTION 29.** ORS 109.259 is amended to read:

27 “109.259. Notwithstanding the objections of a party to an order that seeks
28 to establish [*paternity*] **parentage**, if the blood tests conducted under ORS
29 109.250 to 109.262 result in a cumulative paternity index of 99 or greater, the
30 evidence of the blood tests together with the testimony of a parent is a suf-

1 ficient basis upon which to presume paternity for establishing temporary
2 support. Upon the motion of a party, the court shall enter a temporary order
3 requiring the alleged father to provide support pending the determination of
4 parentage by the court. In determining the amount of support, the court shall
5 use the formula established under ORS 25.275.

6 **“SECTION 30.** ORS 109.264 is amended to read:

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

9 **“SECTION 31.** 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 **as established under section 2 of**
7 **this 2017 Act**, the petitioner shall also serve the petition by either registered
8 or certified mail with return receipt or personal 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 32.** ORS 109.321 is amended to read:

29 “109.321. (1) Except as provided in ORS 109.323 to 109.329, consent in
30 writing to the adoption of a minor child pursuant to a petition filed under

1 ORS 109.309 is required to be given by the following:

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

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

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

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

9 “(2)(a) A person who gives consent to adoption under subsection (1) of
10 this section may agree concurrently or subsequently to the giving of such
11 consent that the consent shall be or become irrevocable, and may waive such
12 person’s right to a personal appearance in court, by a duly signed and at-
13 tested certificate. The certificate of irrevocability and waiver shall be in ef-
14 fect when the following are completed:

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

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

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

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

27 “(E) Information about the child’s social, medical and genetic history re-
28 quired in ORS 109.342 has been provided to an attorney or the department
29 or an Oregon licensed adoption agency by the person giving consent to the
30 adoption; and

1 “(F) The person signing the certificate of irrevocability and waiver has
2 been given an explanation by an attorney who represents the person and who
3 does not also represent the adoptive family, by the department or by an
4 Oregon licensed adoption agency of the consequences of signing the certifi-
5 cate.

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

9 “(3) Consent to the adoption of an Indian child as defined in the Indian
10 Child Welfare Act (25 U.S.C. 1901 et seq.) shall not be valid unless the re-
11 quirements of the Indian Child Welfare Act are met. In accordance with the
12 Indian Child Welfare Act, a certificate of irrevocability is not valid for the
13 adoption of an Indian child.

14 “(4) **As used in this section, ‘parent’ means a person whose parent-**
15 **age has been established pursuant to section 2 of this 2017 Act.**

16 “**SECTION 33.** ORS 109.326 is amended to read:

17 “109.326. (1) If the mother of a child was married at the time of the con-
18 ception or birth of the child, and it has been determined pursuant to [*ORS*
19 *109.070*] **section 2 of this 2017 Act** or judicially determined that [*her*] **the**
20 **mother’s** [*husband*] **spouse** at such time or times was not the [*father*] **par-**
21 **ent** of the child, the [*husband’s*] **spouse’s** authorization or waiver is not
22 required in adoption, juvenile court or other proceedings concerning the
23 custody of the child.

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

30 “(3) Before making the determination of [*nonpaternity*] **nonparentage**, the

1 petitioner shall serve on the [*husband*] **spouse** a summons and a true copy
2 of a motion and order to show cause why a judgment of [*nonpaternity*]
3 **nonparentage** should not be entered if:

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

6 “(b) The child resided with the [*husband*] **spouse** at any time since the
7 child’s birth; or

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

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

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

17 “(a) A statement that if the [*husband*] **spouse** fails to file a written an-
18 swer to the motion and order to show cause within the time provided, the
19 court, without further notice and in the [*husband’s*] **spouse’s** absence, may
20 take any action that is authorized by law, including but not limited to en-
21 tering a judgment of [*nonpaternity*] **nonparentage** on the date the answer
22 is required or on a future date.

23 “(b) A statement that:

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

29 “(B) In the answer, the [*husband*] **spouse** must inform the court and the
30 petitioner of the [*husband’s*] **spouse’s** telephone number or contact telephone

1 number and the [husband's] **spouse's** current residence, mailing or contact
2 address in the same state as the [husband's] **spouse's** home. The answer may
3 be in substantially the following form:

4 “ _____

5 IN THE CIRCUIT COURT OF
6 THE STATE OF OREGON
7 FOR THE COUNTY OF _____

8 _____,)

9 Petitioner,) NO. _____

10)

11) ANSWER

12 and)

13)

14 _____,)

15 Respondent.)

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

18 [] I do not consent to the entry of a judgment of [nonpaternity] **non-**
19 **parentage**. The court should not enter a judgment of [nonpaternity] **non-**
20 **parentage** for the following reasons:

21 “ _____

22 “ _____

23 “ _____

24 “ _____

25 _____

26

27 _____

28 Signature

29 DATE: _____

30 ADDRESS OR CONTACT ADDRESS:

1 _____

2 _____

3 TELEPHONE OR CONTACT TELEPHONE:

4 _____

5 “ _____

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

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

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

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

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

15 “ _____

16 “You have a right to be represented by an attorney. If you wish to be
17 represented by an attorney, please retain one as soon as possible to represent
18 you in this proceeding. If you meet the state’s financial guidelines, you are
19 entitled to have an attorney appointed for you at state expense. To request
20 appointment of an attorney to represent you at state expense, you must
21 contact the circuit court immediately. Phone _____ for further informa-
22 tion.

23 “ _____

24 “(e) A statement that the [*husband*] **spouse** has the responsibility to
25 maintain contact with the [*husband’s*] **spouse’s** attorney and to keep the
26 attorney advised of the [*husband’s*] **spouse’s** whereabouts.

27 “(6) A [*husband*] **spouse** who is served with a summons and a motion and
28 order to show cause under this section shall file with the court a written
29 answer to the motion and order to show cause within 30 days after the date
30 on which the [*husband*] **spouse** is served with the summons or, if service is

1 made by publication or posting under ORCP 7 D(6), within 30 days from the
2 date of last publication or posting. In the answer, the *[husband]* **spouse** shall
3 inform the court and the petitioner of the *[husband's]* **spouse's** telephone
4 number or contact telephone number and current address, as defined in ORS
5 25.011. The answer may be in substantially the form described in subsection
6 (5) of this section.

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

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

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

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

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

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

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

13 “(a) That the mother of the child was not cohabiting with [*her*] **the**
14 **mother’s** [*husband*] **spouse** at the time of conception of the child and that
15 the [*husband*] **spouse** is not the [*father*] **parent** of the child;

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

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

19 “(d) That the [*husband*] **spouse** has not contributed or tried to contribute
20 to the support of the child.

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

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

30 “(13) Nothing in this section shall be used to set aside an act of a per-

1 manent nature, including but not limited to adoption, unless the [*father*]
2 **parent** establishes, within one year after the entry of the order or general
3 judgment, as defined in ORS 18.005, fraud on the part of the petitioner with
4 respect to the matters specified in subsection (10)(a), (b), (c) or (d) of this
5 section.

6 **“SECTION 34.** ORS 109.704 is amended to read:

7 “109.704. As used in ORS 109.701 to 109.834:

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

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

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

17 “(4) ‘Child custody proceeding’ means a proceeding in which legal cus-
18 tody, physical custody, parenting time or visitation with respect to a child
19 is an issue. ‘Child custody proceeding’ includes a proceeding for divorce,
20 separation, neglect, abuse, dependency, guardianship, [*paternity*] **parentage**,
21 termination of parental rights and protection from domestic violence in
22 which the issue may appear. ‘Child custody proceeding’ does not include a
23 proceeding involving juvenile delinquency, contractual emancipation or
24 enforcement under ORS 109.774 to 109.827.

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

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

29 “(7) ‘Home state’ means the state in which a child lived with a parent or
30 a person acting as a parent for at least six consecutive months immediately

1 before the commencement of a child custody proceeding. In the case of a
2 child less than six months of age, 'home state' means the state in which the
3 child lived from birth with any of the persons mentioned. Any temporary
4 absence of any of the mentioned persons is part of the period.

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

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

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

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

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

19 “(13) ‘Person acting as a parent’ means a person, other than a parent,
20 who:

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

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

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

29 “(15) ‘State’ means a state of the United States, the District of Columbia,
30 Puerto Rico, the United States Virgin Islands or any territory or insular

1 possession subject to the jurisdiction of the United States.

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

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

6 **“SECTION 35.** ORS 112.105 is amended to read:

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

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

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

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

19 **“SECTION 36.** ORS 163.565 is amended to read:

20 “163.565. (1) Proof that a child was born [*to a woman*] during the time a
21 [*man*] **person** lived and cohabited with [*her*] **the child’s mother**, or held
22 [*her*] **the child’s mother** out as [*his*] **that person’s** spouse in a marriage,
23 is prima facie evidence that [*he*] **the person** is the [*father*] **parent** of the
24 child. This subsection does not exclude any other legal evidence tending to
25 establish the parental relationship.

26 “(2) No provision of law prohibiting the disclosure of confidential com-
27 munications between spouses in a marriage apply to prosecutions for crimi-
28 nal nonsupport. A spouse is a competent and compellable witness for or
29 against either party.

30 **“SECTION 37.** ORS 180.320 is amended to read:

1 “180.320. (1) All state agencies, district attorneys and all police officers
2 of the state, county or any municipality, university or court thereof, shall
3 cooperate with the Division of Child Support of the Department of Justice
4 in furnishing and making available information, records and documents nec-
5 essary to assist in establishing or enforcing support obligations or
6 [paternity] **parentage**, in performing the duties set out in ORS 25.080 and in
7 determining the location of any absent parent or child for the purpose of
8 enforcing any state or federal law regarding the unlawful taking or restraint
9 of a child or for the purpose of making or enforcing a child custody deter-
10 mination. Notwithstanding the provisions of ORS 109.225 or 416.430 or ORS
11 chapter 432, records pertaining to the [paternity] **parentage** of a child shall
12 be made available upon written request of an authorized representative of
13 the Division of Child Support. Any information obtained pursuant to this
14 subsection is confidential, and shall be used only for the purposes set out in
15 this subsection.

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

23 **“SECTION 38.** ORS 180.380 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

20 “(a) ‘Authorized person’ includes:

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

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

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

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

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

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

9 **“SECTION 39.** ORS 192.535 is amended to read:

10 “192.535. (1) A person may not obtain genetic information from an indi-
11 vidual, or from an individual’s DNA sample, without first obtaining informed
12 consent of the individual or the individual’s representative, except:

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

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

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

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

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

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

29 “(2) Except as provided in subsection (3) of this section, a physician li-
30 censed under ORS chapter 677 shall seek the informed consent of the indi-

1 vidual or the individual’s representative for the purposes of subsection (1)
2 of this section in the manner provided by ORS 677.097. Except as provided
3 in subsection (3) of this section, any other licensed health care provider or
4 facility must seek the informed consent of the individual or the individual’s
5 representative for the purposes of subsection (1) of this section in a manner
6 substantially similar to that provided by ORS 677.097 for physicians.

7 “(3) A person conducting research shall seek the informed consent of the
8 individual or the individual’s representative for the purposes of subsection
9 (1) of this section in the manner provided by ORS 192.547.

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

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

19 **“SECTION 40.** ORS 192.539 is amended to read:

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

28 “(a) Disclosure is authorized by ORS 181A.155 or comparable provisions
29 of federal criminal law relating to identification of persons, or is necessary
30 for the purpose of a criminal or death investigation, a criminal or juvenile

1 proceeding, an inquest, or a child fatality review by a county multidisciplinary
2 nary child abuse team;

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

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

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

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

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

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

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

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

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

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

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

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

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

30 “419A.004. As used in this chapter and ORS chapters 419B and 419C, un-

1 less the context requires otherwise:

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

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

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

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

15 “(a) By adoption;

16 “(b) With a legal guardian; or

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

18 “(3) ‘CASA Volunteer Program’ means a program that is approved or
19 sanctioned by a juvenile court, has received accreditation from the National
20 CASA Association and has entered into a contract with the Oregon Volun-
21 teers Commission for Voluntary Action and Service under ORS 458.581 to
22 recruit, train and supervise volunteers to serve as court appointed special
23 advocates.

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

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

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

1 “(7) ‘Counselor’ means a juvenile department counselor or a county juvenile probation officer.

2
3 “(8) ‘Court’ means the juvenile court.

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

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

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

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

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

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

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

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

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

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

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

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

30 “(17) ‘Juvenile court’ means the court having jurisdiction of juvenile

1 matters in the several counties of this state.

2 “(18) ‘Local citizen review board’ means the board specified by ORS
3 419A.090 and 419A.092.

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

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

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

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

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

19 “(22) ‘Reasonable and prudent parent standard’ means the standard,
20 characterized by careful and sensible parental decisions that maintain the
21 health, safety and best interests of a child or ward while encouraging the
22 emotional and developmental growth of the child or ward, that a substitute
23 care provider shall use when determining whether to allow a child or ward
24 in substitute care to participate in extracurricular, enrichment, cultural and
25 social activities.

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

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

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

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

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

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

8 “(b) A physical injury that:

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

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

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

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

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

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

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

21 “(b) Through the marriage of the children’s or wards’ legal or biological
22 parents.

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

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

28 “(b) A family home that the court has approved as a ward’s permanent
29 placement, when a child-caring agency as defined in ORS 418.205 has been
30 appointed guardian of the ward and when the ward’s care is entirely pri-

1 vately financed; or

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

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

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

11 “(34) ‘Victim’ means any person determined by the district attorney, the
12 juvenile department or the court to have suffered direct financial, psycho-
13 logical or physical harm as a result of the act that has brought the youth
14 or youth offender before the juvenile court. When the victim is a minor,
15 ‘victim’ includes the legal guardian of the minor. The youth or youth
16 offender may not be considered the victim. When the victim of the crime
17 cannot be determined, the people of Oregon, as represented by the district
18 attorney, are considered the victims.

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

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

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

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

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

29 “(38) ‘Youth’ means a person under 18 years of age who is alleged to have
30 committed an act that is a violation, or, if done by an adult would constitute

1 a violation, of a law or ordinance of the United States or a state, county or
2 city.

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

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

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

8 “419B.395. (1) If in any proceeding under ORS 419B.100 or 419B.500 the
9 juvenile court determines that the child or ward has [*no legal father*] **fewer**
10 **than two legal parents** or that [*paternity*] **parentage** is disputed as allowed
11 in ORS 109.070, the court may enter a judgment of [*paternity*] **parentage** or
12 a judgment of [*nonpaternity*] **nonparentage** in compliance with the pro-
13 visions of ORS 109.070, 109.124 to 109.230, 109.250 to 109.262 and 109.326 **and**
14 **section 2 of this 2017 Act.**

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

18 “(a) The parties to the proceeding;

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

21 “(c) The Administrator of the Division of Child Support of the Depart-
22 ment of Justice or the branch office providing support services to the county
23 in which the court is located.

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

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

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

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

1 “(4) As used in this section:

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

3 “(b) ‘Child born out of wedlock’ has the meaning given that term in ORS
4 109.124.

5 “(c) ‘Legal [*father*] **parent**’ has the meaning given that term in ORS
6 419A.004 (19).

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

8 “419B.839. (1) Summons in proceedings to establish jurisdiction under
9 ORS 419B.100 must be served on:

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

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

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

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

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

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

22 “(2) If it appears to the court that the welfare of the child or of the public
23 requires that the child immediately be taken into custody, the court may
24 indorse an order on the summons directing the officer serving it to take the
25 child into custody.

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

28 “(4) Summons under subsection (1) of this section is not required to be
29 given to a putative father whom a court of competent jurisdiction has found
30 not to be the child’s legal [*father*] **parent** or who has filed a petition for

1 filiation that was dismissed if no appeal from the judgment or order is
2 pending.

3 “(5) If a guardian ad litem has been appointed for a parent under ORS
4 419B.231, a copy of a summons served on the parent under this section must
5 be provided to the guardian ad litem.

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

7 “419B.875. (1)(a) Parties to proceedings in the juvenile court under ORS
8 419B.100 and 419B.500 are:

9 “(A) The child or ward;

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

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

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

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

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

18 “(D) The state;

19 “(E) The juvenile department;

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

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

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

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

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

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

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

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

6 “(d) The right of appeal; and

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

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

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

18 “(5)(a) A person granted rights of limited participation under ORS
19 419B.116 is not a party to a proceeding under ORS 419B.100 or 419B.500 but
20 has only those rights specified in the order granting rights of limited par-
21 ticipation.

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

24 “(6) If a foster parent, preadoptive parent or relative is currently provid-
25 ing care for a child or ward, the Department of Human Services shall give
26 the foster parent, preadoptive parent or relative notice of a proceeding con-
27 cerning the child or ward. A foster parent, preadoptive parent or relative
28 providing care for a child or ward has the right to be heard at the proceed-
29 ing. Except when allowed to intervene, the foster parent, preadoptive parent
30 or relative providing care for the child or ward is not considered a party to

1 the juvenile court proceeding solely because of notice and the right to be
2 heard at the proceeding.

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

11 “(b) If a grandparent of a child or ward is present at a hearing concerning
12 the child or ward, and the court informs the grandparent of the date and
13 time of a future hearing, the department is not required to give notice of the
14 future hearing to the grandparent.

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

17 “(d) The court’s orders or judgments entered in proceedings under ORS
18 419B.185, 419B.310, 419B.325, 419B.449, 419B.476 and 419B.500 must include
19 findings of the court as to whether the grandparent had notice of the hear-
20 ing, attended the hearing and had an opportunity to be heard.

21 “(e) Notwithstanding the provisions of this subsection, a grandparent is
22 not a party to the juvenile court proceeding unless the grandparent has been
23 granted rights of intervention under ORS 419B.116.

24 “(f) As used in this subsection, ‘grandparent’ means the legal parent of
25 the child’s or ward’s legal parent, regardless of whether the parental rights
26 of the child’s or ward’s legal parent have been terminated under ORS
27 419B.500 to 419B.524.

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

30 **“SECTION 45.** ORS 432.088 is amended to read:

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

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

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

17 “(4) In obtaining the information required for the report of live birth, an
18 institution shall use information gathering procedures provided or approved
19 by the state registrar. Institutions may establish procedures to transfer,
20 electronically or otherwise, information required for the report from other
21 sources, provided that the procedures are reviewed and approved by the state
22 registrar prior to the implementation of the procedures to ensure that the
23 information being transferred is the same as the information being requested.

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

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

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

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

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

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

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

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

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

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

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

30 “(8) For purposes of making a report of live birth and live birth regis-

1 tration, the woman who gives live birth is the [*live*] birth mother. If a court
2 of competent jurisdiction determines that a woman other than the [*live*] birth
3 mother is the biological or genetic mother, the court may order the state
4 registrar to amend the record of live birth. The record of live birth shall then
5 be placed under seal.

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

11 “(b) If the **birth** mother is not married at the time of either conception
12 or live birth, or within 300 days before the live birth, the name of the **other**
13 parent shall not be entered on the report of live birth unless a voluntary
14 acknowledgment of paternity form or other form prescribed under ORS
15 432.098 is:

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

18 “(B) Filed with the state registrar.

19 “(c) If the **birth** mother is a partner in a domestic partnership registered
20 by the state at the time of either conception or live birth, or between con-
21 ception and live birth, the name of the **birth** mother’s partner shall be en-
22 tered on the report of live birth as a parent of the child, unless parentage
23 has been determined otherwise by a court of competent jurisdiction.

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

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

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

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

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

13 **“SECTION 46.** ORS 432.098 is amended to read:

14 “432.098. (1) The Director of the Oregon Health Authority shall adopt by
15 rule a form of a voluntary acknowledgment of paternity that includes the
16 minimum requirements specified by the United States Secretary of Health
17 and Human Services. When the form is signed by both biological parents and
18 witnessed by a third party, the form establishes [*paternity*] **parentage** for all
19 purposes when filed with the State Registrar of the Center for Health Sta-
20 tistics, provided there is no [*male*] **second** parent already named in the re-
21 port of live birth. Establishment of [*paternity*] **parentage** under this section
22 is subject to the provisions and the requirements in ORS 109.070. When there
23 is no [*other male*] **second parent** named [*as father*] on the child’s record of
24 live birth, the filing of such voluntary acknowledgment of paternity form
25 shall cause the state registrar to place the name of the [*male*] parent who
26 has signed the voluntary acknowledgment of paternity form on the record
27 of live birth of the child or, if appropriate, establish a replacement for the
28 record containing the name of the child’s [*male*] parent, as that parent is
29 named in the voluntary acknowledgment of paternity form. When signed by
30 both parents in the health care facility of the child’s birth within five days

1 after the birth, the voluntary acknowledgment of paternity form is not a
2 sworn document. When thus signed, a staff member of the health care facility
3 shall witness the signatures of the parents. In all other circumstances, the
4 form is a sworn document. The filing of the voluntary acknowledgment of
5 paternity form created by this section is subject to the payment of any fees
6 that may apply.

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

8 “(a) A statement of rights and responsibilities including any rights af-
9 farded to a minor parent;

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

12 “(c) Instructions on how to file the form with the state registrar and in-
13 formation about any fee required;

14 “(d) Lines for the Social Security numbers and addresses of the parents;
15 and

16 “(e) A statement that the rights, responsibilities, alternatives and conse-
17 quences listed on the acknowledgment were read to the parties prior to
18 signing the acknowledgment.

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

25 **“SECTION 47.** ORS 432.103 is amended to read:

26 “432.103. A determination of paternity **or parentage** by another state is
27 entitled to full faith and credit.

28 **“SECTION 48.** ORS 432.245 is amended to read:

29 “432.245. (1) For a person born in this state, the State Registrar of the
30 Center for Health Statistics shall amend a record of live birth and establish

1 a replacement for the record if the state registrar receives one of the fol-
2 lowing:

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

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

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

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

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

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

26 “(4) When a replacement for a record of live birth is prepared, the city,
27 county and date of live birth must be included in the replacement. The re-
28 placement for the record must be substituted for the original record of live
29 birth. The original record of live birth and all evidence submitted with the
30 request or court order for the replacement for the record must be placed

1 under seal and is not subject to inspection, except upon the order of a court
2 of competent jurisdiction in this state or as provided by rule of the state
3 registrar.

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

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

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

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

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

1 “SECTION 49. ORCP 4 K is amended to read:

2 “K Certain marital and domestic relations actions.

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

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

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

21 “SECTION 50. ORS 109.030 is amended to read:

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

28 “SECTION 51. ORS 109.124 is amended to read:

29 “109.124. As used in ORS 109.124 to 109.230, unless the context requires
30 otherwise:

1 “(1) ‘Child attending school’ has the meaning given that term in ORS
2 107.108.

3 “(2) ‘Child born out of wedlock’ means a child born to an unmarried
4 [*woman*] **person** or to a married [*woman*] **person** by [*a man other than her*
5 *husband*] **another person who is not the person’s spouse**.

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

12 **“SECTION 52.** ORS 109.125 is amended to read:

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

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

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

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

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

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

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

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

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

30 “(B) The name of the mother’s [*husband*] **spouse** if the child is alleged

1 to be a child born to a married [*woman by*] **person and** a man other than
2 [*her*] **the mother's** [*husband*] **spouse**;

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

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

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

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

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

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

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

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

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

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

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

24 “(4) When a proceeding is initiated under this section and the child sup-
25 port rights of one of the parties or of the child at issue have been assigned
26 to the state, a true copy of the petition shall be served by mail or personal
27 delivery on the Administrator of the Division of Child Support of the De-
28 partment of Justice or on the branch office providing support services to the
29 county in which the suit is filed.

30 “(5) A [*man*] **person** whose [*paternity*] **parentage** of a child has been es-

1 tablished under [*ORS 109.070*] **section 2 of this 2017 Act** is a necessary
2 party to proceedings initiated under this section unless the [*paternity*] **par-**
3 **entage** has been disestablished before the proceedings are initiated.

4 **“SECTION 53. The amendments to ORS 25.020, 25.075, 25.082, 25.650,**
5 **25.750, 107.179, 107.425, 109.012, 109.030, 109.070, 109.072, 109.073, 109.092,**
6 **109.094, 109.096, 109.098, 109.103, 109.124, 109.125, 109.145, 109.155, 109.175,**
7 **109.239, 109.243, 109.247, 109.251, 109.252, 109.254, 109.259, 109.264, 109.315,**
8 **109.321, 109.326, 109.704, 112.105, 163.565, 180.320, 180.380, 192.535, 192.539,**
9 **416.400, 419A.004, 419B.395, 419B.839, 419B.875, 432.088, 432.098, 432.103**
10 **and 432.245 and ORCP 4 K by sections 2 to 52 of this 2017 Act apply to**
11 **establishments and disestablishments of parentage and parentage**
12 **proceedings made or commenced on or after the effective date of this**
13 **2017 Act.”.**

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