

VOLUNTARY ADOPTION REGISTRY

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109.425 Definitions for ORS 109.425 to 109.507. As used in this section and ORS 109.435 to 109.507:

(1) "Adoptee" means a person who has been adopted in the State of Oregon.

(2) "Adoption" means the judicial act of creating the relationship of parent and child where it did not exist previously.

(3) "Adoptive parent" means an adult who has become a parent of a child through adoption.

(4) "Adult" means a person 18 years of age or older.

(5) "Agency" means any public or private organization licensed or authorized under the laws of this state to place children for adoption.

(6) "Birth parent" is:

(a) The man or woman who is legally presumed under the laws of this state to be the father or mother of genetic origin of a child; and

(b) A putative father of the child if the birth mother alleges he is the father and the putative father, by written affidavit or surrender and release executed within three years of the relinquishment of the child by the birth mother or the termination of parental rights of the birth mother, acknowledges being the child's biological father.

(7) "Department" means the Department of Human Services.

(8)(a) "Genetic and social history" is a comprehensive report, when obtainable, of the health status and medical history of the birth parents and other persons related to the child.

(b) The genetic and social history may contain as much of the following as is available:

- (A) Medical history;
- (B) Health status;
- (C) Cause of and age at death;
- (D) Height, weight, eye and hair color;
- (E) Ethnic origins; and
- (F) Religion, if any.

(c) The genetic and social history may include the health status and medical history of:

- (A) The birth parents;
- (B) A putative father, if any;
- (C) Siblings to the birth parents, if any;
- (D) Siblings to a putative father, if any;
- (E) Other children of either birth parent, if any;
- (F) Other children of a putative father, if any;
- (G) Parents of the birth parents; and
- (H) Parents of a putative father, if any.

(9) "Health history" is a comprehensive report, when obtainable, of the child's health status and medical history at the time of placement for adoption, including neonatal, psychological, physiological and medical care history.

(10) "Putative father" is a man who, under the laws of this state, is not legally presumed to be the father of genetic origin of a child, but who claims or is alleged to be the father of genetic origin of the child.

(11) "Registry" is a voluntary adoption registry as established under ORS 109.450.

(12) "Successor agency" is an agency which has the adoption records of another agency because of the merger of the agency and the successor agency or because a former agency has ceased doing business and has given its adoption records to the successor agency as provided in ORS 109.435 (2). [1983 c.672 §2; 1989 c.372 §1; 1993 c.410 §1; 1995 c.79 §39; 1995 c.730 §7; 1997 c.130 §3; 1997 c.442 §1; 2001 c.900 §14]

Note: 109.425 to 109.507 and 109.990 (2) were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 109 by legislative action. See Preface to Oregon Revised Statutes for further explanation.

109.430 Policy for ORS 109.425 to 109.507. It is the policy of this state that adoption is based upon the legal termination of parental rights and responsibilities of birth parents and the creation of the legal relationship of parents and child between an adoptee and the adoptive parents. These legal and social premises underlying adoption must be maintained. The state recognizes that some adults who were adopted as children have a strong desire to obtain identifying information about their birth parents or putative father while other such adult adoptees have no such desire. The state further recognizes that some birth parents have a strong desire to obtain identifying information about their biological children who were adopted, while other birth parents have no such desire. The state fully recognizes the right to privacy and confidentiality of birth parents whose children were adopted, the adoptees and the adoptive parents. The purpose of ORS 7.211, 109.425 to 109.507 and 432.420 is to:

(1) Set up a voluntary adoption registry where birth parents, putative fathers and adult adoptees may register their willingness to the release of identifying information to each other;

(2) Provide for the disclosure of identifying information to birth parents and their genetic offspring through a social worker employed by a licensed adoption agency, if a birth parent or parents or putative father and the adult adoptee are registered;

(3) Provide for the transmission of nonidentifying health and social and genetic history of the adult adoptees, birth parents, putative fathers and other specified persons; and

(4) Provide for disclosure of specific identifying information to Indian tribes or governmental agencies when needed to establish the adoptee's eligibility for tribal membership or for benefits or to a person responsible for settling an estate that refers to the adoptee. [1983 c.672 §1; 1989 c.372 §5; 1995 c.79 §40; 1995 c.730 §8; 1997 c.442 §2]

Note: See note under 109.425.

109.435 Adoption records to be permanently maintained.

(1) All records of any adoption finalized in this state shall be permanently maintained by the Department of Human Services or by the agency arranging the adoption.

(2) If an agency which handles adoptions ceases to do business, the agency shall transfer the adoption records to the department or to a successor agency, if the agency gives notice of the transfer to the department. [1983 c.672 §3]

Note: See note under 109.425.

109.440 Information confidential; exceptions. (1) A person or agency may not disclose any confidential information relating to an adoption except as provided in subsection (2) of this section and ORS 109.425 and 109.435 to 109.507 or pursuant to a court order.

(2) The provisions of subsection (1) of this section do not apply when confidential information relating to an

international adoption is requested by the adult adoptee. [1983 c.672 §4; 1995 c.79 §41; 1995 c.730 §9; 2001 c.586 §1]

Note: See note under 109.425.

109.445 Information of registry confidential. (1) Notwithstanding any other provision of law, the information acquired by any voluntary adoption registry shall not be disclosed under any freedom of information legislation, rules or practice.

(2) A class action suit shall not be maintained in any court of this state to require the registry to disclose identifying information. [1983 c.672 §5]

Note: See note under 109.425.

109.450 Child placement agency to maintain registry; Department of Human Services duties. (1) A voluntary adoption registry shall be established and maintained by each agency or its successor agency. An agency may delegate or contract with another agency to establish, maintain and operate the registry for the delegating agency.

(2) The Department of Human Services shall establish, maintain and operate the registry for all adoptions not arranged through a licensed agency. The department may contract out the function of establishing, maintaining and operating the registry to another agency. The department may join a voluntary national or international registry and make its records available in the manner authorized by ORS 109.425 to 109.507. However, if the rules of disclosure of such a voluntary organization differ from those prescribed in ORS 109.425 and 109.435 to 109.507, ORS 109.425 and 109.435 to 109.507 shall prevail. [1983 c.672 §6; 1995 c.79 §42; 1995 c.730 §10]

Note: See note under 109.425.

109.455 Persons eligible to use registry. (1) As provided in ORS 109.475 and except as provided in

subsection (2) of this section, only a birth parent, adult adoptee, adult genetic sibling of an adoptee, adoptive parent of a deceased adoptee or parents or adult siblings of a deceased birth parent or parents may use the registry for obtaining identifying information about birth parents, putative fathers, adult adoptees and adult adoptee genetic siblings.

(2) An adult adoptee who has a genetic sibling in the adult adoptee's adoptive family who is under the age of 18 may not have access to the registry.

(3) A putative father may not have access to the registry.

(4) Birth parents, adult adoptees, adult genetic siblings of an adoptee, adoptive parent or parents of a deceased adoptee and parents or adult siblings of a deceased birth parent or parents shall work through the agency involved in the adoption, or its successor agency, or the Department of Human Services to receive information concerning the adoption. [1983 c.672 §7; 1989 c.372 §2; 1997 c.442 §3]

Note: See note under 109.425.

109.460 Persons eligible to register. (1) An adult adoptee, each birth parent, a putative father, an adult genetic sibling of an adoptee, an adoptive parent of a deceased adoptee and a parent or adult sibling of a deceased birth parent or parents may register by submitting a signed affidavit to the appropriate registry. The affidavit shall contain the information listed in ORS 109.465 and a statement of the registrant's willingness to be identified to the other relevant persons who register. The affidavit gives authority to the registry to release identifying information related to the registrant to the other relevant persons who register. Each registration shall be accompanied by the birth certificate of the registrant.

(2) An adoptee, or the parent or guardian of an adoptee under 18 years of age, may register to have specific

identifying information disclosed to Indian tribes or to governmental agencies in order to establish the adoptee's eligibility for tribal membership or for benefits or to a person settling an estate. The information shall be limited to a true copy of documents that prove the adoptee's lineage. Information disclosed in accordance with this subsection shall not be disclosed to the adoptee or the parent or guardian of the adoptee by the registry or employee or agency operating a registry nor by the Indian tribe, governmental agency or person receiving the information.

(3) Except as provided in ORS 109.475 (2), if a birth parent or an adoptee fails to file an affidavit with the registry for any reason, including death or disability, identifying information shall not be disclosed to those relevant persons who do register.

(4) Except as otherwise provided in ORS 109.503, a registry or employee or the agency operating a registry shall not contact or in any other way solicit any adoptee or birth parent to register with the registry. [1983 c.672 §8; 1989 c.372 §6; 1993 c.410 §10; 1997 c.442 §4]

Note: See note under 109.425.

109.465 Content of affidavit; notice of change in information. (1) The affidavit required under ORS 109.460 shall contain:

- (a) The current name and address of the registrant;
- (b) Any previous name by which the registrant was known;
- (c) The original or adopted names of the adopted child;
- (d) The place and date of birth of the adopted child, if known; and
- (e) The name and address of the agency, if known.

(2) The registrant shall notify the registry of any change in name or address which occurs after the registrant registers. Upon registering, the registry shall inform the registrant that the registrant has the responsibility to notify the registry of a change in address. The registry is not required to search for a registrant who fails to notify the registry of a change in address.

(3) A registrant may cancel the registrant's registration at any time by giving the registry written notice of the registrant's desires to so cancel. [1983 c.672 §9]

Note: See note under 109.425.

109.470 Continuing registration by birth parent or putative father. (1) When an adoptee reaches age 18, a birth parent of the adoptee, if the birth parent registered with the registry before the adoptee was age 18, shall notify the registry in writing only if the birth parent does not desire to continue the registration.

(2) When an adoptee reaches age 18, a putative father of the adoptee, if the putative father registered with the registry before the adoptee was age 18, shall notify the registry in writing only if the putative father does not desire to continue the registration.

(3) A registry shall notify a birth parent or putative father of this requirement when the birth parent or putative father initially registers. [1983 c.672 §10; 1989 c.372 §3; 1997 c.442 §5; 1999 c.650 §1]

Note: See note under 109.425.

109.475 Processing affidavits. (1) Upon receipt of the affidavit under ORS 109.460, the registry shall process each affidavit in an attempt to match the adult adoptee and the birth parents, the putative father, the adult genetic sibling, the adoptive parent of a deceased adoptee or the parents or adult sibling of a deceased birth parent or parents. The processing shall include

research from agency records, and if necessary from court records, to determine whether the registrants match.

(2) If the registry determines there is a match and if the relevant persons have registered with the registry and received the counseling required by ORS 109.480, notification of the match may be given by a registry to only:

(a) A birth parent or parents of an adult adoptee and an adult adoptee;

(b) The adult genetic siblings of an adult adoptee if the birth parent or parents are deceased;

(c) Adult adoptee genetic siblings who have been adopted by different adoptive families and have no knowledge of their birth parents;

(d) At the discretion of the agency operating the registry, parents or adult siblings of the birth parent or parents if the birth parent or parents are deceased; or

(e) At the discretion of the agency operating the registry, the adoptive parent or parents of a deceased adoptee.

(3) Notification of a match to the relevant parties shall be made through a direct and confidential contact. [1983 c.672 §11; 1997 c.442 §6]

Note: See note under 109.425.

109.480 Counseling of registrant. (1) Upon the determination of a match but before identifying information is disclosed, the registrant shall, at the discretion of the agency operating the registry, participate in counseling:

(a) With a social worker employed by the registry; or

(b) If the registrant is domiciled outside the state, with a social worker in that state who is selected by the registry.

(2) The counseling required under subsection (1) of this section shall place an emphasis on an evaluation of the need for and the effect of the information or contact on the genetic family members and the relationships within the adoptive family. [1983 c.672 §12]

Note: See note under 109.425.

109.485 Registry information to be maintained permanently. Any affidavits filed and other information collected by a registry shall be permanently maintained. [1983 c.672 §13]

Note: See note under 109.425.

109.490 Limits on releasing information. A registry shall release only information necessary for identifying a birth parent, a putative father, an adult adoptee or an adult genetic sibling, and shall not release information of any kind pertaining to:

(1) The adoptive parents;

(2) The siblings to the adult adoptee who are children of the adoptive parents; and

(3) The income of any person. [1983 c.672 §14; 1997 c.442 §7]

Note: See note under 109.425.

109.495 Registrant fee. Costs of establishing and maintaining a registry may be met through reasonable fees charged to all persons who register. [1983 c.672 §15; 1999 c.650 §2]

Note: See note under 109.425.

109.500 Genetic, social and health history; availability; fee. (1) A genetic and social history and health history which excludes information identifying any birth parent or putative father, member of a birth parent's or putative father's family, the adoptee or the adoptive parents of the adoptee, may be provided, if available, from an agency upon request to the following persons:

(a) The adoptive parents of the child or the child's guardian;

(b) The birth parent of the adoptee;

(c) An adult adoptee; and

(d) In the event of the death of the adoptee:

(A) The adoptee's spouse if the spouse is the birth parent of the adoptee's child or the guardian of any child of the adoptee; or

(B) Any progeny of the adoptee who is 18 years of age or older.

(2) The medical history part of the report mentioned in subsection (1) of this section may be in the form prescribed by the Department of Human Services under ORS 109.342.

(3) The agency may charge the person requesting the information requested under subsection (1) of this section the actual cost of providing such information. [1983 c.672 §16; 1989 c.372 §4; 1997 c.442 §8]

Note: See note under 109.425.

109.502 Search for birth parents, putative father or genetic siblings; who may initiate; information required; fee. (1)(a) An adult adoptee or the adoptive parent of a minor or deceased adoptee may request that the Department of Human Services or the Oregon licensed adoption agency that facilitated the adoption conduct a search for the adoptee's birth parents, putative father

or, except as otherwise provided in ORS 109.504 (1), for the adoptee's genetic siblings.

(b) A birth parent, an adult genetic sibling of an adoptee or the parent or adult sibling of a deceased birth parent may request the department or the Oregon licensed adoption agency that facilitated the adoption to conduct a search for an adult adoptee whom the birth parent relinquished for adoption.

(c) A person requesting a search under paragraph (a) or (b) of this subsection shall direct the request for the search to the Oregon licensed adoption agency that facilitated the adoption. If the Oregon licensed adoption agency that facilitated the adoption is not conducting searches or has not been authorized by the department to conduct searches, the person shall direct the request to the department.

(2) At the time of a request to conduct a search under this section, the requester shall provide the department or the Oregon licensed adoption agency that facilitated the adoption with such information as the department or the Oregon licensed adoption agency requires. The person requesting the search must be registered with a registry established under ORS 109.450.

(3)(a) If the person has requested the department to conduct a search, upon payment by the requester of a fee established by rule under ORS 109.506, the department shall instruct an Oregon licensed adoption agency to conduct the search.

(b) If the Oregon licensed adoption agency that facilitated the adoption meets the standards established by rule under ORS 109.506, upon payment by the requester of a fee established by rule under ORS 109.506, the Oregon licensed adoption agency shall conduct the search. [1993 c.410 §3; 1995 c.730 §12; 1997 c.442 §9]

Note: See note under 109.425.

109.503 Access to adoption records for search; duties of searcher. (1) When the Department of Human Services or an Oregon licensed adoption agency has been instructed to conduct a search, the department or an Oregon licensed adoption agency may examine adoption records maintained by the department and by private adoption agencies under ORS 109.435. However, the department or an Oregon licensed adoption agency may examine the adoption records of a private adoption agency only if the private adoption agency allows the examination. The department or an Oregon licensed adoption agency shall keep the records and information located in the records confidential.

(2) If the department or an Oregon licensed adoption agency is able to identify and locate the person being sought, the department or an Oregon licensed adoption agency shall make a confidential inquiry of that person to determine whether the person wishes to make contact with the person requesting the search. The department or an Oregon licensed adoption agency shall make the inquiry in person if possible. If the reason the person is requesting the search is because there is a serious medical condition in the person's immediate family that is, or may be, an inheritable condition and the person being sought is biologically related to the ill person, the department or the Oregon licensed adoption agency shall inform the person being sought of that fact.

(3)(a) If the person being sought wishes to make contact with the person requesting the search, the department or an Oregon licensed adoption agency shall:

(A) Tell the person about the voluntary adoption registry under ORS 109.435 to 109.507 and that any contact will be made through the registry and its provisions and shall give the person any information and forms necessary to register;

(B) Notify the voluntary adoption registry that the person being sought has been identified and located and has indicated that the person wishes to make contact; and

(C) Return all materials and information obtained during the search to the department or agency responsible for maintaining the information.

(b) If the person being sought has indicated a wish to make contact and has not registered with the voluntary adoption registry within 90 days after the confidential inquiry was made, the department or an Oregon licensed adoption agency, where practicable, shall contact the person to offer forms and materials to register and to determine if the person still intends to register.

(4) If the person being sought does not wish to make contact with the person requesting the search, the department or an Oregon licensed adoption agency shall:

(a) Tell the person about the voluntary adoption registry under ORS 109.435 to 109.507;

(b) Notify the voluntary adoption registry that the person being sought has been identified, located and has indicated that the person does not wish to make contact; and

(c) Return all materials and information obtained during the search to the department or agency responsible for maintaining the information.

(5) If the department or an Oregon licensed adoption agency is unable to identify and locate the person being sought, the department or an Oregon licensed adoption agency shall notify the voluntary adoption registry of that fact.

(6) Upon receiving notice under subsection (3)(a)(B), (4)(b) or (5) of this section, the voluntary adoption registry shall:

(a) Enter the information into its records; and

(b) Notify the person requesting the search only that the person being sought has or has not been located, and either:

(A) Has indicated a wish to make contact and has been given information and forms necessary to register; or

(B) Has indicated a wish not to make contact. [1993 c.410 §4; 1995 c.79 §43; 1995 c.730 §13; 1997 c.442 §10]

Note: See note under 109.425.

109.504 Effect on subsequent searches when person sought in initial search refuses contact. (1) If an adult adoptee or the adoptive parent of a minor or deceased adoptee has initiated a search under ORS 109.502, the fact that the person being sought in the original search does not wish to make contact does not prevent the adult adoptee or the adoptive parent from requesting another search for a birth parent or putative father not previously contacted. An adult adoptee or the adoptive parent of a minor or deceased adoptee may not request a search for a genetic sibling of the adoptee if there was a previous search for a birth parent of the adoptee and the birth parent did not want to make contact with the adult adoptee or adoptive parent.

(2) The adult adoptee or adoptive parent of a minor or deceased adoptee shall request the search by repeating the process set out in ORS 109.502 and by paying the fees established by the Department of Human Services pursuant to ORS 109.506. [1993 c.410 §5; 1997 c.442 §11]

Note: See note under 109.425.

109.505 Support services; adoption and reunion issues. Information about agency and community resources regarding psychological issues in adoption and reunion shall be provided:

(1) By the Department of Human Services or an Oregon licensed adoption agency to all persons requesting a search under ORS 109.502; and

(2) By the department or an Oregon licensed adoption agency only to those persons the department or an Oregon licensed adoption agency identifies and locates as the result of a search under ORS 109.503 and who express a wish to receive information. [1993 c.410 §6; 1995 c.730 §14]

Note: See note under 109.425.

109.506 Rulemaking; fees. The Department of Human Services by rule shall establish:

(1) Eligibility standards for Oregon licensed adoption agencies that conduct searches under ORS 109.503;

(2) Standards of conduct for Oregon licensed adoption agencies that conduct searches under ORS 109.503;

(3) Contracting procedures for Oregon licensed adoption agencies that conduct searches under ORS 109.503;

(4) Search procedures to be followed by Oregon licensed adoption agencies that conduct searches under ORS 109.503; and

(5) Fees to be paid by persons requesting a search under ORS 109.502. Fees authorized under this section include:

(a) A fee to be paid to the department or an Oregon licensed adoption agency to cover all costs incurred in the search; and

(b) A fee to be paid to the department or an Oregon licensed adoption agency to cover the administrative costs incurred in administering the search program. [1993 c.410 §7; 1995 c.730 §15; 1999 c.650 §3]

Note: See note under 109.425.

109.507 Access to Department of Human Services records required; access to private agency records discretionary. (1) The Department of Human Services shall allow an Oregon licensed adoption agency to

examine confidential adoption records maintained by the department as part of a search conducted under ORS 109.503.

(2) A private adoption agency may allow the department or an Oregon licensed adoption agency to examine confidential adoption records maintained by the agency as part of a search conducted under ORS 109.503. [1993 c.410 §8; 1995 c.730 §16]

Note: See note under 109.425.