Senate Bill 623:
New Filing Requirements for Adoption Cases

Prior to 1/1/14, all adoption records were sealed and disclosure was only allowed pursuant to a court order. Senate Bill 623 allows the court to disclose adoption court records in certain circumstances without a court order subject to segregation and redaction requirements.

When sorting through adoption records, which documents you segregate will depend on who is requesting them. Court staff, judges (and those acting at their direction), Petitioner, Petitioner's attorney and DHS can view the entire court file without a court order. An adult adoptee can view the entire court file with the exception of the home study (or evidence of home study approval or waiver), without a court order. Last, an individual or entity who has signed a document in a court record may get a copy of that document with all other signatures (and printed names under signatures) redacted, without a court order, with the exception of biological parents who have surrendered their rights to DHS or whose rights have been terminated. All other persons must obtain a court order to view the adoption records.

The following table summarizes new filing requirements for adoption cases, including what must be provided in the petition, a new Adoption Summary and Segregated Information Statement (ASSIS) form, and the required exhibits for each. The ASSIS and related exhibits should be separated in the court file, much in the same way the "Confidential Information Form" is separated in domestic relations cases. Please see the accompanying technical assistance document, "Senate Bill 623: Summary of Records Release Requirements in Court Adoption Cases" for more information about which court records can be released, and new redaction requirements for courts.

Summary of Filing requirements for adoption cases filed after 1/1/14: *Courts are required to segregate the ASSIS, home study, adoption report and medical history from the other adoption records.*	
Petition must contain: • Petitioner's full name • Petitioner's length of residency in the state • Petitioner's marital/domestic partnership status • Explanatory statement as to why petitioner is of sufficient ability to bring up the minor child • Information regarding jurisdictional and venue requirements • Full name, sex, and date and place of birth of child • Marital/domestic partnership status of biological mother at time of conception, at date of birth, and during the 300 days prior to the date of birth.	**Adoption Summary and Segregated Information Statement (ASSIS) must contain:** • Name, address, and phone number of petitioner • Current name and proposed name and the date and place of birth of minor child • Names, addresses and phone numbers of any person whose consent is required. • Name and relationship of any person or entity for whom the written consent requirement is waived, or whose written consent may be substituted

- Statement re: ICWA
- If ICWA applies, efforts to notify the tribe and comply with placement preferences
- Name and relationship of all persons who have signed a written release or surrender and date of release
- Name and relationship of any person who has given written consent and date of consent
- Name and relationship of any person or entity for whom the written consent requirement is waived, or whose written consent may be substituted
- Name and relationship of all persons who have signed a written certificate of irrevocability and waiver under ORS 109.312(2)
- Statement about how petitioner obtained physical custody of the child, date of placement, and the name/relationship of person/entity who placed child
- Length of time the child has been in the physical custody of the petitioner or reason why not in custody and expected date of physical custody
- Whether there is a continuing contact agreement including names and dates
- Statement regarding advisement of voluntary registry
- Statement regarding notice of right to counseling sessions
- Statement re: UCCJEA has been provided in ASSIS
- Statement re: ICPC
- Statement re: home study
- Petitioner's request (see section (5)(2))

Exhibits:

- Written release/surrender/disclaimer of parental rights
- Written consent to adoption
- Certificate of irrevocability and waiver
- Continuing contact agreement (adoptive and biological parent)
- Written disclosure statement (adoption expenses)
- Any other supporting documentation.

- UCCJEA information:
  - Child's present address or whereabouts;
  - The places where the child has lived during the last five years
  - The names and present addresses of the persons with whom the child has lived during that period;
  - Statement regarding participation in other custody or parenting time proceedings and identification of those proceedings;
  - Statement regarding any other proceeding that may affect the current proceeding and identity of court, case number and nature of proceeding;
  - Statement regarding whether any person not a party to the proceeding has physical custody of the child or claims rights of legal or physical custody, parenting time or visitation with the child along with names and addresses of those persons.
- Name, address and phone number of any adoption agency that will be consenting
- Name, bar number and contact information of petitioner's attorney and attorney for person whose consent is required
- Identification of the type of adoption

ASSIS Exhibits:

- Home study or evidence home study has been approved or waiver
- Adoption report
- Medical history of minor child and biological parents