



Senate Bill 623 (2013) and Senate Bill 1536 (2014): Summary of Records Release Requirements in Court Adoption Cases

Generally speaking, adoption records shall be kept “sealed” as a separate record apart from the general records of the court. Senate Bill 623, effective 1/1/14, allows certain parties to “inspect and copy” court adoption records without a court order. The following table outlines when the court can allow inspection and copying of records without a court order, which documents can’t be disclosed, and what information has to be redacted. The new law applies to all adoption case court records involving minors, filed before and after the effective date of the act.

Who	Without a Court Order	Court Order Required	Redaction Required	Documents Excluded
Court/Court Staff	X			
Petitioner and Petitioner’s attorney	X			
DHS	X			
Adopted person (Access allowed after entry of judgment and after person has turned 18)	X (may disclose everything but home study without a court order)	X (Court must find good cause exists to enter order allowing disclosure of home study)		<u>Home study unless good cause is found by court to disclose.</u> If there is no home study because written evidence of home study approval, or a waiver of the home study was submitted to the court, that document is also exempt from disclosure.
An individual or entity who has signed a document in the court record (except parents whose rights have been terminated or who have surrendered rights to DHS).	X (may disclose signed document only)	X (all other documents not signed by the person requesting disclosure)	Must redact the signature and the printed name below signature, of any other individual or entity contained in that document.	All other documents not signed by the requesting party.

Who	Without a Court Order	Court Order Required	Redaction Required	Documents Excluded
<p>Individuals whose consent for the adoption is required under ORS 109.312 (typically the biological parent) <u>Access allowed after entry of judgment and after adopted child has turned 18.</u></p>		<p>X Court shall grant the motion <u>except</u> for good cause.</p>	<p><u>For cases filed prior to 1/1/14:</u> (1) UCCJEA information required by ORS 109.767 if it's provided in a document that's otherwise subject to disclosure (e.g., petition); (2) addresses, phone numbers and social security numbers of: <u>petitioner, child, and person whose consent was required/waived/substituted for</u> (e.g., parent)</p>	<p>ASSIS, home study, report of adoption, medical history.</p> <p><u>For cases filed prior to 1/1/14:</u> UCCJEA information required by ORS 109.767 if it's provided as a separate document. Otherwise, the UCCJEA information should be redacted.</p>
<p>Parents whose rights have been terminated pursuant to ORS 419B.500 or who have surrendered rights to DHS under ORS 418.270. <u>Access allowed after entry of judgment and after adopted child has turned 18.</u></p>		<p>X Court may grant the motion for good cause.</p>	<p>Name, address, social security number and other identifying information of any individual or entity other than the parent. <u>For cases filed prior to 1/1/14:</u> UCCJEA information required by ORS 109.767 if it's provided in a document that's otherwise subject to disclosure (e.g., petition).</p>	<p>ASSIS, home study, report of adoption, medical history.</p> <p><u>For cases filed prior to 1/1/14:</u> UCCJEA information required by ORS 109.767 if it's provided as a separate document. Otherwise, the UCCJEA information should be redacted.</p>

Who	Without a Court Order	Court Order Required	Redaction Required	Documents Excluded
Any other person not already mentioned		<p style="text-align: center;">X</p> <p>Court must find good cause exists to disclose records.</p> <p><u>Practice tip:</u> set forth which documents are to be disclosed in the order. The ASSIS, home study, adoption report, and medical history are the most sensitive.</p>		<p>Court may exclude ASSIS, exhibits and any other documents he or she finds should be withheld. Court staff should review the terms of the order to determine which documents to disclose.</p>

In addition:

1. When the court grants a motion to inspect, copy or otherwise disclose, the court shall order a prohibition or limitation on re-disclosure of the records unless good cause is shown.
2. When inspection, copying or disclosure is allowed, the court may require appropriate and reasonable verification of the identity of the requesting person to the satisfaction of the court.
3. The court may impose and collect fees for copies and services for segregation and redaction, including but not limited to filing, inspection and research fees. These fees are established by Chief Justice Order.