



## Petition and ASSIS Requirements Adoption and Readoption ORS 109.304 – ORS 109.385

Prior to 1/1/14, all adoption records were sealed and disclosure was only allowed pursuant to a court order. Laws passed in the last few years have relaxed the adoption records restrictions. (Senate Bill 623 (2013), SB 1536 (2014)) Current law allows the court to disclose adoption court records in certain circumstances without a court order subject to segregation and redaction requirements. In 2015, the Legislature passed HB 2365 and HB 2366, clarifying laws related to filing requirements for adoptions, and creating requirements for readoptions (when a child was previously adopted in a foreign country).

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;
- 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; and
- All other persons must obtain a court order to view the adoption records.

The following table summarizes the current filing requirements for adoption and readoption cases, including what must be provided in the petition, the 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, "Records Release Requirements for Adoption and Readoption" for more information about which court records can be released, and 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.*

Quick reminder about readoption petitions:

#### **A petition for readoption is exempt from any requirement for one or more of the following:**

- ❖ Compliance with consent requirements under ORS 109.321 to 109.330
- ❖ Statement that the requirements of ORS 109.353 have been met (voluntary adoption registry)
- ❖ Statement that the requirements of ORS 109.346 have been met (counseling)
- ❖ Provision of a placement report under ORS 109.309(8).

<b>Petition</b>	<b>Adoption 109.315, 109.317</b>	<b>Readoption ORS 109.385</b>
• Petitioner's full name	<b>X</b>	<b>X</b>
• Petitioner's length of residency in the state	<b>X</b>	
• Petitioner's marital/domestic partnership status	<b>X</b>	<b>X</b>
• Explanatory Statement as to why petitioner is of sufficient ability to bring up the minor child	<b>X</b>	
• Information regarding jurisdiction and venue requirements	<b>X</b>	<b>X</b>
• Full name, gender, and date and place of birth of child	<b>X</b>	
• Full birth name, gender, adoptive name and any other alias of the person to be readopted		<b>X</b>
• 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	<b>X</b>	
• A statement of the place and date of the person's birth in the foreign nation		<b>X</b>
• A statement that the foreign adoption is legal and valid under the laws of the nation in which the adoption occurred and the date of the adoption		<b>X</b>
• Statement that the person's entry into the United State has complied with applicable federal immigration laws		<b>X</b>
• Statement that a home study was completed and approved prior to the foreign nation adoption		<b>X</b>
• Statement RE: ICWA <ul style="list-style-type: none"> <li>○ If ICWA applies, efforts to notify the tribe and comply with placement preferences</li> </ul>	<b>X</b>	<b>X</b>
• Whether there is a continuing contact agreement under ORS 109.305 or a similar law applicable to the nation where the adoption occurred, including names and dates	<b>X</b>	<b>X</b>
• Statement of desired new adoptive name		<b>X</b>
• If applicable, a statement that the birth date listed on the person's foreign nation birth documents is believed to be inaccurate and a description of the evidence that supports this belief		<b>X</b>
• Statement requesting a certificate of adoption		<b>X</b>
• Name and relationship of all persons who have signed a written release or surrender and date of release	<b>X</b>	
• Name and relationship of any person who has given written consent and date of consent	<b>X</b>	
• Name and relationship of any person or entity for whom the written consent requirement is waived, or whose written consent may be substituted	<b>X</b>	
• Name and relationship of all persons who have signed: a written certificate of irrevocability and waiver under ORS 109.312(2); or a written certificate stating that a release or surrender under ORS 418.270(4) shall become irrevocable as soon as the child is placed for the purpose of adoption	<b>X</b>	
• Statement about how petitioner obtained physical custody of the child, date of placement, and the name/relationship of person/entity who placed child	<b>X</b>	
• 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	<b>X</b>	
• Statement regarding advisement of voluntary registry	<b>X</b>	
• Statement regarding notice of right to counseling sessions	<b>X</b>	
• Statement re: UCCJEA has been provided in ASSIS	<b>X</b>	
• Statement re: ICPC	<b>X</b>	
• Statement re: home study, unless waived	<b>X</b>	
• Petitioner's signature and declaration made under penalty of perjury that the petition, and the information and statements contained in the petition, are true to the best of the petitioner's knowledge	<b>X</b>	
• Findings and petitioner's requests (see 109.315(2) or ORS 109.385 (8))	<b>X</b>	<b>X</b>

<b>Petition Exhibits</b>	<b>Adoption 109.315, 109.317</b>	<b>Readoption ORS 109.385</b>
• Written release/surrender/disclaimer of parental rights	<b>X</b>	
• Written consent to adoption	<b>X</b>	
• Certificate of irrevocability and waiver	<b>X</b>	
• Continuing contact agreement (adoptive and biological parent)	<b>X</b>	
• Written disclosure statement (adoption expenses), under 109.311, if applicable	<b>X</b>	<b>X</b>
• True copies of the foreign nation birth certificate of the person to be readopted, accompanied by an English translation, if necessary		<b>X</b>
• True copies of the foreign nation adoption decree, order, judgment, certificate or similar document accompanied by an English translation, if necessary		<b>X</b>
• True copies of foreign nation passport and proof of legal residency in the United States for the person sought to be readopted		<b>X</b>
• If applicable, a true copy of any continuing contact agreement entered into under ORS 109.305 or a similar law applicable to the nation where the foreign nation adoption occurred		<b>X</b>
• Any other supporting documentation.	<b>X</b>	<b>X</b>
<b>ASSIS</b>	<b>Adoption 109.315, 109.317</b>	<b>Readoption ORS 109.385</b>
• Name, address, and phone number of petitioner	<b>X</b>	<b>X</b>
• Current full name and proposed name and the date and place of birth of minor child	<b>X</b>	<b>X</b>
• Names, addresses and phone numbers of any person whose consent is required	<b>X</b>	
• Name and relationship of any person or entity for whom the written consent requirement is waived, or whose written consent may be substituted	<b>X</b>	
• UCCJEA information, except that, when the Department of Human Services or an approved child-caring agency has placed a minor child with a foster parent, this information is limited to the county and state of placement. Other information is required: <ul style="list-style-type: none"> <li>○ Child's present address or whereabouts;</li> <li>○ The places where the child has lived during the last five years;</li> <li>○ The names and present addresses of the persons with whom the child has lived during that period;</li> <li>○ Statement regarding participation in other custody or parenting time proceedings and identification of those proceedings;</li> <li>○ Statement regarding any other proceeding that may affect the current proceeding and identity of court, case number and nature of proceeding;</li> <li>○ 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.</li> </ul>	<b>X</b>	<b>X</b>
• Name, address and phone number of any adoption agency that will be consenting	<b>X</b>	
• Name, bar number and contact information of petitioner's attorney and attorney for person whose consent is required	<b>X</b>	<b>X</b>
• Identification of the type of adoption.	<b>X</b>	
<b>ASSIS Exhibits</b>	<b>Adoption 109.315, 109.317</b>	<b>Readoption ORS 109.385</b>
• Home study or evidence home study has been approved or waived	<b>X</b>	<b>X</b>
• Adoption report	<b>X</b>	<b>X</b>
• Medical history of minor child and biological parents	<b>X</b>	