

A-Engrossed
Senate Bill 597

Ordered by the House May 30
Including House Amendments dated May 30

Sponsored by Senator BROWN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Expands category of persons who may enter into written agreements with adoptive parents to continue contact with adopted child to include birth relatives. **Provides that if child is 14 years of age or older, agreements to continue contact may not be entered into without consent of child.** Provides that Department of Human Services is not responsible for costs associated with making agreement. [*Specifies that working on agreement does not constitute good cause for delaying juvenile court proceeding.*]

A BILL FOR AN ACT

1
2 Relating to adoptions; amending ORS 109.305.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 109.305 is amended to read:

5 109.305. (1) The rule that statutes in derogation of common law are to be strictly construed does
6 not apply to the adoption laws of this state.

7 [(2) *Nothing in the adoption laws of this state shall be construed to prevent the adoptive parents,*
8 *the birth parents and the child from entering into a written agreement, approved by the court, to permit*
9 *continuing contact between the birth relatives and the child or the adoptive parents. As used in this*
10 *subsection, "birth relatives" includes birth parents, grandparents, siblings and other members of the*
11 *child's birth family.*]

12 **(2) An adoptive parent and a birth parent may enter into a written agreement, approved**
13 **by the court, to permit continuing contact between the birth relatives and the child or**
14 **adoptive parents.**

15 **(3) If the child is within the jurisdiction of the juvenile court under ORS 419B.100, an**
16 **adoptive parent and a birth relative may enter into a written agreement, approved by the**
17 **court, to permit continuing contact between the birth relatives and the child or adoptive**
18 **parents. A birth relative that enters into an agreement under this subsection must have**
19 **established emotional ties creating an ongoing personal relationship, as defined in ORS**
20 **109.119, with the child. If the child is under one year of age, the ongoing personal relationship**
21 **between the birth relative and the child must have continued for at least half of the child's**
22 **life.**

23 **(4) If the child is 14 years of age or older, an agreement made under this section may**
24 **not be entered into without the consent of the child.**

25 **(5) As used in this section, "birth relative" includes a birth parent, grandparent, sibling**
26 **and other member of the child's birth family.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **(6) The court may show approval of an agreement made under this section by incorpor-**
2 **ating the agreement by reference and indicating the court's approval of the agreement in**
3 **the adoption judgment.**

4 [(3)] **(7)** Failure to comply with the terms of an agreement made under [*subsection (2) of*] this
5 section is not grounds for setting aside an adoption judgment or revocation of a written consent to
6 an adoption.

7 [(4)(a)] **(8)(a)** An agreement made under [*subsection (2) of*] this section may be enforced by a civil
8 action. However, before a court may enter an order requiring compliance with the agreement, the
9 court must find that the party seeking enforcement participated, or attempted to participate, in good
10 faith in mediating the dispute giving rise to the action prior to filing the civil action.

11 (b) The court may modify an agreement made under [*subsection (2) of*] this section if the court
12 finds that the modification is necessary to serve the best interests of the adopted child, that the
13 party seeking modification participated, or attempted to participate, in good faith in mediation prior
14 to seeking modification of the agreement and that:

15 (A) The modification is agreed to by all parties to the original agreement; or

16 (B) Exceptional circumstances have arisen since the parties entered into the agreement that
17 justify modification of the agreement.

18 **(9) The Department of Human Services is not responsible for any costs associated with**
19 **an agreement described in subsection (3) of this section.**

20