

**Enrolled  
Senate Bill 597**

Sponsored by Senator BROWN

CHAPTER .....

AN ACT

Relating to adoptions; amending ORS 109.305.

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

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

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

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

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

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

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

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

**(6) The court may show approval of an agreement made under this section by incorporating the agreement by reference and indicating the court's approval of the agreement in the adoption judgment.**

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

*[(4)(a)]* **(8)(a) An agreement made under [subsection (2) of] this section may be enforced by a civil action. However, before a court may enter an order requiring compliance with the agreement, the**

court must find that the party seeking enforcement participated, or attempted to participate, in good faith in mediating the dispute giving rise to the action prior to filing the civil action.

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

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

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

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

**Passed by Senate April 12, 2007**

**Received by Governor:**

**Repassed by Senate June 14, 2007**

.....M.,....., 2007

**Approved:**

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Secretary of Senate

.....M.,....., 2007

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President of Senate

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Governor

**Passed by House June 8, 2007**

**Filed in Office of Secretary of State:**

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Speaker of House

.....M.,....., 2007

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Secretary of State