

# House Bill 3057

Sponsored by Representatives ELMER, BOICE (at the request of Sharolyn Smith, Oregon Right to Life) (Presession filed.)

## 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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells DHS to create an adoption awareness program. (Flesch Readability Score: 61.3).

Directs the Department of Human Services to establish the Adoption Awareness Program to be administered by a nonprofit organization or agency.

## A BILL FOR AN ACT

1  
2 Relating to adoption awareness.

3 Whereas it is the policy of this state to encourage the formation and maintenance of two-parent  
4 families; and

5 Whereas it is necessary for the state to educate its citizens and promote awareness of contem-  
6 porary adoption practices; and

7 Whereas the state should ensure the availability of accurate information about adoption ser-  
8 vices; now, therefore,

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

10 **SECTION 1. (1) As used in this section:**

11 (a) **“Agency adoption” means an adoption facilitated by an Oregon licensed adoption**  
12 **agency.**

13 (b) **“Birth parent” means a person who has placed the person’s child for adoption.**

14 (c) **“Expectant parent” means a person who is pregnant or the biological parent of the**  
15 **unborn child of a pregnant person.**

16 (d) **“Home study” has the meaning given that term in ORS 109.266.**

17 (2) **The Department of Human Services shall establish the Adoption Awareness Program.**  
18 **The department shall contract with a nonprofit organization or agency to administer the**  
19 **program. The nonprofit organization or agency must:**

20 (a) **Be in good standing with the Secretary of State and registered to do business in this**  
21 **state;**

22 (b) **Be capable of providing, directly or through subcontractors, the services described in**  
23 **this section; and**

24 (c) **Not be an abortion provider or an entity that promotes, refers for or assists pregnant**  
25 **persons in obtaining abortions.**

26 (3) **The program administrator shall provide the following resources and services:**

27 (a) **Marketing to provide awareness of adoption and specific adoption resources available**  
28 **in this state, including the creation of printed brochures and a website providing information**  
29 **on adoption and a directory of licensed adoption agencies that facilitate agency adoptions;**

**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 (b) A telephone hotline that provides information about adoption resources and services,  
2 including:

3 (A) Information about the adoption process and the practical aspects of adoption that are  
4 pertinent to an expectant parent;

5 (B) Contact information for resources and support that are available for expectant par-  
6 ents, birth parents and adopted children;

7 (C) The rights and legal protections for expectant parents considering placing a child for  
8 adoption and birth parents; and

9 (D) Contact information for licensed adoption agencies in this state; and

10 (c) Adoption education and training resources for doctors, nurses, hospitals, medical  
11 clinics, birthing centers and pregnancy resource centers, including, at a minimum:

12 (A) A directory of professionals and organizations that serve pregnant persons and pro-  
13 vide support for a pregnant person considering placing a child for adoption;

14 (B) A directory of licensed adoption agencies in this state that can facilitate the place-  
15 ment of a child for adoption; and

16 (C) Suggested best practices for how to discuss the adoption process and the available  
17 adoption resources and support with expectant parents.

18 (4) The department shall provide copies of the marketing materials developed by the  
19 program administrator under subsection (3) of this section to:

20 (a) Public health offices;

21 (b) High schools and middle schools;

22 (c) Charitable clinics where a diagnosis of pregnancy may be made;

23 (d) Persons obtaining testing through public health offices for sexually transmitted in-  
24 fections;

25 (e) Pregnant persons applying for Medicaid; and

26 (f) Parents of children in the care or custody of the department.

27 (5) To be eligible to receive services from the program, an expectant parent or a birth  
28 parent must be a resident of this state and an individual who meets at least one of the fol-  
29 lowing criteria:

30 (a) A biological parent of an unborn child;

31 (b) A parent of a child under two years of age;

32 (c) A parent of a child in the care or custody of the department; or

33 (d) A parent of a minor child who is the biological parent of an unborn child.

34 (6) The department shall adopt by rule a process for the program to provide reimburse-  
35 ments to:

36 (a) Prospective adoptive parents for expenses associated with the adoption process, in-  
37 cluding expenses incurred to qualify as a foster parent or respite provider and for home  
38 studies; and

39 (b) Birth parents and expectant parents for expenses incurred for any counseling services  
40 that are required for an adoption to be approved by the court.

41 (7) The program administrator shall submit monthly reports to the department describ-  
42 ing:

43 (a) The number of individuals who obtained services from the program;

44 (b) The number and types of services provided by the program; and

45 (c) The number and types of referrals made by the program.

1 (8) The department shall submit a report in the manner provided by ORS 192.245 to the  
 2 interim committees of the Legislative Assembly related to human services no later than  
 3 September 15 of each even-numbered year summarizing the information reported to the de-  
 4 partment under subsection (7) of this section, after redacting any private medical informa-  
 5 tion and any other privileged information associated with expectant parents, birth parents,  
 6 unborn children and any other children served by the program.

7 (9) The department's contract with the program administrator must:

8 (a) Allow the program administrator to use program moneys for:

9 (A) Expenses necessary to provide the services described in this section;

10 (B) A marketing campaign within this state to promote adoption;

11 (C) Administrative overhead and other indirect costs associated with the program; and

12 (D) Administrative expenses related to administrative overhead and other indirect ex-  
 13 penses if the administrative expenses are approved by the department and do not exceed 15  
 14 percent of the total moneys distributed to the program by the department.

15 (b)(A) Require the department to distribute moneys to the program to cover the  
 16 program's anticipated quarterly expenses in advance on a quarterly basis;

17 (B) Require the program administrator to provide the department with a reconciliation  
 18 of the program's actual quarterly expenses with the anticipated quarterly expenses no later  
 19 than 10 days following the end of the quarter; and

20 (C) Direct the department to offset any difference between the anticipated and actual  
 21 quarterly expenses identified by the program administrator against future quarterly distrib-  
 22 utions.

23 (10)(a) The department may not require the program administrator or its employees to  
 24 violate rights guaranteed by the First Amendment to the United States Constitution or Ar-  
 25 ticle I, section 8, of the Oregon Constitution.

26 (b) The program administrator and its employees may refuse to offer information or  
 27 services regarding reproductive health care, as defined in ORS 435.190, to program partic-  
 28 ipants to the extent that providing the information or services is contrary to the personal  
 29 or religious beliefs of the program administrator or employee. Notwithstanding ORS 435.225,  
 30 if the program administrator or employee refuses to offer information or services under this  
 31 subsection, the program administrator and its employee are not required to notify the de-  
 32 partment of the refusal or to make arrangements for the program participant to receive the  
 33 information or services from another officer, employee or agent of the department.

34 (c) A program administrator may offer religious or sectarian services or programs if the  
 35 services or programs are not supported by moneys distributed to the program by the de-  
 36 partment.

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