

Enrolled Senate Bill 548

Sponsored by Senators SOLLMAN, SMITH DB, Representative MANNIX; Senators CAMPOS, FREDERICK, GELSER BLOUIN, GOLDEN, JAMA, LIEBER, MANNING JR, MEEK, PATTERSON, PHAM K, PROZANSKI, REYNOLDS, TAYLOR, THATCHER, WEBER, Representatives ANDERSEN, BOICE, BOWMAN, CHAICHI, CHOTZEN, DOBSON, DRAZAN, EDWARDS, FRAGALA, GAMBA, GOMBERG, GRAYBER, HARTMAN, HELFRICH, HUDSON, ISADORE, JAVADI, LEVY B, LEVY E, LIVELY, MCDONALD, MUNOZ, NGUYEN D, NOSSE, OSBORNE, RESCHKE, RUIZ, SOSA, TRAN, WALTERS, WATANABE, WRIGHT, YUNKER (Presession filed.)

CHAPTER

AN ACT

Relating to marriage; amending ORS 106.010, 106.041, 106.050, 106.100, 109.056, 125.315, 419B.376 and 419C.558; and repealing ORS 106.060.

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

SECTION 1. ORS 106.010 is amended to read:

106.010. Marriage is a civil contract entered into in person by males at least [17] **18** years of age and females at least [17] **18** years of age, who are otherwise capable, and solemnized in accordance with ORS 106.150.

SECTION 2. ORS 106.041 is amended to read:

106.041. (1) All persons wishing to enter into a marriage contract shall obtain a marriage license from the county clerk upon application, directed to any person, religious organization or congregation, or secular organization, authorized by ORS 106.120 to solemnize marriages, and authorizing the person, religious organization or congregation, or secular organization, to join together as spouses in a marriage the persons named in the license.

(2) The State Registrar of the Center for Health Statistics shall provide a standard form of the application, license and record of marriage to be used in this state that must include:

(a) Each applicant's Social Security number recorded on a confidential portion of the application, license and record of marriage;

(b) Certain statistical data regarding age, place of birth, sex, occupation, residence and previous marital status of each applicant;

(c) The name and address of the affiant under ORS 106.050, if required; and

(d) Each applicant's name after marriage as provided in ORS 106.220.

(3) The form of application, license and record provided by the state registrar under subsection (2) of this section may not require an address for any religious organization or congregation authorized by ORS 106.120 to solemnize marriages.

(4) Each applicant for a marriage license shall file with the county clerk from whom the marriage license is sought a written application for the license on forms prescribed for this purpose by the Center for Health Statistics.

(5) A marriage license must contain the following statement: "Neither you nor your spouse is the property of the other. The laws of the State of Oregon affirm your right to enter into marriage and at the same time to live within the marriage free from violence and abuse."

(6) An applicant may not intentionally make a material false statement in the records required by this section.

(7) The county clerk may not issue a marriage license until the provisions of this section and ORS 106.050 [and 106.060] are complied with.

SECTION 3. ORS 106.050 is amended to read:

106.050. [(1)] The county clerk may accept any reasonable proof of the [applicant's] age of **an applicant for a marriage license** satisfactory to the clerk. The clerk may require proof of age by affidavit of some person other than either of the parties seeking the license if the clerk deems it necessary in order to determine the age of an applicant to the clerk's satisfaction.

[(2) *If an applicant for a marriage license is less than 18 years of age, the applicant must file with the county clerk an affidavit of some person other than either of the parties seeking the license showing the facts other than age necessary to be shown under ORS 106.060 in the particular case, except the consent of the parent or guardian required by ORS 106.060 shall not be part of the affidavit. The affidavit is sufficient authority to the clerk, so far as the facts stated therein, for issuing the license.*]

SECTION 4. ORS 106.100 is amended to read:

106.100. (1) The county clerk who issues the marriage license shall maintain records relating to marriages licensed in the county. The records must include the names of the parties before and after marriage, the consent of the [parent or] guardian, if any, the name of the affiant, the substance of the affidavit upon which the license was issued and the date of the license.

(2) Upon return of the completed application, license and record of marriage under ORS 106.170, the county clerk shall add the date of the marriage ceremony to the clerk's records maintained under subsection (1) of this section and file the completed application, license and record of marriage. Except as provided in ORS 205.320, the county clerk may not charge a fee for filing, recording or indexing the application, license and record of marriage.

(3) The county clerk shall, upon completion of the requirements of this section and ORS 106.077, deliver the original completed application, license and report of marriage to the Center for Health Statistics as required under ORS 432.173.

(4) Notwithstanding any other provision of law, the record of marriage maintained by a county clerk is not a vital record as defined in ORS 432.005 and is a public record open and subject to full disclosure.

SECTION 5. ORS 109.056 is amended to read:

109.056. (1) Except as provided in subsection (2) or (3) of this section, a parent or guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding six months, any of the powers of the parent or guardian regarding care, custody or property of the minor child or ward, except the power to consent to [marriage or] adoption of a minor ward.

(2) A parent or guardian of a minor child may delegate the powers designated in subsection (1) of this section to a school administrator for a period not exceeding 12 months.

(3)(a) As used in this subsection, "servicemember-parent" means a parent or guardian:

(A) Who is:

(i) A member of the organized militia of this state;

(ii) A member of the Reserves of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States;

(iii) A member of the commissioned corps of the National Oceanic and Atmospheric Administration; or

(iv) A member of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States; and

(B) Who is required to enter and serve in the active military service of the United States under a call or order by the President of the United States or to serve on state active duty as defined in the Oregon Code of Military Justice.

(b) A servicemember-parent of a minor child may delegate the powers designated in subsection (1) of this section for a period not exceeding the term of active duty service plus 30 days.

(c) Except as provided in paragraph (d) of this subsection, if the minor child is living with the child's other parent, a delegation under paragraph (b) of this subsection must be to the parent with whom the minor child is living unless a court finds that the delegation would not be in the best interests of the minor child.

(d) When the servicemember-parent has joint custody of the minor child with the child's other parent or another individual, and the servicemember-parent is married to an individual other than the child's other parent, the servicemember-parent may delegate the powers designated in subsection (1) of this section to the spouse of the servicemember-parent for a period not exceeding the term of active duty service plus 30 days, unless a court finds that the delegation would not be in the best interests of the minor child.

SECTION 6. ORS 125.315 is amended to read:

125.315. (1) A guardian has the following powers and duties:

(a) Except to the extent of any limitation under the order of appointment, the guardian has custody of the protected person and may establish the protected person's place of abode within or without this state.

(b) The guardian shall provide for the care, comfort and maintenance of the protected person and, whenever appropriate, shall arrange for training and education of the protected person. Without regard to custodial rights of the protected person, the guardian shall take reasonable care of the person's clothing, furniture and other personal effects unless a conservator has been appointed for the protected person.

(c) Subject to the provisions of ORS 127.505 to 127.660 and subsection (3) of this section, the guardian may consent, refuse consent or withhold or withdraw consent to health care, as defined in ORS 127.505, for the protected person. A guardian is not liable solely by reason of consent under this paragraph for any injury to the protected person resulting from the negligence or acts of third persons.

(d) The guardian may:

(A) Make advance funeral and burial arrangements;

(B) Subject to the provisions of ORS 97.130, control the disposition of the remains of the protected person; and

(C) Subject to the provisions of ORS 97.965, make an anatomical gift of all or any part of the body of the protected person.

(e) The guardian of a minor has the powers and responsibilities of a parent who has legal custody of a child, except that the guardian has no obligation to support the minor beyond the support that can be provided from the estate of the minor, and the guardian is not liable for the torts of the minor. The guardian may consent to the *[marriage or]* adoption of a protected person who is a minor.

(f) Subject to the provisions of ORS 125.320 (2), the guardian may receive money and personal property deliverable to the protected person and apply the money and property for support, care and education of the protected person. The guardian shall exercise care to conserve any excess for the protected person's needs.

(g) The guardian shall promote the self-determination of the protected person and, to the extent practicable, encourage the protected person to participate in decisions, act on the protected person's own behalf and develop or regain the capacity to manage the protected person's personal affairs. To accomplish the duties under this paragraph, the guardian shall:

(A) Become or remain personally acquainted with the protected person and maintain sufficient contact with the protected person, including through regular visitation, to know the protected person's abilities, limitations, needs, opportunities and physical and mental health;

(B) To the extent practicable, identify the values and preferences of the protected person and involve the protected person in decisions affecting the protected person, including decisions about the protected person's care, dwelling, activities or social interactions; and

(C) Make reasonable efforts to identify and facilitate supportive relationships and services for the protected person.

(h) In making decisions for the protected person, the guardian shall make the decisions the guardian reasonably believes the protected person would make if the protected person were able, unless doing so would unreasonably harm or endanger the welfare or personal or financial interests of the protected person. To determine the decision the protected person would make if able, the guardian shall consider the protected person's previous or current instructions, preferences, opinions, values and actions, to the extent actually known or reasonably ascertainable by the guardian.

(i) If the guardian cannot make a decision under paragraph (h) of this subsection because the guardian does not know and cannot reasonably determine the decision the protected person would make if able, or the guardian reasonably believes the decision the protected person would make would unreasonably harm or endanger the welfare or personal or financial interests of the protected person, the guardian shall act in accordance with the best interest of the protected person. In determining the best interest of the protected person, the guardian shall consider:

(A) Information received from professionals and persons that demonstrate sufficient interest in the welfare of the protected person;

(B) Other information the guardian believes the protected person would consider if the protected person were able; and

(C) Other factors a reasonable person in the circumstances of the protected person would consider, including consequences for others.

(2) If a conservator has been appointed for the protected person, the guardian may file a motion with the court seeking an order of the court on the duties of the conservator relating to payment of support for the protected person.

(3) A guardian may consent to the withholding or withdrawing of artificially administered nutrition and hydration for a protected person only under the circumstances described in ORS 127.580 (1)(a), (b), (d), (e) or (f) and, if the protected person has a medical condition specified in ORS 127.580 (1)(b), (d), (e) or (f), the condition has been medically confirmed.

SECTION 7. ORS 419B.376 is amended to read:

419B.376. A person, agency or institution having guardianship of a ward by reason of appointment by the court has the duties and authority of a guardian of the ward, including but not limited to the following:

(1) To authorize surgery for the ward, but this authority does not prevent the person having legal custody of the ward from acting under ORS 419B.373 (4).

(2) To authorize the ward to enlist in the Armed Forces of the United States.

(3) To consent to the ward's marriage **if the ward is at least 18 years of age.**

(4) When the ward has been committed under ORS 419B.527, to consent to the adoption of the ward.

(5) To make other decisions concerning the ward of substantial legal significance.

(6) To make such reports and to supply such information to the court as the court may from time to time require.

SECTION 8. ORS 419C.558 is amended to read:

419C.558. A person, agency or institution having guardianship of an adjudicated youth by reason of appointment by the court has the duties and authority of a guardian of the adjudicated youth, including but not limited to the following:

(1) To authorize surgery for the adjudicated youth, but this authority does not prevent the person having legal custody of the adjudicated youth from acting under ORS 419C.550 (4).

(2) To authorize the adjudicated youth to enlist in the Armed Forces of the United States.

(3) To consent to the adjudicated youth's marriage **if the adjudicated youth is at least 18 years of age.**

- (4) To make other decisions concerning the adjudicated youth of substantial legal significance.
(5) To make such reports and to supply such information to the court as the court may from time to time require.

SECTION 9. ORS 106.060 is repealed.

Passed by Senate March 10, 2025

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 20, 2025

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Julie Fahey, Speaker of House

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State