

Testimony of Robin Elizabeth Pope, Attorney – March 31, 2025

Senate Bill 163 with -1 Amendments (SB 163-1)

Chair Prozanski, Vice Chair Thatcher, and members of the Senate Committee on Judiciary: My name is Robin Pope. I appreciate being back to testify in support of SB 163-1 and request that my filed written testimony and oral statement be submitted for the record.

Today my testimony is focused on: 1) The importance and timeliness of SB 163-1 in its entirety; 2) Section 67. UPA 806. Inspection of Documents (sealing of records); and 3) Sections 84 through 88 . UPA 901. Donor Registry.

SB 163-1 is the logical next step in the ongoing modernization of Oregon's paternity laws. Beginning in 1973, Oregon's paternity laws have been based on the 1973 UPA. Over the past 52 years, the laws and social practices affected by Oregon's paternity laws have continued to change. In 2003 the Oregon Law Commission (OLC) convened the PUTATIVE FATHERS SUB-WORK GROUP to look at updating and improving Oregon law regarding child support, putative fathers, and adoption issues. Our work group drafted SB 234 and issued a report dated January 18, 2005. SB 234 was passed by the 2005 Legislature.

In 2004, the Oregon Child Support Program asked the OLC to convene a work group to consider changes, improvements, and updates to Oregon's paternity laws. Our work culminated in an OLC Report dated January 18, 2007, and legislation (HB 2382, subsequently passed and referred to as UPA Revisions). We considered the UPA 2002, incorporated some of its provisions, did not address Assisted Reproductive Technology (ART), and updated Oregon's paternity laws.

In 2017, SB 512, filed by the Oregon Department of Justice, ungendered much of Oregon's paternity laws, updated Oregon's sperm donor statute to include egg and embryo donors, and added a small amount of protection for families formed through ART. While important, and a logical next step, it was not a comprehensive review of Oregon's paternity law.

I was an active member of both OLC Work Groups, as were a handful of our current Oregon UPA 2017 Work Group. I also worked with DOJ to help get SB 512 passed.

Now, almost 25 years after the last major review and revision of Oregon paternity law, our Oregon UPA 2017 Work Group spent the past 2.5+ years conducting a thorough analysis and review to recommend how to mesh the UPA 2017 and Oregon paternity law. This time we considered the complete updated UPA 2017, including the ART provisions. SB 163-1 takes into account the changes and evolution of our laws, advances in medical technology, and the many societal changes involving parentage. It provides legal process and protection for the various ways by which people become parents. It updates the language used. It is important. It will help protect families and children.

Shifting to Section 67 of SB 163: This will allow parentage proceedings in gestational surrogacy cases to be sealed when filed with the court. Parents who use ART to have a child should be entitled to the same privacy as parents who don't have to use ART. Under Oregon law, who is provided with that privacy? Parents who adopt their child are entitled to have their court records sealed. Parents who become pregnant in the old-fashioned way are entitled to privacy. But not parents who use ART to have a child. Infertility treatment is invasive, emotionally draining, challenging, expensive. Let's give these parents, and their children, privacy.

Of particular concern is a group called Trellis Law Group. They purposely data mine state court records, finding parentage cases, and post them online. This group makes money from invading parents' privacy. Several sets of my clients found their records online (Trellis) and were extremely upset. The only way Trellis will remove your court records from their web site is if you provide them with a court order/judgment sealing your records. Which is currently not an option in Oregon. SB 163-1 Section 67 will shut these folks down and protect the privacy of families.

It is important to note we inadvertently omitted a provision to allow intended parents whose parentage judgment was entered with the court prior to the effective date of this bill (assuming it passes) to obtain a Judgment sealing their court file going forward. That amendment should be in the -2 version of SB 163. There will be little to no fiscal impact by allowing these motions to be filed and a judgment signed and entered with the court. Our courts charge a fee for filing a motion. The parents have already filed their parentage Petition and Judgment and paid a filing fee (currently \$281.00).

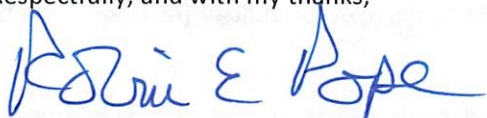
And finally, looking at Sections 84 through 88 – “Donor Registry”. Please read the written testimony filed by Donor Conceived Children, Donors, Recipients, and attorneys. A common thread is the desire for autonomy, medical records and information, which can be lifesaving, and wanting to avoid the risk of incest as an adult. Knowledge is important. Their testimony speaks for itself.

Other states are also looking at enacting the UPA 2017, including a Donor Registry. For example, New York: A1107; New Mexico: HB 373 (using same UPA 2017 Article 9 as SB 163-1).

Thank you for considering my testimony. Questions or concerns? I’ll be happy to talk with you and your staff.

I encourage you to support SB 163-1 and move it to the Senate floor with a do pass recommendation. Thank you.

Respectfully, and with my thanks,



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