

March 31, 2025

Testimony of Lane Shetterly
SB 163

Chair Prozanski, vice-chair Thatcher, members of the committee, my name is Lane Shetterly, here today in my capacity as a commissioner from Oregon on the Uniform Law Commission. The ULC is a national organization of the States, that drafts laws in areas where substantial uniformity among the states is desirable and achievable. When an act is approved by the commission, it is transmitted to the states for state legislatures to adopt.

The Uniform Parentage Act is a product of the ULC, originally approved in 1973 and amended in 2002 and 2017. At this time, versions of the UPA are in effect in 30 states. The 2017 amended Act has been adopted in eight states, including our neighbors California and Washington. It has been introduced this year in five more states.

SB 163 is the product of a workgroup made up of about 30 people, comprised of lawyers, judges and stakeholders with particular expertise in aspects of parentage law, and we had the energetic participation of several state agencies, including DHS (and their attorneys at DOJ), the DOJ appellate law section, Child Support, Vital Records and the courts. It was one of the most engaged and hardworking workgroups I have ever had the privilege to be associated with.

Mr. Chair, I want to thank you for authorizing the workgroup, and allowing us to work with administrative support from LPRO, as well as drafting assistance from Lori Anne Sills in LC. This project would never have succeeded without their participation and help. So, thanks Abby, and Lori Anne and Ami Fender-Sosa.

Parentage is all about the establishment and recognition of the legal relationship between a child and his or her parents. It has profound impacts on legal rights and obligations as well as the basic social and emotional need to know who we are and whose we are. As simple as it might seem in most contexts to say who is a parent and who is their child, it never really has been, and advances in technology and practice around assisted reproduction, surrogacy and the like has made it even more complicated.

SB 163 combines the updating of current law with new provisions from the UPA to modernize parentage law in Oregon. It's important to note that, while SB 163 draws substantially on the Uniform Parentage Act, it is not a wholesale adoption of the act. As I mentioned, parts of the bill amend current Oregon law, in many cases informed by the UPA, but are not the uniform act itself. Other parts of the bill are drawn directly from the UPA. As you look at the bill you can see those sections that have been taken from

the UPA where they include a UPA section number. That will give you a good sense how the uniform act fits in with the bill.

Abby has given you an outstanding section-by-section overview of the bill. I commend it to you and hope you have had a chance to review it. You heard from Robin Pope at the first hearing on this bill, primarily on the assisted reproduction and surrogacy provisions. And you will hear from others today on other particular provisions. I will just give you the outline of the bill and highlight for you the major policy decisions that are reflected in it.

After the definitions in Section 2, Section 3 through 26 address the establishment of parentage, presumptions and voluntary acknowledgment.

Sections 6 and 7 address the marital presumption. As a rule, a person is rebuttably presumed to be the parent of a child if they are married to the parent who gave birth to the child at the time of the child's birth, or if they *were* married to the parent who gave birth to the child and the child was born within 300 days after termination of the marriage by death, annulment or divorce, or after entry of a judgment of separation. Section 7 of SB 163 extends the protection of the marital presumption to a child whose parents were not married when the child was born, if they declare their intent to be married, and then get married.

These sections further strengthen the stability and protection for the child that the marital presumption affords by prohibiting a challenge to the presumption after the child turns 4, with limited and specific exceptions.

Section 9 expands the utility of the Voluntary Acknowledgment of Parentage by allowing non-genetic parents, including intended parents of a child conceived by assisted reproduction, to establish parentage by their Voluntary Acknowledgment. It also allows presumed parents to disestablish parentage by a Denial of Parentage, provided another person signs a Voluntary Acknowledgment.

Sections 27 through 54 address filiation proceedings; that is judicial proceedings to determine parentage. These sections incorporate selected portions of the UPA into Oregon's existing filiation procedure to include all adjudications of parentage, not just the parentage of an alleged genetic parent. This is an expansion of the scope of filiation proceedings under current Oregon law. Section 29 provides that a child, or a presumed parent, an acknowledged parent and an intended parent of a child conceived through assisted reproduction can initiate a judicial proceeding to adjudicate parentage. This promotes access to the courts and a uniform way for courts to adjudicate parentage under a broad array of circumstances.

Sections 39 to 51 create a comprehensive framework relating to the genetic testing of an individual in a proceeding to adjudicate parentage; a modernized replacement for the Uniform Act on Blood Tests to Determine Paternity that Oregon enacted in 1953.

Section 54 codifies the factors for a court to consider when adjudicating competing claims of parentage and determining the best interests of the child. This provides clearer and consistent guidance to the courts and the parties when presented with the question of determining what's in the child's best interest.

Sections 55 to 62 codify the procedure to determine the parentage of a child born by assisted reproduction, other than under a surrogacy agreement. You have heard from Robin Pope and written testimony how critical an improvement this is and how badly need it is in Oregon.

Sections 63 – 74 codify provisions governing gestational surrogacy agreements and the determination of parentage of a child that is born by assisted reproduction under a surrogacy agreement. This is another area badly in need of a statutory framework that we substantially lack in Oregon.

And Sections 84 to 88 establish a donor registry for individuals who donate embryos or gametes for use in assisted reproduction. It requires a gamete bank or fertility clinic to collect identifying information about donors and gives a child conceived by assisted reproduction the right to the donor's identifying information after the child turns 18. It also gives the child the right to obtain the donor's medical information even without the identifying information.

SB 163 modernizes and expands the scope of Oregon's parentage law to better protect the rights and responsibilities of parents and children alike in all kinds of families.

The UPA has been endorsed by the Academy of Adoption and Assisted Reproduction Attorneys, the National Association for Public Health Statistics and Information Systems, the Society for Assisted Reproductive Technology, and the National Child Support Enforcement Association, among others.

Mr. Chair, I want to thank you again for your support of this work group effort. I urge this committee to move the bill forward with a do-pass recommendation. And I

would be happy to answer any questions.

Respectfully submitted,

Lane Shetterly
lane.shetterly@gmail.com