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PERMANENT ADMINISTRATIVE RULES

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January 1, 2016 by the

Department of Human Services, Office of Child Welfare Programs

413

Agency and Division

Chapter Number

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To become effective June 29, 2016. Rulemaking Notice was published in the June 2016 Oregon Bulletin.

Rule Caption: *Amending rules about the voluntary adoption registry*

RULEMAKING ACTION

ADOPT: 413-130-0365

AMEND: 413-130-0300, 413-130-0310, 413-130-0320, 413-130-0330, 413-130-0340, 413-130-0350, 413-130-0355, 413-130-0360

REPEAL: 413-130-0400, 413-130-0420, 413-130-0430, 413-130-0440, 413-130-0450, 413-130-0455, 413-130-0460, 413-130-0480, 413-130-0490, 413-130-0500, 413-130-0510, 413-130-0520

ORS 109.506, 418.005

Stat. Auth.

None.

Other Auth.

ORS 109.425 - 109.507, 418.005

Stats. Implemented

Rule Summary

The Department of Human Services, Office of Child Welfare Programs, is amending its rules governing the voluntary adoption registry to implement [HB 2414](#) (2015). The bill allows the Department to add genetic siblings of adoptees to the voluntary adoption search registry and provide information regarding finalization of an adoption.

Additionally, these rules are being consolidated. Currently, the voluntary adoption registry and the assisted search program are covered in separate subdivisions. To improve organization and clarity, the rules governing

the assisted search program in OAR 413-130-0400 to 413-130-0500 are being consolidated into OAR 413-130-0300 to 413-0365.

This makes permanent temporary rules adopted on January 1, 2016.

In addition, non-substantive edits were made to these rules to: ensure consistent terminology throughout child welfare program rules and policies; make general updates consistent with current Department practices; update statutory and rule references; correct formatting and punctuation; improve ease of reading; and clarify Department rules and processes.

Definitions

413-130-0000

Definitions

(Amended 10/26/15)(Temporary effective 01/01/16 - 06/28/16)

The following definitions apply to rules in OAR chapter 413, division 130.

- (1) "Adoptee" pursuant to ORS 109.425 means an individual who has been adopted in the State of Oregon.
- (2) "Adoption" has the meaning given in OAR 413-120-0000(1).
- ~~(43)~~ "Adoption assistance" means assistance provided on behalf of an eligible *child* or *young adult* to offset the costs associated with adopting and meeting the on-going needs of the *child* or *young adult*. "Adoption assistance" may be in the form of payments, medical coverage, reimbursement of nonrecurring expenses, or special payments.
- ~~(24)~~ "Adoption assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the *pre-adoptive family* or *adoptive family* of an eligible *child* or *young adult*, setting forth the assistance the Department is to provide on behalf of the *child* or *young adult*, the responsibilities of the *pre-adoptive family* or *adoptive family* and the Department, and the manner in which the agreement and amount of assistance may be modified or terminated.
- ~~(35)~~ "Adoption assistance agreement only" means a written agreement, binding on the parties to the agreement, between the Department and the *pre-adoptive family* or *adoptive family* of an eligible *child* or *young adult*, when the *pre-adoptive family* or *adoptive family* is not receiving an *adoption assistance payment* or medical coverage at the time of the agreement but may request it at a later date.
- ~~(46)~~ "Adoption assistance base rate" means the portion of the *adoption assistance payment* that is negotiated with a *pre-adoptive family* or an *adoptive family* and cannot exceed the amount of the Oregon foster care *base rate payment* for the age of the ~~*child's*~~ or *young adult's age*.
- ~~(57)~~ "Adoption assistance payment" means a monthly payment made by the Department to the *pre-adoptive family* or *adoptive family* on behalf of an eligible *child* or *young adult*.
- ~~(68)~~ "Adoption Assistance Review Committee" means a committee composed of local and central office Department staff with expertise in the area of *adoption*.
- ~~(79)~~ "Adoptive family" means an individual or individuals who have legalized a parental relationship to the *child* who joined the family through a judgment of the court.

(10) "Adoptive parent" means an adult who has become a *parent* of a *child* through *adoption*.

(11) "Agency" means a public or private organization licensed or authorized under Oregon laws to place children for *adoption*.

(812) "Applicable child" has the same meaning as in OAR 413-100-0335.

(913) "Assisted search" means the work carried out to locate and make confidential contact with a sought for ~~person~~-individual upon the application of an authorized *requester*.

(104) "Base rate payment" means a payment to the foster parent or relative caregiver for the costs of providing the *child* or *young adult* with the following:

- (a) Food, including the special or unique nutritional needs of the *child* or *young adult*;
- (b) Clothing, including purchase and replacement;
- (c) Housing, including maintenance of household utilities, furnishings, and equipment;
- (d) Daily supervision, including teaching and directing to ensure safety and well-being at a level appropriate for the age of the *child* or *young adult*;
- (e) Personal incidentals, including personal care items, entertainment, reading materials, and miscellaneous items; and
- (f) Transportation, including gas, oil, and vehicle maintenance and repair costs for local travel associated with providing the items listed above, and transportation to and from extracurricular, child care, recreational, and cultural activities.

(145) "Birth parent" means:

(a) ~~The~~ woman or man who is legally presumed, under the laws of this state, to be the mother or father of genetic origin of a *child*; and

(b) A *putative father* of the *child* if the birth mother alleges he is the father and the *putative father*, by written affidavit or surrender and release executed within three years of the relinquishment of the *child* by the birth mother or the termination of parental rights of the birth mother, acknowledges being the biological father of the *child*.

(126) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of gathering information on the needs and strengths of a *child* or *young adult* for one or more of the following purposes:

- (a) To identify case planning, service planning, and supervision needs of the *child* or *young adult* in *substitute care* with a certified family;
- (b) To determine the *level of care payment* while in *substitute care* with a certified family; and
- (c) To determine the *level of care payment* included in an *adoption assistance agreement* or guardianship assistance agreement.

(137) "Child" means a person under 18 years of age.

(148) "Department" means the Department of Human Services, Child Welfare.

(159) "Enhanced supervision" means the additional support, direction, observation, and guidance necessary to promote and ensure the safety and well-being of a *child* or *young adult* when the *child* or *young adult* qualifies for a *level of care payment*.

(1620) "Fee" means the maximum fixed amount that the Department or Oregon *licensed adoption agency* may charge to register, for requests of non-identifying information, and to conduct ~~ing an assisted search for persons eligible to request such services, a birth father file review.~~

(21) "Guardian" means an individual who has been granted guardianship of the *child* through a judgment of the court.

(22) "Genetic and social history" means a comprehensive report, when obtainable, of the health status and medical history of the birth parents and other individuals related to the *child*.

(a) The "genetic and social history" may contain as much of the following as is available:

(A) Medical history.

(B) Health status.

(C) Cause of and age at death.

(D) Height, weight, eye and hair color.

(E) Ethnic origins.

(F) Religion, if any.

(b) The "genetic and social history" may include the health status and medical history of:

- (A) The birth parents.
- (B) A putative father, if any.
- (C) Siblings to the birth parents, if any.
- (D) Siblings to a putative father, if any.
- (E) Other children of either birth parent, if any.
- (F) Other children of a putative father, if any.
- (G) Parents of the birth parents.
- (H) Parents of a putative father, if any.

(23) "Health history" means a comprehensive report, when obtainable, of the health status and medical history of the child at the time of placement for adoption, including neonatal, psychological, physiological, and medical care history.

~~(1724)~~ "Identifying information" means names and addresses of birth parents, putative fathers, adult adoptee, and adult adoptee genetic siblings.

~~(1825)~~ "Independent adoption" means any adoption where the consent is given by other than the Department or a licensed adoption agency.

~~(1926)~~ "Legally free" means that, with respect to a child, the legal rights of all parents with legal standing have been judicially terminated, voluntarily relinquished, or otherwise terminated by operation of law, thus allowing for the child to be adopted.

~~(207)~~ "Level of care payment" means the payment provided to an approved or certified family, a guardian, a pre-adoptive family, or an adoptive family based on the need for enhanced supervision of a child or young adult determined by applying the CANS algorithm to the results of the CANS screening.

~~(218)~~ "Licensed adoption agency" means an:

- (a) Approved child-caring agency of this state acting by authority of ORS 418.270 and OAR 413-215-0401 to 413-215-0481; and
- (b) Agency or other organization that is licensed, or otherwise authorized, to provide adoption services pursuant to the laws of that state, country, or territory.

~~(229)~~ "Non-identifying information" means genetic and social history and health ~~and social and genetic history~~ which excludes information identifying any of the adult adoptees,

~~birth parents, birth family, putative fathers, and other specified persons putative father's family, adoptee, or adoptive parent.~~

(2330) "Nonrecurring adoption assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the *pre-adoptive family* of an eligible *child* for a one-time payment to reimburse the *adoptive family* for the reasonable and necessary expenses incurred in legally finalizing the *adoption* of a *child* who has been determined to have special needs.

(2431) "Nonrecurring expenses" mean a one-time payment up to \$2,000 per *child*, which the Department will pay to an *adoptive family* to assist with the reasonable and necessary expenses incurred in legally finalizing the *adoption* of an eligible *child*.

(2532) "Parent" means the biological or adoptive mother or the legal father of the *child*. A legal father is a man who has adopted the *child* or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an Indian *child* under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. ~~"Parent" also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood unless a court finds that the putative father is not the legal father.~~

(2633) "Participating tribe" means a federally-recognized Indian tribe in Oregon with a Title IV-E agreement with the Department.

(2734) "Pre-adoptive family" means an individual or individuals who:

- (a) Has been selected to be the ~~child's~~ *adoptive family* of the child; and
- (b) Is in the process of legalizing the relationship to the *child* through the judgment of the court.

(35) "Progeny" means the children or descendants of a person and the person's descendants in successive generations.

(2836) "Putative fFather" means:

- ~~(a) — A a man who, has not yet established paternity, but who may establish paternity under ORS 109.070;~~
- ~~(b) — A man who a birth mother alleges is the father and the "putative father," by written affidavit or surrender and release executed within three years of the relinquishment of the child by the mother, or the termination of parental rights of the birth mother, has acknowledged being the biological father of the child; or~~
- ~~(c) — A man who is not legally presumed to be the father of genetic origin of the child;~~

~~but who claims paternity on a notarized statement or is alleged to be the birth father of genetic origin of the adoptee under the laws of this state, is not legally presumed to be the father of genetic origin of a *child*, but who claims or is alleged to be the father of genetic origin of the *child*.~~

(2937) "Qualified alien" has the same meaning as in OAR 413-100-0210(2) and 8 USC 1641(b).

(308) "Qualified vendor attorney" means an attorney who has a price agreement with the Department to process the *adoption* of a *child* who is eligible for *adoption assistance*.

(39) "Registry" means a voluntary adoption registry established under ORS 109.450 and maintained by:

(a) An Oregon licensed adoption agency or successor agency; or

(b) The Department for all adoptions not arranged through an Oregon licensed adoption agency.

(3140) "Requester" means ~~a person~~ an individual duly registered on a *voluntary adoption registry* who requests an *assisted search*, and who has filed an application and paid the applicable *fee*.

(41) "Searcher" means one of the following qualified entities that may conduct an *assisted search*:

(a) The Department;

(b) An Oregon licensed adoption agency; or

(c) A third party individual or entity who has been delegated to or contracted with by the Department or an Oregon licensed adoption agency.

(3242) "Sibling" means one of two or more children or young adults who are related, or would be related but for a termination or other disruption of parental rights, in one of the following ways:

(a) By blood or *adoption* through a common *parent*;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological *parent* who is the *registered domestic partner* of the legal or biological *parent* of the children or young adults.

(3343) "Special payment" means a payment for unanticipated short-term costs which are directly related to the special needs of the *child* or *young adult* or are essential to the welfare of

the *child* or *young adult*, and are not covered by another resource available to the *adoptive family*.

(~~3444~~) "Substitute care" means the out-of-home placement of a *child* or *young adult* who is in the legal or physical custody and care of the Department.

(45) "Successor agency" means an agency which has the *adoption* records of another agency because of the merger of the agencies or because an agency has ceased doing business and has given its adoptions records to the "successor agency" as provided in ORS 109.435(2).

(~~3546~~) "Voluntary adoption registry" means a voluntary registry operated by the Department or *licensed adoption agency*:

- (a) Where birth parents, putative fathers, and adult adoptees may register their willingness to the release of *identifying information* to each other;
- (b) That provides for the disclosure of *identifying information* to birth parents and their genetic offspring;
- (c) That provides for the transmission of non-identifying health and social and genetic history of specified persons; and
- (d) That provides for the disclosure of specific *identifying information* under certain circumstances to Indian tribes, governmental agencies, or to an individual settling an estate.

(~~3647~~) "Work Product" means any records, information, or other materials obtained or developed by the Department or *licensed adoption agency* during the course of the *assisted search*.

(~~3748~~) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 418.005, 418.340

Stats. Implemented: ORS 418.005, 418.330, 418.335, 418.340

Adoption Search and Registry

413-130-0300

Purpose

(Amended 01/01/02)(Temporary effective 01/01/16 - 06/28/16)

THIS RULE IS REVISED IN ITS ENTIRETY

~~The central office adoptions unit maintains the Voluntary Adoption Registry for all adoptions not arranged through a licensed agency and carries out the DHS administrative responsibilities specified in these rules. Staff are expected to provide general information about the registry, refer inquiries to the central office adoption unit, and upon request, provide counseling services to the reunited parties.~~

The purpose of OAR 413-130-0300 to 413-130-0365 is to describe the responsibilities of the Adoption Search and Registry Program for adoptions that finalized in Oregon and the eligibility requirements that must be met in order to:

- (1) Receive non-identifying information from the registry;
- (2) Register to allow the release of identifying information; and
- (3) Request an assisted search for certain members of an individual's birth family or the county in which the adoption was finalized.

Statutory Authority: ORS 109.506, 418.005

Stats. Implemented: ORS 109.425 - 109.507

413-130-0310

~~Voluntary Adoption Registry -~~Eligibility for Non-Identifying Information

(Amended 01/01/02)(Temporary effective 01/01/16 - 06/28/16)

THIS RULE IS REVISED IN ITS ENTIRETY

- ~~(1) The Voluntary Adoption Registry is the program established under ORS 109.425 to 109.500 through which the Department of Human Services (DHS) maintains a registry of persons wishing to receive adoption information and to provide identifying and non-identifying information to eligible adoptees and eligible relatives of adoptees. The Voluntary Registry also performs certain functions with the State Assisted Search Program as provided in ORS 109.502 to 109.507 and OAR 413-130-0400 through 413-130-0520.~~

- ~~(2) DHS shall maintain the registry for all public agency adoptions through DHS (formerly Services to Children and Families, State Public Welfare, Children's Services Division) and all adoptions through an attorney. If the adoption was through an Oregon licensed private agency, the registrant shall contact appropriate agency directly.~~
- ~~(3) DHS may contract with a licensed adoption agency for the operation of the registry. If it does so, these administrative rules shall govern the operation of the registry. The receiving agency and any agency to which it delegates the operation of the registry shall meet the statutory standards to operate an adoption registry.~~
- ~~(4) DHS may join a voluntary national or international registry and make its records available to that registry. The rules governing disclosure of information provided by DHS in such adoption registry shall be as prescribed in these rules.~~
- (1) A registry must provide genetic and social history and health history of the adoptee and birth family members, if available, to the following individuals:
- (a) An adult adoptee;
 - (b) An adoptive parent of a child adoptee;
 - (c) A guardian of a child adoptee;
 - (d) A birth parent of an adoptee;
 - (e) Adult progeny of a deceased adoptee;
 - (f) A spouse of a deceased adoptee, if the spouse is the birth parent or guardian of any child of the adoptee.
- (2) An eligible individual must request non-identifying information by submitting a request form provided by the registry and a \$45 fee.

Statutory Authority: ORS 109.506, 418.005
Stats. Implemented: ORS 109.425 - 109.507

413-130-0320

Requesting Non-Registry Eligibility for Identifying Information

(Amended 01/01/02)

THIS RULE IS REVISED IN ITS ENTIRETY

- ~~(1) A fee of \$45 will be charged to any eligible person who requests non-identifying information from the registry to cover the cost of providing the information.~~

- ~~(2) DHS shall provide written request forms to all eligible persons.~~
- ~~(3) Upon receipt of a written request form and the fee, DHS shall provide a genetic, social, and health history of the adoptee if known, excluding identifying information, to the following persons:~~
- ~~(a) The adoptive parent(s) of the adoptee or adoptee's guardian;~~
 - ~~(b) The birth parent(s) of the adoptee;~~
 - ~~(c) The adoptee if age 18 or older;~~
 - ~~(d) In the event of the death of the adoptee:
 - ~~(A) The adoptee's spouse, if the spouse is the birth parent of the adoptee's child or the guardian of any child of the adoptee; or~~
 - ~~(B) Any progeny of the adoptee who is 18 years of age or older.~~~~
- (1) The adoption registry is a voluntary program in which birth parents, putative fathers, adoptees, and genetic siblings of adoptees may register their willingness to release identifying information to each other.
- (2) The following individuals are eligible to register:
- (a) An adult adoptee;
 - (b) An adoptive parent or guardian of a minor adoptee;
 - (c) An adoptive parent of a deceased adoptee;
 - (d) An adult genetic sibling of an adoptee;
 - (e) A parent or guardian of a minor genetic sibling of an adoptee;
 - (f) A birth parent;
 - (g) A parent or adult sibling of a deceased birth parent; or
 - (h) A putative father. A putative father may register to have his identifying information given to adult adoptee, but the registry may not give identifying information about the adoptee to the putative father.
- (3) The registry must allow the adult progeny or the parent or guardian of a minor progeny of the following individuals to register:

- (a) A deceased adoptee;
 - (b) A deceased genetic sibling of an adoptee;
 - (c) A deceased birth parent of an adoptee.
- (4) An eligible individual must register by submitting the following to the applicable registry:
- (a) A notarized affidavit on a form provided by the registry;
 - (b) A copy of his or her birth certificate; and
 - (c) A \$25 fee.
- (5) A registrant may cancel the registration at any time with written notice to the registry.
- (6) Registration by a parent or guardian of a minor expires when the minor reaches 18 years of age. The adult adoptee must reregister for identifying information to be released to relevant individuals who are registered. The registry program may not charge a fee for reregistration.
- (7) The registrant must notify the registry of any change of name or address.
- (8) The registry will notify the registrants when a match is identified. A registry may recommend appropriate counseling prior to the release of information to the eligible individual.

Statutory Authority: ORS 109.506, 418.005
Stats. Implemented: ORS 109.425 - 109.507

413-130-0330

Registration for Identifying Information-Assisted Search Program **Eligibility**

(Amended 01/01/02)(Temporary effective 01/01/16 - 06/28/16)

THIS RULE IS AMENDED IN ITS ENTIRETY

- ~~(1) Eligible persons. Persons eligible to register with the registry include:~~
- ~~(a) Birth parent(s) of an adoptee;~~
- ~~(b) Adult adoptee;~~

- ~~(c) — An adoptee's genetic sibling who is 18 years of age or older;~~
 - ~~(d) — Adoptive parent(s) of a deceased adoptee;~~
 - ~~(e) — Adult siblings of deceased birth parent(s) of an adoptee;~~
 - ~~(f) — Parent(s) of deceased birth parent(s) of an adoptee.~~
 - ~~(g) — Putative father(s) of adult adoptee(s).~~
- ~~(2) — An adoptee, or the parent or guardian of an adoptee under 18 years of age, may register to have specific identifying information disclosed to Indian tribes or to governmental agencies in order to establish the adoptee's eligibility for tribal membership or for benefits or to a person settling an estate. The information shall be limited to a true copy of documents that prove the adoptee's lineage. Information disclosed in accordance with this subsection shall not be disclosed to the adoptee or the parent or guardian of the adoptee by the registry nor by the Indian tribe, governmental agency or person receiving the information.~~
- ~~(3) — Prior to the processing of any affidavit, registrants shall pay a fee of \$25 to DHS.~~
- ~~(4) — Eligible persons may register by submitting a notarized affidavit to DHS on forms provided by DHS.~~
- ~~(5) — Affidavit contents. The registrant shall send the affidavit to the Adoption Services section of DHS. It shall contain:~~
- ~~(a) — The current name and address of the registrant;~~
 - ~~(b) — Any previous name by which the registrant was known;~~
 - ~~(c) — The original or adopted names of the adopted child;~~
 - ~~(d) — The place and date of birth of the adopted child, if known;~~
 - ~~(e) — The name and address of the agency which made the adoptive placement, if known;~~
 - ~~(f) — A statement of the registrant's willingness to be identified to other eligible persons who register; and~~
 - ~~(g) — The registrant's signature, witnessed and notarized. A copy of the registrant's birth certificate shall be submitted with the affidavit.~~

- ~~(6) — Processing Affidavits.~~
- ~~(a) — DHS shall maintain files concerning all persons whose adoptions were completed through, DHS or whose adoptions were independent adoptions, and who have completed an affidavit;~~
- ~~(b) — It is the responsibility of the registrant to notify the registry of any change of name or change of address. DHS is not responsible to search for a registrant who fails to notify the registry of these changes;~~
- ~~(c) — A registrant may cancel his or her registration at any time by written notice to the registry;~~
- ~~(d) — DHS shall not contact or in any other way solicit any adoptee, birth parent or putative father to register with the registry except as provided for under ORS 109.502-507;~~
- ~~(e) — If a birth parent of an adoptee registers prior to the adoptee's eighteenth birthday, DHS shall accept the birth parent's registration and notify the birth parent that the adoptee is not yet eligible to register with the registry and that the requirements of subsection (5)(f) of this rule must be met;~~
- ~~(f) — When an adoptee reaches age 18, a birth parent of the adoptee, if the birth parent registered prior to the adoptee's eighteenth birthday, shall notify DHS in writing only if the birth parent does not desire to continue the registration.;~~
- ~~(g) — All affidavits and other related registry information collected by DHS shall be permanently maintained by DHS.~~
- (1) The following individuals may request an *assisted search* for a *birth parent*, a *putative father*, a *genetic sibling* of an *adoptee*, or the county in which an *adoption* was finalized:
- (a) An adult *adoptee*;
- (b) An *adoptive parent* of a minor *adoptee*; or
- (c) An *adoptive parent* of a deceased *adoptee*.
- (2) The following individuals may request an *assisted search* for an adult *adoptee*:
- (a) Except as provided in section (4) of this rule, a *birth parent* if the adult *adoptee* does not have any minor genetic siblings in the same *adoptive family*;

- (b) An adult genetic sibling of an adoptee; or
- (c) A parent or adult sibling of a deceased birth parent.
- (3) Except as provided in section (4) of this rule, a birth parent may request a search for the county in which the adoption was finalized. At the discretion of the Department or agency, a search may be conducted.
- (4) A putative father may not request an assisted search.

Statutory Authority: ORS 109.506, 418.005
Stats. Implemented: ORS 109.425 - 109.507

413-130-0340

Use of Registry Assisted Search Application Requirements

(Amended 11/07/00)(Temporary effective 01/01/16 - 06/28/16)

THIS RULE IS REVISED IN ITS ENTIRETY

- ~~(1) — Eligible Persons. The following persons are eligible to use the registry to obtain identifying information about birth parents, adult adoptees, and adult adoptees' genetic siblings:~~
 - ~~(a) — Birth parent(s) of the adoptee;~~
 - ~~(b) — Adult adoptee;~~
 - ~~(c) — Adult genetic siblings of adoptee if the birth parent or parents are deceased;~~
 - ~~(d) — Adult adoptee genetic siblings who have been adopted by different adoptive families and have no knowledge of their birth parents;~~
 - ~~(e) — Adoptive parent(s) of deceased adoptee;~~
 - ~~(f) — Parent(s) of deceased birth parent; and~~
 - ~~(g) — Adult siblings of deceased birth parent.~~
- ~~(2) — An adult adoptee who has a genetic sibling in the adult adoptee's adoptive family who is under the age of 18 years shall not have access to the registry.~~
- (1) Individuals requesting an assisted search must submit the following:

- (a) An application on an approved form to the applicable registry. The Department may disclose the applicable registry if it is unknown by the requester.
- (b) Proof of registration for *identifying information* with the registry; and
- (c) A fee of \$400 for the first individual and \$200 for each additional individual.
- (2) Upon receipt of a completed application the registry must do all of the following:

 - (a) Prepare a search file.
 - (b) Assign the case to a *searcher*.
 - (c) Inform the *requester* that the case has been opened and provide periodic updates on the status of the search.
- (3) Duties of the Searcher.

 - (a) When an individual is located, the *searcher* must:

 - (A) Make a confidential inquiry to determine if the located individual wants to establish contact with the *requester*;
 - (B) Inform the located individual about the *registry* program, explain that participation is voluntary and no *identifying information* will be released unless they have registered with the appropriate *registry*; and
 - (C) If the *requester* is searching because there is a serious medical condition in the individual's immediate family that is, or may be, an inheritable condition and the located individual is biologically related to the ill individual, inform the located individual.
 - (b) Upon completion of the search, the *searcher* must:

 - (A) Notify the *registry* of the results of the search; and
 - (B) Return or confidentially dispose of any information obtained in connection with the search.
- (4) When notified of the results of a search, the *registry* must:

 - (a) Provide registration to a located individual who wants to register;

- (b) Notify the *requester* of the results of the search;
 - (c) Record the results of the search;
 - (d) Include any information from the *searcher* in the search file; and
 - (e) If the located individual has not returned the registration materials within 90 days, the *registry* may, where practicable, contact the located individual one time to determine if the located individual still intends to register.
- (5) Upon receipt of registration materials from the located individual, the *registry* must contact both the *requester* and the located individual to assure that communication is initiated in a way that is acceptable for each individual. The registry must only release contact information that is allowed by each registrant.
- (6) The *registry* must complete the *assisted search* within 120 days from the date of assignment. If the search is not completed within 120 days, the registry must contact the *requester* and provide the reason for the delay and a projected completion date.

Statutory Authority: ORS 109.506, 418.005
Stats. Implemented: ORS 109.425 - 109.5007

413-130-0350

Release of Identifying Information -- Counseling Standards of Conduct for a Registry

(Amended 01/01/02)(Temporary effective 01/01/16 - 06/28/16)

THIS RULE IS REVISED IN ITS ENTIRETY

- ~~(1) When DHS determines that a match exists, DHS shall notify the affected persons of the match by a method which is direct and confidential.~~
- ~~(2) DHS may recommend appropriate counseling by a DHS service worker prior to the release of identifying information to eligible persons.~~
- ~~(3) If DHS determines that there is a match, and if relevant persons have registered with the registry and have received appropriate counseling at the discretion of the agency operating the registry, notification of the match shall be given by DHS only to:
 - ~~(a) An adult adoptee;~~
 - ~~(b) Birth parent(s) of an adult adoptee;~~~~

- ~~(c) — The adult genetic siblings of an adult adoptee if the birth parent(s) are deceased;~~
 - ~~(d) — Adult adoptee genetic siblings who have been adopted by different adoptive families and have no knowledge of their birth parents;~~
 - ~~(e) — At DHS's discretion, parents or adult siblings of the birth parent(s) if the birth parent(s) are deceased;~~
 - ~~(f) — At DHS's discretion, the adoptive parent(s) of a deceased adoptee; or~~
 - ~~(g) — Putative father of adult adoptee.~~
- ~~(4) — No information shall be released to registrants pertaining to:~~
- ~~(a) — The adoptive parents;~~
 - ~~(b) — The siblings of the adult adoptee who are children of the adoptive parents; and~~
 - ~~(c) — The income of anyone.~~

A registry must do all of the following:

- (1) Maintain accurate and complete records of each search.
- (2) Keep confidential all adoption file information and all *work product* developed during an *assisted search process*.
- (3) Only contact adoptees, birth family members, or *adoptive family members* under the provisions of these rules.
- (4) Act within applicable statutory and administrative rules.
- (5) Not contact, exert pressure, or in any other way solicit an *adoptee, adoptive parent or guardian, birth parent, or putative father* to register with the registry except as allowed in relation to an *assisted search*.
- (6) Accept fees not exceeding those described these rules.

Statutory Authority: ORS 109.506, 418.005
Stats. Implemented: ORS 109.425 - 109.507

413-130-0355

Contact Preference Form Standards for a Searcher

(Amended 11/07/00)(Temporary effective 01/01/16 - 06/28/16)

THIS RULE IS REVISED IN ITS ENTIRETY

- (1) ~~—A birth parent may request from the voluntary registry a Contact Preference Form (45-89, Oregon Department of Human Services, Health Division) for the purpose of indicating the birth parent's preference regarding contact by the adoptee.
 - (a) ~~—If the birth parent wants contact or contact through an intermediary, the birth parent may complete only the Contact Preference form and return it to the Oregon Center for Health Statistics, Certification Unit. Completion of a Birth Parent Updated Medical History form (CF 246R) is not required.~~
 - (b) ~~—If the birth parent does not want contact he or she must fill out the Birth Parent Updated Medical History form (CF 246R) that he or she may obtain from the voluntary adoption registry, the private adoption agency that handled the adoption or the Oregon Center for Health Statistics, Certification Unit and submit it to the appropriate voluntary adoption registry.~~~~
- (2) ~~—Upon receipt of the Birth Parent Updated Medical History form (CF 246R), the voluntary adoption registry shall provide the birth parent with a Certificate of Receipt of Birth Parent Updated Medical History (CF 247R). The agency operating the voluntary adoption registry shall photocopy the Certificate of Receipt of Birth Parent Updated Medical History (CF 247R) on letterhead, have it signed by an authorized representative, and have the signature notarized.~~
- (3) ~~—The birth parent shall then attach the Certificate of Receipt of Birth Parent Medical History (CF 247R) to the completed Contact Preference Form and send both forms to the Oregon Center for Health Statistics, Certification Unit.~~

Individuals or entities who perform assisted searches for a registry must do all of the following:

- (1) Keep all information from sealed adoption files and information obtained during an assisted search confidential.
- (2) Maintain accurate and complete records of each search.
- (3) Work within the boundaries of applicable statutory and administrative rules.
- (4) Avoid potential conflicts of interest in conducting a search.

- (5) Provide a criminal background check demonstrating no record of criminal convictions related to maintaining the integrity or confidentiality of records or child abuse or other offenses involving minor children.
- (6) Sign a statement of confidentiality that outlines potential civil and criminal penalties for any disclosure of file information to any one not expressly authorized in applicable statutes or administrative rules.

Statutory Authority: ORS 109.506, 418.005
Stats. Implemented: ORS 109.425 - 109.5097

413-130-0360

Confidentiality of Access to Registry Records

(Amended 01/01/02)(Temporary effective 01/01/16 - 06/28/16)

THIS RULE IS REVISED IN ITS ENTIRETY

~~All information acquired by the registry shall be confidential and shall be disclosed only as provided in these rules or pursuant to a court order. The provisions of this rule do not apply when confidential information relating to an international adoption is requested by an adult adoptee.~~

- (1) A licensed adoption agency may examine adoption records maintained by the Department as part of an assisted search.
- (2) The Department may examine adoption records maintained by a licensed adoption agency as part of an assisted search if the licensed adoption agency so allows.
- (3) Original file contents or copies of confidential documents may not be removed from a registry.
- (4) A searcher may not inspect any other files of another registry except those directly related to the file of the requester.

Statutory Authority: ORS 109.506, 418.005
Stats. Implemented: ORS 109.425 - 109.5097

413-130-0365

Confidentiality and Maintenance of Records

(Temporary effective 01/01/16 - 06/28/16)

THIS IS A NEW RULE

- (1) All information acquired by the *registry* must be confidential and be disclosed only as provided in these rules or pursuant to a court order.
- (2) Registry files including *work product* from an *assisted search* must be maintained permanently.
- (3) If a *licensed adoption agency* ceases to do business, the agency must transfer the adoption records to the Department or a *successor agency*. If files are transferred to a *successor agency*, the agency must tell the Department who has the files.

Statutory Authority: ORS 109.506, 418.005

Stats. Implemented: ORS 109.425 - 109.507

~~Assisted Search Program~~

413-130-0400

Purpose

(Adopted 12/29/95)

THIS RULE IS REPEALED

~~The State of Oregon administers the Assisted Search Program which permits a confidential search for certain adult members of an individual's birth family. This program recognizes that while some parties to adoption have a strong desire to obtain identifying information, others do not. This program is voluntary for all participants and fully recognizes the right to privacy and confidentiality of all parties to an adoption. Persons contacted under this program are directed to the voluntary adoption registry where exchange of identifying information can be authorized. Licensed Oregon adoption agencies conducting assisted search programs are subject to the policies and procedures established under these rules, whose purpose is to set forth criteria establishing eligibility standards, standards of conduct and search procedures, and fees to be paid by persons requesting assisted searches.~~

Statutory Authority: ORS 418.005, ORS 109.506

Stats. Implemented: ORS 109.425 - 109.507

413-130-0420

Use of Assisted Search Program

(Amended 05/01/98)

THIS RULE IS REPEALED

- ~~(1) — Eligible Persons. Certain persons duly registered with an Oregon voluntary adoption registry for identifying information are eligible to request an assisted search:
 - ~~(a) — Adult adoptee or adoptive parents of a deceased adoptee seeking the adoptee's birth parents or genetic siblings;~~
 - ~~(b) — Birth parents, adult genetic sibling(s) or the parent or adult sibling of a deceased birth parent seeking the adult adoptee.~~~~
- ~~(2) — Completed searches for a birth parent where that person declines to register prevents any subsequent assisted search for the requester's biological siblings. A search for the other birth parent or registered putative father is permitted where authorized by statute.~~

- ~~(3) — A putative father may register so that an adult adoptee may be assisted in contacting him, but the putative the father is prohibited from conducting an assisted search.~~

Statutory Authority: ORS 418.005, 109.506
Stats. Implemented: ORS 109.425 - 109.507

413-130-0430

Application

(Amended 11/07/00)

THIS RULE IS REPEALED

~~Requesters for assisted searches must submit an application directly to the licensed adoption agency that facilitated the adoption if that agency has met all requirements under OAR 413-130-0455 and 413-130-0460, or to the State Office for Services to Children and Families Central Adoptions Unit. The completed application shall include:~~

- ~~(1) — Proof of registration for identifying information on the appropriate voluntary adoption registry;~~
- ~~(2) — The applicable fee.~~

Statutory Authority: ORS 418.005, 109.506
Stats. Implemented: ORS 109.425 - 109.507

413-130-0440

Fees

(Amended 11/07/00)

THIS RULE IS REPEALED

~~Each application for an assisted search shall be accompanied by the following fee(s):~~

- ~~(1) — Four hundred dollars for all initial searches for any one eligible person. This fee includes \$100 which covers costs for administration of the assisted search program and \$300 which represents the fixed fee for actual search.~~
- ~~(2) — Two hundred dollars each for any subsequent assisted searches for eligible persons by the same requester.~~
- ~~(3) — Twenty five dollars non-refundable birth parent database review if the applicant requests an assisted search for a birth father. This review shall determine if there~~

~~is a father who meets the definition of the legal or putative father permitted to utilize the voluntary registry. This \$25 fee will be applied towards the assisted search fees if it is determined that a search can be conducted.~~

- ~~(4) — Once application is made for the assisted search to the licensed adoption agency or SOSCF, any fees paid are non-refundable under any circumstances, including unsuccessful location or reunion.~~

Statutory Authority: ORS 418.005, 109.506
Stats. Implemented: ORS 109.425 - 109.507

413-130-0450

Eligibility of Search Organization

(Amended 11/07/00)

THIS RULE IS REPEALED

~~Licensed adoption agencies who perform assisted searches must meet the following requirements:~~

- ~~(1) — Demonstrate knowledge of, and experience with, adoption and search issues including a statement of philosophy which values post adoption search consistent with ORS 109.430;~~
- ~~(2) — Demonstrate experience providing administrative and supervisory oversight of employees and subcontractors, if applicable, including monitoring of conduct and performance;~~
- ~~(3) — Demonstrate sufficient financial resources to insure effective work and organizational stability;~~
- ~~(4) — Employ, or have on call as needed, sufficient capable, trained and experienced staff who meet the standards and minimum competencies outlined in OAR 413-130-0460;~~
- ~~(5) — Be available to accept search requests within the time frame outlined in OAR 413-130-0480;~~
- ~~(6) — Maintain signed statements of confidentiality in personnel files and provide notice of confidentiality requirements in all program policies concerning any information from sealed adoption files and any information obtained during the assisted search process;~~
- ~~(7) — Demonstrate knowledge of available search resources to guarantee delivery of services within the fee schedule;~~

- ~~(8) — Agree to provide current and comprehensive information regarding agency and community resources, including support groups, reading lists and other resources regarding psychological issues in adoption and potential outcomes of reunions, to certain individuals identified and contacted as a result of the search;~~
- ~~(9) — Agree to compile statistical data on searches for periodic reports to SOSCF in a format determined by SOSCF.~~

Statutory Authority: ORS 418.005, 109.506
Stats. Implemented: ORS 109.425 - 109.507

413-130-0455

Standards of Conduct For Licensed Agencies

(Renumbered from 413-130-0470 11/07/00)

THIS RULE IS REPEALED

~~Licensed adoption agencies performing assisted searches shall:~~

- ~~(1) — Maintain accurate and complete records of each search;~~
- ~~(2) — Keep confidential all adoption file information furnished by SOSCF and any licensed adoption agency and all *work product* developed during the *assisted search* process;~~
- ~~(3) — Use discretion in the search in all contacts and requests for information from public sources, and from those known to the persons involved;~~
- ~~(4) — Act within applicable statutory and administrative rules in applicable jurisdictions;~~
- ~~(5) — Not exert any pressure upon a sought-after person in order to effect registration on a voluntary adoption registry;~~
- ~~(6) — Accept only such compensation for a search as is permitted by law;~~
- ~~(7) — Avoid any potential conflicts of interest in conducting assisted searches;~~
- ~~(8) — Not assume the role of therapist or counselor to parties contacted during the assisted search process.~~

Statutory Authority: ORS 418.005, 109.506
Stats. Implemented: ORS 109.425 - 109.507

413-130-0460

Eligibility Competencies and Standards for Persons Performing Searches

(Amended 11/07/00)

THIS RULE IS REPEALED

~~Persons performing assisted searches for licensed adoption agencies or SOSCF must meet the following requirements:~~

- ~~(1) Demonstrate a minimum of two years of experience, either professional or volunteer, in legal and/or psychological aspects of adoption and adoption search.~~
- ~~(2) Demonstrate expertise, through written references, approved training and personal interviews, of the following:~~
 - ~~(a) Sensitivity to adoption-related issues;~~
 - ~~(b) Ability to maintain confidential files and information;~~
 - ~~(c) Ability to work within established legal, administrative and ethical boundaries;~~
 - ~~(d) Excellent listening and communication skills, written and verbal;~~
 - ~~(e) Ability to work with persons from diverse backgrounds and cultures;~~
 - ~~(f) Insight regarding personal attitudes regarding adoption, search and reunion to maintain professional neutrality.~~
 - ~~(g) Demonstrate general and specific knowledge of search procedures and techniques to be utilized to successfully locate sought after parties.~~
- ~~(3) Provide a criminal background check, which demonstrates no record of criminal convictions:~~
 - ~~(a) Related to maintaining the integrity or confidentiality of records;~~
 - ~~(b) Related to child abuse or other offenses involving minor children.~~
- ~~(4) Attend continuing education/applicable training available if required by the licensed adoption agency or SOSCF in the areas of adoption, search and reunion.~~

- ~~(5) — Sign a statement of confidentiality, which outlines potential civil and criminal penalties for any disclosure of file information to any one not expressly authorized in applicable statutes or administrative rules.~~

Statutory Authority: ORS 418.005, 109.506

Stats. Implemented: ORS 109.425 - 109.507

413-130-0480

Search Procedures

(Amended 05/01/98)

THIS RULE IS REPEALED

- ~~(1) — SOSCF or licensed adoption agencies, upon receipt of the application and fees, shall complete the assisted search within 120 days from the date of assignment. If the case is still active, but not completed within 120 days, the agency shall contact the requester and state the reason for the delay and a projected completion date. The licensed adoption agency, or SOSCF shall inform the requester that the case has been opened, and shall maintain reasonable contact with the requester to give periodic updates on the search.~~
- ~~(2) — The licensed adoption agency or SOSCF shall prepare a search file, and using established search techniques in accordance with the standards of conduct established under OAR 413-130-0470, shall attempt to identify and locate the person sought under the program.~~
- ~~(3) — Upon location of that person, the licensed adoption agency or SOSCF shall make a confidential inquiry, in person if possible, to determine if that person wishes to establish contact with the requester through the voluntary adoption registry:~~
- ~~(a) — The licensed adoption agency or SOSCF shall inform the person that any participation he or she may have with the registry is voluntary and that no information regarding his or her identity or location will be released unless completed registration is made with the voluntary adoption registry;~~
- ~~(b) — The agency or SOSCF shall provide information and any application materials necessary to register with the appropriate registry if contact is to be made. The application materials shall contain a statement regarding the voluntary nature of any participation in a voluntary adoption registry;~~
- ~~(c) — The agency or SOSCF shall also provide information about agency and community resources regarding psychological issues in adoption and reunion to persons who express a wish to receive information;~~
- ~~(d) — The agency or SOSCF shall notify the appropriate voluntary adoption~~

registry that the person being sought has been identified and located, and has indicated that the person wishes to make contact;

- (e) ~~If the reason for the search is because there is a serious medical condition in the person's immediate genetic family that is, or may be, an inheritable condition, the person being sought shall be informed of that fact at first contact.~~
- (4) ~~SOSCF or the licensed adoption agency conducting the search, where practicable, shall, after 90 days, contact the person in the original contact who indicated interest in accessing the voluntary adoption registry, if that person has not returned the application materials. This second contact is to offer forms and materials to register and to determine if the person still intends to register.~~
- (5) ~~If, upon location, the person sought does not wish to register to establish contact through the voluntary adoption registry, the person shall be given information about the voluntary adoption registry under ORS 109.435 to 109.507.~~
- (6) ~~The licensed adoption agency or SOSCF shall notify the appropriate voluntary registry that the person being sought has been located and has indicated that the person does not wish the contact.~~
- (7) ~~If the licensed adoption agency or SOSCF is unable to identify or locate the person being sought, SOSCF or the licensed adoption agency shall notify the appropriate voluntary registry of that fact.~~
- (8) ~~Upon receiving notice under OAR 413-130-0480(3), (5) or (6), the voluntary adoption registry shall:~~
 - (a) ~~Enter the information into its records;~~
 - (b) ~~Notify the requester only that the person being sought has or has not been located; and either:~~
 - (A) ~~Has indicated a wish to make contact and has been given information and forms necessary to register; or~~
 - (B) ~~Has indicated a wish not to make contact.~~
- (9) ~~Except as otherwise provided under this rule, no contact shall be made with requesters or persons sought under the assisted search program.~~
- (10) ~~All search file information, including all work product developed during the course of the search, shall be incorporated into the permanent registry adoption file in the agency of origin, either SOSCF and/or a licensed Oregon adoption agency upon completion of the search.~~

Statutory Authority: ORS 418.005, 109.506
Stats. Implemented: ORS 109.425 - 109.507

413-130-0490

Access to Records

(Adopted 12/29/95)

THIS RULE IS REPEALED

- ~~(1) — A licensed adoption agency may examine adoption records maintained by the State Office for Services to Children and Families subject to SOSCF operating procedures.~~
- ~~(2) — No original file contents or copies of confidential documents will be removed from SOSCF Central Adoptions Unit.~~
- ~~(3) — No file contents will be open to inspection by a licensed adoption agency other than the file directly related to the requester's file.~~

Statutory Authority: ORS 418.005, 109.506
Stats. Implemented: ORS 109.425 - 109.507

413-130-0500

Maintenance of Records

(Adopted 12/29/95)

THIS RULE IS REPEALED

- ~~(1) — All work product and adoption file information obtained in connection with the assisted search program under these rules is confidential. All confidential adoption records made available to a licensed adoption agency, and all work product are the property of the agency of origin, either SOSCF or the licensed adoption agency. At the conclusion of the assisted search, all materials shall be forwarded to the agency of origin, and shall become part of the permanent adoption file. Licensed adoption agencies conducting an assisted search program shall maintain a record of each search undertaken and its outcome in a form which does not breach the confidentiality of any registrant.~~

~~(2) During an active search, licensed adoption agencies shall keep records of all actions taken on behalf of requesters, and shall furnish copies of those records upon request from SOSCF.~~

Statutory Authority: ORS 418.005, 109.506
Stats. Implemented: ORS 109.425 - 109.507

413-130-0510
Exclusion of Licensed Agencies
(Adopted 12/29/95)

THIS RULE IS REPEALED

~~Any licensed adoption agency authorized to conduct searches per OAR 413-130-0460, shall be immediately excluded from all access to confidential adoption file information if any rules are violated, and may be subject to immediate termination for any willful unauthorized disclosure of any confidential file information. Such persons may be subject to criminal prosecution.~~

Statutory Authority: ORS 418.005, 109.506
Stats. Implemented: ORS 109.425 - 109.507

413-130-0520
Advisory Committee
(Amended 11/07/00)

THIS RULE IS REPEALED

~~SOSCF may establish an advisory committee selected by SOSCF. The advisory committee may meet as needed to consider any changes or improvements to the administration of the Assisted Search Program. Membership shall reflect affected parties, including, but not limited to, adult adoptees, adoptive parents, birth parents, private adoption agency personnel and SOSCF adoptions staff.~~

Statutory Authority: ORS 418.005, 109.506
Stats. Implemented: ORS 109.425 - 109.507