

FATHERS AT A GLANCE AND SEARCH AND NOTICE REQUIREMENTS

TYPE OF FATHER	DESCRIPTION	Included in PETITION	SEARCH if whereabouts unknown	NOTICE that child in care; DHS contact info	NOTICE of expectation to establish paternity	NOTICE of juvenile court proceedings re: paternity
<b>LEGAL – fathers for whom paternity has been established by one of the methods described below</b>						
1. Marriage prior to birth	<ul style="list-style-type: none"> <li>If married to each other at time of birth, the man is presumed to be the legal father even if not bio (presumption may be challenged)</li> <li>If married to each other and child is born within 300 days after the marriage is terminated by death, annulment or dissolution or after entry of judgment of separation, the man is presumed to be the legal father even if not bio (presumption may be challenged)</li> </ul>	Yes	Yes	Yes	N/A	Yes
2. Marriage after birth	<ul style="list-style-type: none"> <li>Biological father who marries mother after birth and parents file a Voluntary Acknowledgment of Paternity with the Center for Health Statistics (AKA Vital Stats)</li> </ul>	Yes	Yes	Yes	N/A	Yes
3. Voluntary Acknowledgment of Paternity	<ul style="list-style-type: none"> <li>Must be signed by bio parents, notarized (unless signed at healthcare center within 5 days of birth), and filed w/ Center for Health Statistics</li> <li>May be established through a voluntary acknowledgment of paternity process in another state.</li> </ul>	Yes	Yes	Yes	N/A	Yes
4. Judgments of Paternity entered as a result of filiation proceedings	<ul style="list-style-type: none"> <li>Judgments resulting from Judicial Proceedings (including juvenile court paternity proceedings)</li> <li>Judgments resulting from DCS Administrative Proceedings (default paternity judgment or judgment entered consistent with paternity testing).</li> </ul>	Yes	Yes	Yes	N/A	Yes
5. Acknowledgment of paternity consistent with tribal law	In ICWA cases, a man who has acknowledged or established paternity consistent with tribal law is a legal father under Oregon law.	Yes	Yes	Yes	N/A	Yes
6. Adoption of the child	A man who adopts a child is the child's legal father.	Yes	Yes	Yes	N/A	Yes
7. Other operation of law	Examples include: custody order, divorce decree, declaratory actions regarding deceased fathers	Yes	Yes	Yes	N/A	Yes
<b>PUTATIVE – alleged biological fathers who have not established paternity; fall within one of the categories described below</b>						
1. Stanley putative fathers TREAT LIKE PARENT	Alleged biological fathers who have assumed or attempted to assume responsibilities of parenthood. Parental responsibility can include: living with the child, financially supporting the child, or establishing a psychological, parental relationship with the child. See ORS 419B.875(1)(a)(C).	Yes	Yes	Yes	Yes; but treat as "parent" even w/o est. paternity	Yes
2. Pagan putative fathers	Alleged biological fathers who have not assumed or attempted to assume parental responsibilities – NO LEGAL STANDING	No	No	No	No	No
3. "Other" putative fathers	A. Had or attempted to have some contact and/or provided or attempted to provide some gifts, necessities, support (but actions did not rise to level of "Stanley") OR conflicting information about level of involvement with child	No	Yes	Yes	Yes	Yes
Three examples/sub-categories of these alleged biological fathers:	B. Child into care at time of birth (alleged biological father had no opportunity to take on parenting role)	No	Yes	Yes	Yes	Yes
	C. Man claiming or alleged to be the biological father and paternity is being addressed in Juvenile Court	No	Yes	Yes	Case by Case	Yes

