

Policy Title:	Adoption Registry – OAR		
Policy Number:	I-G.3.3 413-130-0300 thru 0360		Effective Date: 01-01-2002

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

History

Reference(s):

- ORS 109.425 - 500
- Child Welfare Policy I-G.3.4, "Assisted Search Program"
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-g34.pdf

Form(s) that apply:

- CF 0246R, "Birth Parent Updated Medical History"
<http://dhsforms.hr.state.or.us/Forms/Served/CE0246R.pdf>
- CF 0247R, "Certificate of Receipt of Birth Parent Medical History"
- CF 1260, "Voluntary Adoption Registry, Non-Identifying Information"
<http://dhsforms.hr.state.or.us/Forms/Served/CE1260.pdf>
- CF 1254, "Voluntary Adoption Registry Affidavit for Identifying Information"
<http://dhsforms.hr.state.or.us/Forms/Served/CE1254.pdf>
- CF 1246, "Assisted Search Application, Voluntary Adoption Registry Information"
<http://dhsforms.hr.state.or.us/Forms/Served/CE1246.pdf>
- 45-89 Contact Preference Form

Rules:

Purpose

413-130-0300

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.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 109.425 - 109.500

Definitions

413-130-0305

(1) **“Identifying Information”** means names and addresses of birth parents, putative fathers, adult adoptee, adult adoptee genetic siblings.

(2) **“Independent adoption”** means any adoption where the consent is given by other than DHS or a licensed adoption agency.

(3) **“Non Identifying Information”** means health and social and genetic history of the adult adoptees, birth parents, putative fathers and other specified persons.

(4) **“Voluntary Adoption Registry”** means a voluntary registry operated by DHS or licensed 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 transmissions 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 a person settling an estate.

Voluntary Adoption Registry

413-130-0310

(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.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 109.425 - 109.500

Requesting Non-Identifying Information 413-130-0320

(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.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 109.425 - 109.500

Registration For Identifying Information 413-130-0330

(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.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 109.425 - 109.500

Use Of Registry

413-130-0340

(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.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 109.425 - 109.500

Release Of Identifying Information - Counseling

413-130-0350

(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.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 109.425 - 109.500

Contact Preference Form 413-130-0355

(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.

Confidentiality Of Registry
413-130-0360

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.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 109.425 - 109.500

Contact(s):

- **Name:** CAF Reception; **Phone:** 503-945-5600

Policy History

- 12/29/95
- 05/01/98
- 11/07/00