



NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 333

OREGON HEALTH AUTHORITY

PUBLIC HEALTH DIVISION

FILED: 09/30/2026 10:10 AM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Implementation of SB 163 (2025), identifying processes and requirements for establishing parentage of a child

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/21/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 10/20/2026

TIME: 11:00 AM

OFFICER: Staff

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 971-277-2343

CONFERENCE ID: 226444328

SPECIAL INSTRUCTIONS:

This hearing is being held remotely via Microsoft Teams. To provide oral (spoken) testimony during this hearing, please contact publichealth.rules@odhsoha.oregon.gov to register to receive the link for the Microsoft Teams video conference via calendar appointment, or you may access the hearing using the meeting URL above. Alternatively, you may dial 971-277-2343, Phone Conference ID 226 444 328# for audio (listen) only. This hearing will close no later than 12:00PM (noon) but may close as early as 11:30AM if everyone who signs up to provide testimony has been heard from.

Accessibility Statement: For individuals with disabilities or individuals who speak a language other than English, OHA can provide free help. Some examples are: sign language and spoken language interpreters, real-time captioning, braille, large print, audio, and written materials in other languages. If you need help with these services, please contact the Public Health Division at 971-673-1222, 711 TTY or publichealth.rules@odhsoha.oregon.gov at least 48 hours before the meeting. All relay calls are accepted. To best ensure our ability to provide a modification please contact us if you are considering attending the meeting and require a modification. The earlier you make a request the more likely we can meet the need.

NEED FOR THE RULE(S):

The purpose of this rulemaking is to adopt new rules required by passage of Senate Bill 163 (OL 2025, ch. 592) during the 2025 Oregon Legislative Session. Portions of Senate Bill 163 have an implementation date of January 1, 2027 and are addressed by this rulemaking.

Senate Bill 163 modifies how parentage of a child is established in Oregon. Senate Bill 163 requires the Oregon Health Authority (OHA), Public Health Division, Center for Health Statistics to adopt rules to (1) establish standards for preparing reports of live birth for the new methods for establishing parentage; (2) add parents to reports of live births who are not married but intend to; (3) establish parentage with a witnessed voluntary acknowledgment of parentage; (4) establish parentage with a notarized voluntary acknowledgment of parentage; (5) establish a denial of parentage process; (6) establish a process for rescission of acknowledgment or denial of parentage; and (7) establish a process to register the birth of a child under a gestational surrogacy agreement. The rulemaking will also repeal the previous rule that established the processes of acknowledgment of parentage as a new rule is replacing it and will amend the rule on preparation of new birth records after amendment.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Senate Bill 163 and testimony presented during legislative hearings.

<https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/SB163>

The following forms were used to develop the rules:

- Voluntary Acknowledgment of Parentage 45-31 (1/26) (available upon request at CHS.PartnerServices@oha.oregon.gov)
- Voluntary Acknowledgment of Parentage Affidavit 45-21 (1/26):
<https://www.oregon.gov/oha/PH/BIRTHDEATHCERTIFICATES/Document%20Forms/45-21.pdf>
- Forms from Washington related to gestational surrogacy, denial of parentage and rescission of parentage were referenced when preparing the Oregon rules.
 - o <https://doh.wa.gov/sites/default/files/legacy/Documents/Pubs/422-156-WashingtonStateSurrogateBirthFilingForm.pdf>
 - o <https://doh.wa.gov/licenses-permits-and-certificates/vital-records/parentage/denial-parentage>
 - o <https://doh.wa.gov/licenses-permits-and-certificates/vital-records/parentage/rescission-parentage>

The following new worksheets and forms are referenced in the new rules. They are currently in draft form and are available for review upon request at CHS.PartnerServices@oha.oregon.gov:

- Birth Record Parent Worksheet (OHA 9704)
- Notarized Acknowledgment of Parentage (45-21)
- Witnessed Voluntary Acknowledgment of Parentage (45-31)

- Denial of Parentage (45-21D)
- Rescission of Acknowledgment or Denial of Parentage (45-21R)
- Birth Record Parent Worksheet Surrogacy (OHA 9704S)
- Gestational Surrogate and Intended Parent Information Sheet (45-22)

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The rules increase equitable access to parentage in Oregon by removing gender designations for parental roles. They also implement administrative processes directed by Senate Bill 163 to add or remove parents from birth records that are less expensive and time-consuming than judicial proceedings. Unmarried parents are more likely to use these processes as married parents are generally automatically added to the birth record.

The percentage of births in Oregon where the person who gave birth is not married or in a registered domestic partnership varies by race and ethnicity.

2025 percentage of Oregon births where the person who gave birth was not married:

All Oregon births: 37%

American Indian or Alaskan Native: 68%

Black: 44%

Hispanic ethnicity: 54%

Native Hawaiian or Pacific Islander: 12%

One or more races: 44%

Unknown race: 40%

White: 30%

The percentages above show that some communities of color are experiencing a higher percentage of non-marital births, compared to white communities. The new processes proposed in the rule change may reduce barriers and positively impact those communities who will be more likely to utilize these new parentage processes, thus increasing the addition of parents on birth records in the state. This suggests that some racial or ethnic communities may be more likely to use administrative processes proposed in the new rules to add a parent to a birth record.

Because some communities of color may be more likely to utilize some of the parentage establishment processes, it is important to recognize barriers associated in navigating these processes, such as language access, access to relevant and accurate information, or financial hardships. For example, many communities speak primary languages other than English, which can increase barriers or difficulties navigating these forms and timelines. The rules provide clarification of the processes for adding parents that include information on when fees should be paid, when forms can be accepted, and when parties are notified. Having this level of detail in the rules will help individuals and families navigate a rather complicated process.

FISCAL AND ECONOMIC IMPACT:

The anticipated fiscal and economic impact is unknown. Additional fees for amendments generated are unknown but will not cover the expenses to prepare and implement new forms, procedures, and rules. Current expenditures in the Amendments program are significantly higher than the revenue generated by amendment fees.

Individuals from the public who wish to add or remove themselves as parents on a birth record can do so through the

processes outlined in these rules. There are fees associated with filing notarized acknowledgment of parentage, denial of parentage, and rescission of acknowledgment or denial of parentage. No new fees are established in these rules. In some cases, a fee is not required if filed within a particular time frame from the date of birth, which reduces the economic impact on members of the public.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The Oregon Health Authority, Public Health Division, Center for Health Statistics is fiscally impacted by these rules. The Center for Health Statistics is the sole agency responsible for amending those records as outlined in Senate Bill 163. The rules require additional staffing and information technology resources to update forms, develop training, and modify the state's vital records system. The Center for Health Statistics will receive some fees for the services provided but the additional tasks identified in rule will not be fully funded by the fees. No other state agencies or units of local government will have a cost of compliance impact.

Individuals from the public who wish to add or remove themselves as parents on a birth record can do so through the processes outlined in these rules. There are fees associated with filing notarized acknowledgment of parentage, denial of parentage, and rescission of acknowledgment or denial of parentage. No new fees are established in these rules.

(2)(a) An estimated 30 small businesses that offer midwifery services and that are responsible for reporting births are subject to the rules. These businesses will be required to follow the new rules related to the standards for reporting births, gathering information related to parents intending to marry, provide notarized acknowledgment or denial of parentage forms to parents if requested and complete the intended and gestational surrogacy information on birth records as required by the new rules.

(b) The new rules establish the process for recordkeeping of parent and facility worksheets that are currently in practice. Additional information gathered from parents will be provided on forms provided by the Center for Health Statistics. Forms that may need to be provided to parents will be provided by the Center for Health Statistics. Training and instructions will be provided by the Center for Health Statistics. The reporting, recordkeeping, and administrative work for small businesses (midwives, independent birthing centers) is already happening and has been for many years. The new and amended rules add some additional forms and processes, but the majority of the work is already being performed. The exact costs are unknown but are likely to be minimal.

(c) All forms will be provided by the Center for Health Statistics. The time it takes to gather the information from parents to complete birth records may increase, resulting in more labor costs for completing each birth record. Small businesses may have costs relating to training time for staff on new rules and forms.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Two traditional midwives and two midwives representing birthing centers were invited to participate in the RAC, but none attended.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

333-011-0212, 333-011-0230, 333-011-0262, 333-011-0265, 333-011-0266, 333-011-0267, 333-011-0268, 333-011-0269, 333-011-0270, 333-011-0274, 333-011-0275, 333-011-0276, 333-011-0340

ADOPT: 333-011-0212

RULE SUMMARY: Adopt OAR 333-011-0212

Standards for Reporting Live Births: Specifies the forms used by people who report births to collect the information for reports of live births submitted to the Center for Health Statistics. The rule outlines who is responsible for completing and signing the forms, how long the forms need to be retained by the reporting source and the restrictions for sharing the forms. The rule identifies the process for entering information in the state's birth reporting systems and how errors are corrected. This rule identifies standard forms and processes for gathering information for birth records. Many of the requirements of the rules are already established in current practice and do not reflect a change in protocol or obligations for reporters.

CHANGES TO RULE:

333-011-0212

Standards for Reporting Live Births

(1) For the purposes of this rule, "reporter" means the person who submits a report of live birth to the Center for Health Statistics (CHS) as described in ORS 432.088(3) and (5). ¶

(2) For reporting live births, other than those under a gestational surrogacy agreement:¶

(a) Reporters shall collect parent information using the birth filing worksheet for parents prescribed by the state registrar and available on the CHS website or available upon request. ¶

(A) The parent or their designee shall complete the parent information on the birth filing worksheet for parents; and ¶

(B) Sign the worksheet indicating their verification of the accuracy of the data provided in the worksheet used to prepare the report of live birth. ¶

(b) Reporters shall collect statistical information using the birth filing worksheet for facilities prescribed by the state registrar and available upon request to CHS or the reporter's medical records system if the information maintained in the medical records system matches the information collected on the birth filing worksheet for facilities.¶

(3) In addition to this rule, reporters shall report live births under a gestational surrogacy agreement in accordance with OAR 333-011-0276 sections (7) and (8). ¶

(4) Reporters submitting birth reports on paper shall enter the information on the paper birth report exactly as written on the parent and facility worksheet forms, if applicable. Reporters shall review the information to confirm accuracy before submitting the birth report.¶

(5) Reporters submitting birth reports into the state electronic birth reporting system shall enter the information exactly as written on the parent and facility worksheet forms. ¶

(a) Reporters shall review the information entered into the system to confirm accuracy before certifying the birth report.¶

(b) If an error that resulted from transcribing information into the birth report from the worksheet form is identified by CHS or another source, then the reporter shall amend the birth record in the state electronic reporting system as instructed by CHS.¶

(6) Reporters shall retain completed worksheet forms for a minimum of two years after the birth of the child unless the worksheet forms are attached to the birth report in the state electronic birth reporting system. The forms shall be retained separately from the child or parents' medical records.¶

(7) Reporters shall provide the completed worksheet forms to CHS upon request. Completed worksheets are exempt from public disclosure under ORS 192.311 to 192.478 and a person may not disclose or allow a person to inspect completed worksheets unless permitted by ORS 432.350, 432.380, or OAR chapter 333, division 11.

Statutory/Other Authority: ORS 413.042, ORS 432.010, ORS 432.015, ORS 432.030, ORS 432.033, ORS 432.075, ORS 432.083, ORS 432.088

Statutes/Other Implemented: ORS 432.010, ORS 432.030, ORS 432.088

RULE SUMMARY: Amend OAR 333-011-0230

Registering Live Births that Occur Outside a Facility More Than One Year after the Date of Birth: Establishes the process by which a “delayed” birth record can be created for a child whose birth was not reported within one year of their date of birth. The rule is being amended to include the presumption of parentage for parents in a domestic partnership registered by the state, per ORS 432.088(9)(c). It is also being amended to replace references to “paternity” with “parentage” and replace a reference to OAR 333-011-0270, which is being repealed, with OAR 333-011-0266 and OAR 333-011-0267, which are the new rules establishing Acknowledgment of Parentage forms.

CHANGES TO RULE:

333-011-0230

Registering Live Births that Occur Outside a Facility More Than One Year after the Date of Birth ¶

(1) When a live birth that occurred outside a licensed medical facility has not been registered within one year from the date of birth, an application for a delayed registration of live birth may be submitted. The applicant shall complete a delayed report of live birth application form prescribed by the state registrar, pay the delayed filing fee, and shall provide additional documentation described in this rule.¶

(a) If the proposed registrant is age 18 or older, the proposed registrant must file the application unless the proposed registrant has a legal guardian due to incapacity. If the proposed registrant is age 18 or older and has a legal guardian due to incapacity, the legal guardian may file the application on behalf of the proposed registrant.¶

(b) If the proposed registrant is less than age 18, the mother, the father if legal relationship is established, the legal guardian, or a state agency with physical custody may file the application.¶

(c) No delayed report of live birth shall be registered for a deceased person.¶

(2) A delayed registration of birth application form shall be signed by the person authorized to request a delayed registration of birth as described in subsections (1)(a) and (b) of this rule and sworn to before an official authorized to administer oaths, swearing to the accuracy of the facts stated therein.¶

(3) In addition to completing the delayed registration of live birth application, the applicant must submit documents to establish the facts of birth including:¶

(a) The full name of the proposed registrant at the time of birth;¶

(b) The date of birth;¶

(c) The place of birth within Oregon;¶

(d) The mother's full name at birth and current full legal name; and¶

(e) Proof that a record does not currently exist in Oregon.¶

(4) If the mother was not married either at the time of conception or birth or within 300 days prior to the birth, or in a domestic partnership registered by the state at the time of either conception or live birth, or between conception and live birth, the state registrar shall not enter the name of the ~~father~~ parent on the delayed record of live birth for a minor child except upon receipt of a voluntary acknowledgment of ~~paternity~~ parentage as provided in OAR 333-011-0266, OAR 333-011-0267 ~~or~~ or upon receipt of a court order establishing ~~paternity~~ parentage.¶

(5) A delayed registration of birth application completed and submitted to the state registrar within 10 years of the birth of the proposed registrant must include three pieces of documentary evidence that support the facts of birth.¶

(a) One of the three documents must establish the mother's residence address in Oregon within 30 days of the date of the live birth and inclusive of the date of birth. A personal affidavit cannot be used to establish residence.¶

(b) One document other than a personal affidavit must have the full name at birth of the proposed registrant, the date of birth, and the full legal name or the full name at birth of the mother. This document must be dated either:¶

(A) Before the first birthday of the proposed registrant; or¶

(B) At least one year prior to the date of the application.¶

(c) One of the documents may be a personal affidavit. To be accepted, a personal affidavit must be signed by a person who is at least 18 years of age and is at least 10 years older than the proposed registrant. That person must have personal knowledge of the facts of birth and not be a family member of either parent.¶

(d) In addition to the facts of birth, information on the identity of the mother and father is required.¶

(A) Evidence of the identity of the mother shall include:¶

(i) An official identification document from a government agency that includes a photograph of the mother; and¶

(ii) A certified copy of the mother's record of birth; or¶

(iii) Other official documents acceptable to the state registrar.¶

(B) Evidence of the identity of the father if the father is to be listed on the record of live birth shall include:¶
(i) An official identification document from a government agency that includes a photograph of the father; and¶
(ii) A certified copy of the father's record of birth; or¶
(iii) Other official documents acceptable to the state registrar.¶
(C) If a parent's current legal name does not match the name on his or her record of birth, evidence of the legal name change through court order, marriage or other legal process must be provided.¶
(e) If the father is listed on the birth report because the mother and father are married, a certified copy of a marriage record for the mother and the father must be submitted.¶
(6) If a delayed registration of live birth application is completed and submitted to the state registrar 10 years or later after the date of birth of the proposed registrant, at least three pieces of documentary evidence shall be submitted with the application for delayed record of live birth.¶
(a) All documents must have been established:¶
(A) Prior to the proposed registrant's 10th birthday and at least one year prior to the date of application; or¶
(B) At least 10 years prior to the date of application.¶
(b) One document must have the full name at birth of the proposed registrant, the date of birth or age, the place of birth within Oregon, and the mother's first and last name prior to marriage.¶
(c) The remaining two documents must have the name of the proposed registrant, the date of birth or age, and place of birth. One document of the three must include the registrant's first and last name, date of birth and place of birth within Oregon.¶
(d) The father will be included on the record of live birth if the proposed registrant is age 18 or older and the evidence submitted documents the identity and relationship.¶
(e) Documents in addition to the three required may include first and last names only and do not need to include the date of birth and place of birth if sufficient information appears in the document to clearly identify the proposed registrant as the subject of the document. These documents may be used to correct the spelling of a name or to add information missing from the three documents required, such as a parent's place of birth.
Statutory/Other Authority: ORS 432.113
Statutes/Other Implemented: ORS 432.113

RULE SUMMARY: Adopt OAR 333-011-0262

Adding Parents on Birth Report who Intend to Marry or Enter into Domestic Partnership: Establishes the process by which parents who are not married at the time of the child's birth may agree to add the second parent to a child's birth record by affirming their intent to marry at a later date. This rule is needed to clarify the requirements that must be met for a second parent to be added to the birth record based on the intent to marry, including that the parent must indicate their agreement to be added to the birth report by signing the birth worksheet. Identifies obligations for individuals reporting births where the second parent requests to be added to the birth record based on the intent to marry.

CHANGES TO RULE:

333-011-0262

Adding Parents on Birth Report who Intend to Marry or Enter into Domestic Partnership

(1) For the purposes of this rule, "reporter" means the person who submits a report of live birth to the Center for Health Statistics (CHS) as described in ORS 432.088(3) and (5). ¶

(2) For the purposes of this rule, "second parent" means the individual who is not the parent who gave birth and seeks to be added to the birth record for the child under this rule. ¶

(3) If a parent who gave or will give birth to the child is not married at the time of either conception or live birth, or within 300 days before the live birth, and not in a domestic partnership registered by the state at the time of either conception or live birth, or between conception and live birth, the second parent may be entered on the report of live birth if: ¶

(a) The parent who gave birth or will give birth to the child and the second parent intend to marry or enter into a domestic partnership registered by the state after the birth of the child; and ¶

(b) The second parent agrees to be added to the record of live birth. ¶

(4) To add the second parent based on the birth report under this rule, the following must be submitted on the birth filing worksheet for parents in the form required by CHS: ¶

(a) Indication the parent who gave birth and second parent intend to marry or enter into a domestic partnership registered by the state; ¶

(b) The signature of the second parent indicating they agree to be added to the birth record; ¶

(c) Information for the second parent, including name, date of birth and other information required in the worksheet; ¶

(d) Any other information as required by the state registrar in the birth worksheet; and ¶

(e) The signature of the parent who gave birth or their designee as the informant verifying the accuracy of the information provided on the worksheet. ¶

(5) A reporter shall complete the report of live birth and include the second parent using the information provided on the birth worksheet if: ¶

(a) The birth worksheet has been signed by the second parent indicating agreement to be added to the birth report; ¶

(b) All other requirements under section (4) of this rule have been met; and ¶

(c) The birth worksheet does not indicate that the parent who gave or will give birth to the child was: ¶

(A) Married at the time of either conception or live birth, or within 300 days before the live birth; or ¶

(B) In a domestic partnership registered by the state at the time of either conception or live birth, or between conception and live birth. ¶

(6) A reporter shall not include the second parent on the birth report and the state registrar shall not include the second parent on the birth record if: ¶

(a) The second parent has not signed the worksheet indicating agreement to be added to the birth report; ¶

(b) Any other requirement under section (4) of this rule has not been met; or ¶

(c) The birth worksheet indicates that the parent who gave or will give birth to the child was: ¶

(A) Married at the time of either conception or live birth, or within 300 days before the live birth; or ¶

(B) In a domestic partnership registered by the state at the time of either conception or live birth, or between conception and live birth. ¶

(7) When processing a request under this rule, if the state registrar has cause to question the validity or adequacy of the documentation, the state registrar, in the state registrar's discretion, may request additional information or documentation, may refuse to add the second parent or may refuse to register the live birth.

Statutory/Other Authority: ORS 109.067, ORS 413.042, ORS 432.010, ORS 432.015, ORS 432.030, ORS 432.033, ORS 432.075, ORS 432.083, ORS 432.088

Statutes/Other Implemented: ORS 109.067, ORS 432.088

AMEND: 333-011-0265

RULE SUMMARY: Amend OAR 333-011-0265

Amending Birth Records: Replaces a reference to OAR 333-011-0275, which is being repealed, with OAR 333-011-0274.

CHANGES TO RULE:

333-011-0265

Amending Birth Records ¶¶

(1) All amendments. Unless otherwise provided in these rules or in statute, all amendments to vital records shall be supported by:¶¶

(a) An affidavit setting forth:¶¶

(A) Information to identify the record;¶¶

(B) The incorrect data as it is listed on the record; and¶¶

(C) The correct data as it should appear.¶¶

(b) One or more original items of documentary evidence which support the alleged facts and which were established at least five years prior to the date of application for amendment or within seven years of the date of the event and one year prior to the date of the requested amendment.¶¶

(2) The state registrar shall evaluate the evidence submitted in support of any amendment, and when the state registrar finds reason to doubt its validity or adequacy the amendment may be rejected and the applicant advised of the reasons for this action.¶¶

(3) Who may apply:¶¶

(a) To change the date of birth, time of birth or sex of the registrant, only the facility where the birth occurred or the individual who submitted the report of birth may apply to amend unless the medical record is no longer available at the facility. If the medical record is no longer available, other individuals, including the parents and the registrant, shall submit an application for amendment under section (1) of this rule. If the evidence is not sufficient, the applicant must present a certified copy of a court order ordering such amendment.¶¶

(b) To amend a record of live birth for items other than date of birth, time of birth or sex, application may be made by one of the parents, the legal guardian, the registrant if 18 years of age or over, or the individual responsible for filing the report of live birth.¶¶

(c) To amend the sex of a registrant on a record of live birth by court order or administrative request to affirm gender identity, an individual must submit documentation under OAR 333-011-0272 or OAR 333-011-0275~~4~~.¶¶

(4) Amendment of registrant's first, middle or last names on records of live birth within the first year. Until the registrant reaches the age of one year, first, middle, or last names of the registrant may be amended upon written request of:¶¶

(a) Both parents; or¶¶

(b) One parent if only one parent appears on the record or if the other parent is deceased or incapacitated; or¶¶

(c) The legal guardian or agency having legal custody of the registrant.¶¶

(5) Amendment of registrant's first, middle or last names on records of live birth after the first year:¶¶

(a) After one year from the date of birth the provisions of section (1) of this rule must be followed to amend a first, middle or last name if the name was misspelled on the birth record.¶¶

(b) A legal change of name order must be submitted from a court of competent jurisdiction to change a first, middle or last name that appears on the birth record after one year from date of birth unless the change of name is made for gender identity purposes under OAR 333-011-0271.¶¶

(6) Addition of first, middle or last name of a registrant on a record of live birth:¶¶

(a) Until the registrant's seventh birthday, first, middle and last names, for a child whose birth was registered without such names, may be added to the record of live birth upon written request of:¶¶

(A) Both parents; or¶¶

(B) One parent if only one parent appears on the record or if the other parent is deceased or incapacitated; or¶¶

(C) The legal guardian or agency having legal custody of the registrant.¶¶

(b) After seven years the provisions of section (1) of this rule must be followed to add a first, middle or last name.¶¶

(7) Amendment of parents' information on birth records. When a requested amendment to an item, in combination with previous amendments or concurrent requests for amendment, would appear to change the identity of the parent through cumulative changes to name, date of birth, or place of birth, the state registrar shall only make such an amendment upon receipt of a court order from a court of competent jurisdiction.¶¶

(8) Original evidence documents submitted to correct errors in the spelling of a parent name, parent date of birth, or parent place of birth must be dated prior to the birth of the child.¶¶

(9) Birthing facilities may correct typographical errors on birth records within the first year. After one year, only errors in the child's date of birth, time of birth or sex will be accepted directly from the birthing facility. The birthing facility must have access to the medical record when submitting the correction.¶¶

(10) For births occurring outside a birthing facility, medical certifiers may only correct typographical errors within the first year with evidence from the medical record or the birth worksheet.¶¶

(11) Amendment of minor errors on birth records. Amendment of obvious errors, transposition of letters in words of common knowledge, or omissions may be made by the state registrar either upon the state registrar's observation or upon request of one of the parents, the legal guardian, or the birthing facility or by the individual responsible for filing the report of live birth. The record shall not be marked "Amended". Corrections to names will not be considered minor errors.¶¶

(12) In all cases where the record is amended, there shall be inserted on the record a statement identifying the affidavit or documentary evidence used as proof of the correct facts, the date the amendment was made, and the initials of the person making the change. As required by statute or rule, the record shall be marked "Amended".

Statutory/Other Authority: ORS 432.235

Statutes/Other Implemented: ORS 432.235

RULE SUMMARY: Adopt OAR 333-011-0266

Witnessed Voluntary Acknowledgment of Parentage: Establishes the Witnessed Voluntary Acknowledgment of Parentage form as required by ORS 432.098(1)(a). The rule also establishes the requirements for completing and submitting the form to add a parent to a birth report. In addition, the rule specifies when a form is insufficient or when the proposed parent will not be added to the birth record. The rule also identifies obligations for individuals reporting births where a witnessed voluntary acknowledgment of parentage will be submitted.

CHANGES TO RULE:

333-011-0266

Witnessed Voluntary Acknowledgment of Parentage

(1) For the purposes of this rule "parties" is defined to:

(a) Include the parent who gave or who will give birth to the child, the alleged genetic parent as defined in ORS 109.002, presumed parent as defined in ORS 109.002 or intended parent as defined in ORS 109.002.

(b) Exclude an intended parent as defined in ORS 109.002 when the child was conceived by assisted reproduction under a surrogacy agreement.

(2) This rule adopts the witnessed voluntary acknowledgment of parentage form as required by ORS 432.098. A voluntary acknowledgment of parentage must be completed on the form prescribed by the state registrar of the Center for Health Statistics (CHS). The form is available upon request from a health care facility where the birth will occur or occurs. The form is also available upon request from CHS.

(3) The witnessed voluntary acknowledgment of parentage form must request or require information necessary to comply with existing federal and state laws and regulations for determination and recording of parentage including but not limited to:

(a) Current full names of the child and the parties;

(b) Social security numbers of the parties if available;

(c) Dates of birth for the child and parties;

(d) Birthplaces of the parties;

(e) Addresses and phone numbers of the parties;

(f) Health care facility where the child was born;

(g) Statement indicating the parties need to read and understand the form and that making willful and knowing false statements on the form can lead to criminal and civil penalties;

(h) Statements of acknowledgment signed by both parties;

(i) Signature lines for the parties;

(j) Signature lines for witnesses; and

(k) Statements of rights, responsibilities, alternatives and consequences specified in ORS 109.070.

(4) Staff at the health care facility where the birth occurred shall provide the witnessed voluntary acknowledgment of parentage form to the parties before, at or after the birth of the child if there is reason to believe that:

(a) The parent who gave birth to the child is not married or in a domestic partnership registered by the state;

(b) The parent who gave birth to the child is married or in a domestic partnership registered by the state, but the alleged genetic parent of the child is not the spouse or registered domestic partner of the parent who gave birth to the child; or

(c) The child was conceived by assisted reproduction, other than under a surrogacy agreement.

(5) A witnessed voluntary acknowledgment of parentage form must:

(a) Be fully completed, with all required fields filled out;

(b) Not contain any crossed out or altered information;

(c) Only be signed after facility staff reads to the parties the rights, responsibilities, alternatives and consequences listed on the acknowledgment; and

(d) Be signed and dated by all parties identified in the form while witnessed by facility staff. All signatures must be original and may not be stamps or electronic signatures. The date of signature by the witness must match the signature date of the party whose signature was witnessed.

(6) The parties are responsible for accurately completing the form and returning the completed and signed form to the health care facility staff for submission to CHS. Each party should retain a copy of the completed signed form.

(7) The state registrar shall only accept a witnessed voluntary acknowledgment of parentage form that satisfies the requirements in this rule and applicable statutes.

(8) If a witnessed voluntary acknowledgment of parentage form is completed, the person in charge of the health care facility where the birth occurred, or an authorized designee, shall:

(a) Unless subsection (8)(b) applies, enter the information regarding the alleged genetic parent, presumed parent, or intended parent from the witnessed acknowledgment of parentage form into the state electronic birth reporting system. If the information on a parent worksheet for the party seeking to establish parentage differs from the information regarding the same individual on the witnessed voluntary acknowledgment of parentage form, health care facility staff shall input the information from the acknowledgment form into the birth report.¶

(b) If a witnessed voluntary acknowledgment of parentage form indicates that a denial of parentage form will be submitted and the parent who gave birth identifies the presumed parent at the time of birth on the birth worksheet for parents, the health care facility staff shall enter the presumed parent on the birth report. If the presumed parent is not identified on the birth worksheet for parents, the health care facility staff shall list no second parent on the birth report.¶

(9) The health care facility shall mail complete witnessed voluntary acknowledgment of parentage forms to CHS at least weekly.¶

(10) When a birth report indicates a witnessed voluntary acknowledgment of parentage form was completed, the state registrar shall register the birth to include the parent based on the witnessed voluntary acknowledgment only after:¶

(a) Receiving and accepting a witnessed voluntary acknowledgment of parentage form if there is no presumed parent indicated on the child's report of live birth; or ¶

(b) Receiving and accepting a witnessed voluntary acknowledgment of parentage form and a denial of parentage form as described in OAR 333-011-0268 if there is a presumed parent indicated on the child's report of live birth.¶

(11) When a birth report indicates a witnessed voluntary acknowledgment of parentage form was completed, if required forms are not received and accepted by the state registrar as described in section (10) of this rule within 45 days from the date of birth, the state registrar shall register the birth without the parent identified in the report as submitting a witnessed voluntary acknowledgment of parentage form.¶

(12) Witnessed voluntary acknowledgment of parentage forms received by CHS shall be checked for matching with birth reports, birth records, or denials of parentage forms until matched or for six months after receipt, whichever is earlier. After six months of receipt, witnessed voluntary acknowledgment parentage forms will be available for matching upon request by eligible individuals under OAR 333-011-0275(6)(a) for up to 18 years after the birth of the child. ¶

(13) When the state registrar has cause to question the validity or adequacy of documentation submitted under this rule, the state registrar, in the state registrar's discretion, may request additional documentation or refuse to accept the witnessed voluntary acknowledgment of parentage form.

Statutory/Other Authority: ORS 109.067, ORS 109.070, ORS 413.042, ORS 432.010, ORS 432.015, ORS 432.030, ORS 432.033, ORS 432.075, ORS 432.088, ORS 432.093, ORS 432.098

Statutes/Other Implemented: ORS 109.070, ORS 432.098

RULE SUMMARY: Adopt OAR 333-011-0267

Notarized Voluntary Acknowledgment of Parentage: Establishes the Notarized Voluntary Acknowledgment of Parentage form as required by ORS 432.098(1)(a). The rule also establishes the requirements for completing and submitting the form to add a parent to a birth record. In addition, the rule specifies when a form is insufficient or when the proposed parent will not be added to the birth record. The rule also identifies obligations for individuals reporting births where a notarized voluntary acknowledgment of parentage will be submitted. The rule also establishes when a fee to add a parent using a notarized voluntary acknowledgment of parentage is required.

CHANGES TO RULE:

333-011-0267

Notarized Voluntary Acknowledgment of Parentage

(1) For the purposes of this rule "parties" is defined to:

(a) Include the parent who gave or will give birth to the child, the alleged genetic parent as defined in ORS 109.002, presumed parent as defined in ORS 109.002 or intended parent as defined in ORS 109.002.

(b) Exclude an intended parent as defined in ORS 109.002 when the child was conceived by assisted reproduction under a surrogacy agreement.

(2) This rule adopts the notarized voluntary acknowledgment of parentage form as required by ORS 432.098. A notarized voluntary acknowledgment of parentage form must be completed on the form provided by the state registrar which is available on the Center for Health Statistics (CHS) website or upon request.

(3) A notarized voluntary acknowledgment of parentage form can be signed before or after the birth of the child but takes effect upon the birth of the child or the filing of the form with the state registrar, whichever is later. If a voluntary acknowledgment of parentage form and a denial of parentage form are both required, neither is effective until both are filed with the state registrar.

(4) The notarized voluntary acknowledgment of parentage form shall request or require information necessary to comply with existing federal and state laws and regulations for determination and recording of parentage including but not limited to:

(a) Current full names of the child;

(b) Current full names of the parties;

(c) Social security numbers of the parties if available;

(d) Date of birth of the child or the expected date of birth;

(e) Dates of birth of the parties;

(f) Birthplaces of the parties;

(g) Addresses and phone numbers of the parties;

(h) Birthplace of the child;

(i) Statement indicating the parties need to read and understand the form and that making willful and knowing false statements on the form can lead to criminal and civil penalties;

(j) Statements of acknowledgment signed by both parties;

(k) Signature lines for the parties;

(l) Space for notary information, signature and notary stamp; and

(m) Statements of rights, responsibilities, alternatives and consequences specified in ORS 109.070.

(5) A notarized voluntary acknowledgment of parentage form must:

(a) Be fully completed, with all required fields filled out;

(b) Not contain any crossed out or altered information;

(c) Include a complete and valid notary section with signature and date by a notarial officer with original signatures or remote online notarization or in person electronic notarization in compliance with ORS 194.277; and

(d) Match the child's first and last names (if known), date of birth or expected date of birth, the current name of the parent that gave birth and that parent's last name on their own current birth record (if known) on the birth report or birth record. For an expected date of birth to match a date of birth, the expected date of birth on the form must fall within 120 days of the date of birth on the birth report.

(6) The state registrar may require additional information from the parties to match the notarized voluntary acknowledgment of parentage form.

(7) The parties are responsible for accurately completing the notarized voluntary acknowledgment of parentage form and mailing the original completed form to CHS at the address identified on the form.

(8) Notarized voluntary acknowledgment of parentage forms received by CHS shall be checked for matching birth

reports, birth records, or denial of parentage forms until matched or for six months after receipt, whichever is earlier. After six months of receipt, notarized voluntary acknowledgment parentage forms will be available for matching upon request by eligible individuals under OAR 333-011-0275(6)(a) for up to 18 years after the birth of the child. ¶

(9)(a) The state registrar shall only register a birth or prepare a new birth record to add a parent based on a notarized voluntary acknowledgment of parentage form:¶

(A) If there is no second parent named on the child's record of live birth; or¶

(B) If there is a second parent already named in the report of live birth or record of live birth and the registrar has received and accepted a denial of parentage form as described in OAR 333-011-0268; ¶

(b) After receiving and accepting a voluntary acknowledgment of parentage form; and ¶

(c) After receiving required fees.¶

(10) The state registrar shall establish a replacement for the record of live birth after amending a record of live birth under this rule when a replacement record is requested.¶

(11) A fee is not required to amend or add a parent pursuant to an accepted notarized voluntary acknowledgment of parentage form if the form was received by the state registrar:¶

(a) By mail postmarked within 14 days of the birth of the child; or¶

(b) By mail postmarked within 30 days of the date the state registrar rejected a witnessed voluntary acknowledgment of parentage form.¶

(12) When the state registrar has cause to question the validity or adequacy of documentation submitted under this rule, the state registrar, in the state registrar's discretion, may request additional documentation or refuse to accept the notarized voluntary acknowledgment of parentage form.

Statutory/Other Authority: ORS 109.067, ORS 109.070, ORS 413.072, ORS 432.010, ORS 432.015, ORS 432.030, ORS 432.033, ORS 432.075, ORS 432.088, ORS 432.093, ORS 432.098

Statutes/Other Implemented: ORS 109.070, ORS 432.098

RULE SUMMARY: Adopt OAR 333-011-0268

Denial of Parentage: Establishes the Denial of Parentage form as required by ORS 432.098(1)(a). Establishes the process and requirements for a presumed parent or alleged genetic parent to voluntarily deny parentage. This rule describes when and how the Center for Health Statistics will include or remove parents from a birth record pursuant to a denial of parentage and when an amendment fee is required to amend a birth record.

CHANGES TO RULE:

333-011-0268

Denial of Parentage

(1) For the purposes of this rule "parties" is defined to:

(a) Include the parent who gave or will give birth to the child, the alleged genetic parent as defined in ORS 109.002, presumed parent as defined in ORS 109.002 or intended parent as defined in ORS 109.002.

(b) Exclude an intended parent as defined in ORS 109.002 when the child was conceived by assisted reproduction under a surrogacy agreement.

(2) The denial of parentage form shall be available on the Center for Health Statistics (CHS) website or upon request, and shall request or require information necessary to comply with state laws and regulations for denial of parentage including but not limited to:

(a) Child's full name;

(b) Child's date of birth or the expected date of birth;

(c) Child's city or county of birth;

(d) The first and last names of the person who gave or will give birth to the child;

(e) The party denying parentage's full name, telephone number, electronic mail address, home address;

(f) A statement that the party denying parentage needs to read and understand the form and that making willful and knowing false statements on the form can lead to criminal and civil penalties;

(g) Signature lines for the party denying parentage; and

(h) Space for notary information, signature and notary stamp.

(3) A denial of parentage form can be completed, signed and submitted to CHS before or after the birth of the child. A denial of parentage form accepted by the state registrar is effective on the birth of the child or the filing of all required forms with the state registrar, whichever is later.

(4) The party denying parentage is responsible for accurately completing the denial of parentage form and mailing the original completed form to CHS at the address identified in the form.

(5) A denial of parentage form must:

(a) Be fully completed, with all required fields filled out;

(b) Not contain any crossed out or altered information;

(c) Include a complete and valid notary section with signature and date by a notarial officer with original signatures or remote online notarization or in person electronic notarization in compliance with ORS 194.277; and

(d) Match the child's first and last names (if known), date of birth or expected date of birth, the current name of the parent that gave birth and that parent's last name on their own current birth record (if known) in the birth report or birth record. For an expected date of birth to match a date of birth, the expected date of birth on the form must fall within 120 days of the date of birth on the birth report or birth record.

(6) The state registrar may require additional information from the parties to match the denial of parentage form to the birth report or birth record.

(7) Staff at the health care facility shall offer the denial of parentage form and witnessed voluntary acknowledgment of parentage to the parties:

(a) If the parent who gave birth to the child indicates on the birth worksheet for parents that they are:

(A) Married or were married within 300 days of the birth of the child; and

(B) The presumed parent is not the alleged genetic parent of the child.

(b) As otherwise directed by the state registrar.

(8)(a) If a witnessed voluntary acknowledgment of parentage form indicates that a denial of parentage form will be submitted and the parent who gave birth identifies the presumed parent at the time of birth on the birth worksheet for parents, the health care facility staff shall enter the presumed parent on the birth report. If the presumed parent is not identified on the birth worksheet for parents, no second parent will be listed on the birth report.

(b) If the health care facility receives a completed denial of parentage form, it shall be submitted to CHS as outlined in OAR 333-011-0266.

(9) Witnessed Voluntary Acknowledgment of Parentage and Corresponding Denials. When a presumed parent is

indicated on a child's report of live birth:¶

(a) The state registrar shall only register the birth to include the parent based on the witnessed voluntary acknowledgment of parentage form if it receives and accepts the denial of parentage form and corresponding witnessed voluntary acknowledgment of parentage form. ¶

(b) The state registrar shall register the birth with the presumed parent listed as the second parent if the denial of parentage form and a witnessed voluntary acknowledgment of parentage form are not received and accepted by the state registrar within 45 days from the date of birth. ¶

(10) Notarized Voluntary Acknowledgments of Parentage and Corresponding Denials. ¶

(a) When a notarized voluntary acknowledgment of parentage form identifies a presumed parent and indicates that a denial of parentage form will be submitted to CHS, the state registrar shall only register the birth to include the parent based on the notarized voluntary acknowledgment of parentage form if it receives and accepts the denial of parentage form and corresponding notarized voluntary acknowledgment of parentage form. ¶

(b) If the state registrar receives prior to the birth of the child, a notarized voluntary acknowledgment of parentage form accepted under ORS 333-011-0267(5) and corresponding denial of parentage form in compliance with subsection (5) of this rule, the state registrar shall: ¶

(A) Hold the forms until matched with a birth report or record; and ¶

(B) Add the parent listed on the notarized voluntary acknowledgment of parentage form if not included in the birth record and remove the parent denying parentage if included on the birth record. ¶

(c) A fee is not required to remove the presumed parent from the birth record under this rule if CHS receives an acceptable denial of parentage form and a corresponding notarized voluntary acknowledgment of parentage form by mail: ¶

(A) Postmarked no later than 14 days after the birth of the child; or ¶

(B) Postmarked no later than 30 days after the date the state registrar rejected a witnessed voluntary acknowledgment of parentage form. ¶

(d) Except as provided in subsection (10)(c), an amendment fee and Oregon state vital records amendment order form are required to remove the presumed parent from the birth record when CHS receives a denial of parentage form or a corresponding notarized voluntary acknowledgment of parentage. ¶

(11) The state registrar shall register the birth with the presumed parent as the second parent when a birth report identifies a presumed parent as the second parent and does not indicate a witnessed voluntary acknowledgment of parentage form will be submitted and no notarized voluntary acknowledgment of parentage form and no corresponding denial of parentage form was received prior to the birth. ¶

(12) Denial of parentage forms accepted by CHS shall be checked for matching birth reports, birth records, and corresponding acknowledgment of parentage forms until matched or for six months after receipt, whichever is earlier. After six months of receipt, denial of parentage forms will be available for matching upon request by eligible individuals under OAR 333-011-0275(6)(a) for up to 18 years after the birth of the child. ¶

(13) The state registrar shall establish a replacement for the record of live birth after amending a record of live birth under this rule. ¶

(14) When the state registrar receives a voluntary acknowledgment of parentage form indicating another person is denying parentage, the state registrar shall not amend the birth record or add the person based on the acknowledgment of parentage form to the birth record unless or until a denial of parentage form is received, accepted, and matched to the corresponding birth record or birth report. ¶

(15) When the state registrar receives a denial of parentage form, the state registrar shall not amend the birth record or remove the person based on the denial of parentage form from the birth record unless or until an acknowledgment of parentage form is received, accepted, and matched to the corresponding birth record or birth report. ¶

(16) When processing a request under this rule, if the state registrar has cause to question the validity or adequacy of the documentation, the state registrar, in the state registrar's discretion, may request additional information or documentation or may refuse to register the live birth or amend a record of live birth.

Statutory/Other Authority: ORS 109.067, ORS 109.070, ORS 413.042, ORS 432.010, ORS 432.015, ORS 432.030, ORS 432.033, ORS 432.075, ORS 432.088, ORS 432.093

Statutes/Other Implemented: ORS 109.070, ORS 432.098

RULE SUMMARY: Adopt OAR 333-011-0269

Rescission of Acknowledgment or Denial of Parentage: Establishes the form and process used by individuals who wish to rescind or "take back" their agreement to an Acknowledgment or Denial of Parentage. This rule describes when and how the Center for Health Statistics will include or remove parents from a birth record pursuant to a rescission and when an amendment fee is required to amend a birth record. The rules outline the process for informing parties as required under ORS 432.098(3).

CHANGES TO RULE:

333-011-0269

Rescission of Voluntary Acknowledgment or Denial of Parentage

(1) For the purposes of this rule "parties" is defined to:

(a) Include the parent who gave or will give birth to the child, the alleged genetic parent as defined in ORS 109.002, presumed parent as defined in ORS 109.002 or intended parent as defined in ORS 109.002.

(b) Exclude an intended parent when the child was conceived by assisted reproduction under a surrogacy agreement.

(2) The rescission of acknowledgment or denial of parentage form shall be available on the Center for Health Statistics (CHS) website or upon request, and must request or require information necessary to comply with state laws and regulations for denial of parentage including but not limited to:

(a) Information matching the acknowledgment or denial to be rescinded including:

(A) Child's first and last names;

(B) Child's date of birth or expected date of birth;

(C) Child's city or county of birth;

(D) Full name of the person who gave birth to the child; and

(E) Full name of the party rescinding acknowledgment or denial of parentage;

(b) Rescinding party's telephone number, electronic mail address, and home address;

(c) A statement that the party rescinding acknowledgment or denial of parentage needs to read and understand the form and that making willful and knowing false statements on the form can lead to criminal and civil penalties;

(d) Signature lines for the party rescinding acknowledgment or denial of parentage; and

(e) Space for notary information, signature and notary stamp.

(3) A rescission of voluntary acknowledgment of parentage or denial of parentage form must be filed with the state registrar within the earlier of:

(a) Sixty days after the acknowledgment or denial becomes effective as described in ORS 432.098; or

(b) The date of the first hearing before the court in a proceeding relating to the child, including a proceeding to establish a support order, in which the party wishing to rescind the acknowledgment or denial is also a party.

(4) The party rescinding acknowledgment or denial of parentage is responsible for accurately completing the rescission form and mailing the original completed form to CHS at the address identified in the form.

(5) A rescission of acknowledgment or denial of parentage form must:

(a) Be fully completed, with all required fields filled out;

(b) Not contain any crossed out or altered information;

(c) Include a complete and valid notary section with signature and date by a notarial officer with original signatures or remote online notarization or in person electronic notarization in compliance with ORS 194.277; and

(d) Match the child's first and last names (if known), date of birth or expected date of birth, the current name of the parent who gave birth and that parent's last name on their own current birth record (if known) in the acknowledgment or denial to be rescinded.

(6) The state registrar may require additional information from the parties to match the rescission form to the acknowledgment or denial form to be rescinded.

(7) If the state registrar has added the information from the acknowledgment or denial of parentage being rescinded into the child's birth record, the state registrar shall amend the existing birth record to remove any information previously added or changed due to the acknowledgment or denial of parentage from the birth record and any corresponding denial or acknowledgment of parentage;

(a) After receiving and accepting the rescission form; and

(b) Receiving any required fees.

(8) A birth record amended under this rule shall:

(a) Revert to the parentage information included on the birth record prior to the acceptance of the acknowledgment or denial of parentage that is being rescinded; and

(b) Not indicate that it has been amended.¶

(9) Upon receipt of a rescission of an acknowledgment of parentage, the state registrar shall notify the party who signed an associated denial form, if any, of the rescission and that the denial may be invalid because the acknowledgment has been rescinded.¶

(10) Upon receipt of a rescission of a denial of parentage, the state registrar shall notify the party who signed an associated acknowledgement of parentage form, if any, of the rescission and that the acknowledgment may be invalid because the denial has been rescinded.¶

(11) When processing a request under this rule, if the state registrar has cause to question the validity or adequacy of the documentation, the state registrar, in the state registrar's discretion, may request additional information or documentation or may refuse to register the live birth or amend a record of live birth.

Statutory/Other Authority: ORS 109.067, ORS 109.070, ORS 413.042, ORS 432.010, ORS 432.015, ORS 432.030, ORS 432.033, ORS 432.088, ORS 432.098

Statutes/Other Implemented: ORS 109.070, ORS 432.098

REPEAL: 333-011-0270

RULE SUMMARY: Repeal OAR 333-011-0270

Voluntary Acknowledgment of Paternity: Previously the rule for both the witnessed Acknowledgment of Parentage form and the Acknowledgment of Parentage affidavit. Those are being adopted as OAR 333-011-0266 and OAR 333-011-0267, respectively.

CHANGES TO RULE:

~~333-011-0270~~

~~Voluntary Acknowledgment of Paternity~~

~~(1) Any voluntary acknowledgment paternity form establishes paternity, and the establishment of paternity shall be a rebuttable presumption. Forms must contain all information necessary to comply with existing federal and state laws and regulations for determination and recording of paternity including but not limited to:¶¶~~

~~(a) The current full names of mother, father and child;¶¶~~

~~(b) The social security numbers of mother and father if available;¶¶~~

~~(c) The dates of birth for mother, father and child;¶¶~~

~~(d) The address(es) of the mother and of the father;¶¶~~

~~(e) The birthplace of the child;¶¶~~

~~(f) A brief explanation of the legal significance of signing a voluntary paternity affidavit and a statement that both parents have 60 days to rescind the paternity acknowledgment affidavit;¶¶~~

~~(g) A statement signed by both parents indicating they understand that signing the paternity acknowledgment is voluntary and that they understand the rights, responsibilities, alternatives to signing, and consequences of signing;¶¶~~

~~(h) Signature lines for the mother and the father; and¶¶~~

~~(i) Signature lines for witnesses or notaries.¶¶~~

~~(2) The witnessed voluntary acknowledgment of paternity form is established for completion in a health care facility where births occur. This form can be used by unwed biological parents if:¶¶~~

~~(a) The mother was not married at conception, at birth, or within 300 days prior to the birth;¶¶~~

~~(b) The form is completed:¶¶~~

~~(A) After the birth; and¶¶~~

~~(B) While the mother is admitted for this birth; and¶¶~~

~~(c) The form is witnessed by a member of the hospital staff; and¶¶~~

~~(d) The form is submitted to the Center for Health Statistics within five days after the birth.¶¶~~

~~(e) This form will not be accepted and the father's information will not be placed on this record of live birth if any of these conditions are not met.¶¶~~

~~(3) Completion of a voluntary acknowledgment of paternity form and returning the form to the hospital staff for submission is the responsibility of the biological parents.¶¶~~

~~(4) The notarized voluntary acknowledgment of paternity form can be used by unwed biological parents if:¶¶~~

~~(a) The mother was not married at conception, at birth, or within 300 days prior to the birth;¶¶~~

~~(b) The form is completed after the birth; and¶¶~~

~~(c) Signatures of each biological parent are notarized.¶¶~~

~~(d) This form will not be accepted and the father's information will not be placed on this record of live birth if any of these conditions are not met.¶¶~~

~~(5) The State Registrar of the Center for Health Statistics shall consult the Division of Child Support on the language in the rights and responsibility statement for voluntary acknowledgment of paternity forms to ensure compliance with state and federal law and regulations.¶¶~~

~~(6) All questions regarding acceptability of a completed form are determined by the State Registrar for the Center for Health Statistics. Appeals of decisions of determination of the state registrar will be made under ORS 183.484. Statutory/Other Authority: ORS 432.098~~

~~Statutes/Other Implemented: ORS 432.098~~

RULE SUMMARY: Adopt OAR 333-011-0274

Establishing Replacement Records and New Records of Live Birth: Describes requirements and processes used by the Center for Health Statistics to create a new birth record after an adoption, legitimation, determination of parentage/paternity, acknowledgment of parentage, or change of sex. Also describes the confidentiality for records submitted to establish a replacement birth record. Describes process and requirements for the Center for Health Statistics to establish a new record of live birth after a court-ordered name change for a parent or the registrant. Identifies what information is included on replacement records and new records. Identifies applicable amendment fees.

CHANGES TO RULE:

333-011-0274

Establishing Replacement Records and New Records of Live Birth

(1) The state registrar shall establish a replacement record of live birth for an individual born in this state when amending a record under any of the circumstances identified in ORS 25.550, ORS 432.235(3)(a) or (b), ORS 432.245, sections (2) to (6) of this rule, and OAR 333-011-0276. ¶

(2) When a record of live birth is amended under ORS 432.245 pursuant to a notarized acknowledgment of parentage: ¶

(a) The child's surname may be changed by requesting the change on the acknowledgment of parentage. ¶

(b) The last name of a parent named on the record may be amended if: ¶

(A) The parent being added to the record has married or entered a domestic partnership registered by the state with the person who gave birth to the child after the birth of the child; ¶

(B) The acknowledgment of parentage includes a request to amend the parent who gave birth's legal name to the name taken upon marriage or entering into domestic partnership; and ¶

(C) A certified copy of the parents' marriage record or domestic partnership registered by the state record is submitted with the acknowledgment of parentage. ¶

(3) When a record of live birth is amended based on a court of competent jurisdiction's parentage determination or administrative order under ORS 25.550: ¶

(a) The Center for Health Statistics (CHS) must receive a copy of the administrative order issued under ORS 25.550 or a court-certified judgment of parentage to amend the birth record. ¶

(b) The state registrar shall amend the last name of the child if ordered by the court or the administrator. ¶

(4) For the purposes of this rule, a "replacement for the record of live birth" means that the state registrar shall create a record of live birth that: ¶

(a) Includes all information from the current record of live birth except for the specific items requested to be amended under this rule. All amendment or correction notations in the current record shall be included on the replacement record, except that a replacement record issued under ORS 432.245(1)(a) or (d), ORS 432.235(3)(b)(A) or (B), or OAR 333-011-0276 shall not include any notations of amendment or correction from the current record. ¶

(b) Does not indicate or include any notation of the amendment requested under this rule except that a replacement record issued under ORS 432.235(3)(a)(A) or (B) shall include the notation of the name change amendment as described in OAR 333-011-0273(3). ¶

(c) Is substituted for the original record of live birth. ¶

(5) For purposes of this rule, a "current record of live birth" means the record of live birth on file with CHS at the time an amendment request is received by CHS. ¶

(6) Confidentiality of replacement records and supporting documents. After preparation of a replacement record under this rule, the record of live birth on file with CHS at the time the amendment request was received and the evidence upon which the replacement record was based are sealed and not subject to inspection except upon order of a court of competent jurisdiction or by the state registrar for purposes of administering the vital statistics program except: ¶

(a) Documents or information relating to voluntary acknowledgment of parentage, denial of parentage, or rescission of either may be released as provided in ORS 432.098(2), including but not limited to a party of any of the acknowledgment, denial, or rescission thereof, and to the registrant if age 18 years or older. ¶

(b) Documents relating to a request to change name under OAR 333-011-0271 or to change sex under OAR 333-011-0272 may be released to the applicant or to the registrant if age 18 years or older. ¶

(c) Affidavits and supporting evidence submitted to support an amendment may be released to individuals who signed the affidavits or an individual who is eligible to obtain the corresponding record under ORS 432.380. ¶

(d) Documents relating to adoptions may be released in accordance with ORS 432.228.¶

(7) Court-Ordered Name Changes. ¶

(a) To establish a new record of live birth pursuant to a court-ordered name change other than a court order under ORS 432.235(3), the state registrar must receive:¶

(A) A court-certified judgment changing the name of a parent listed on the record of live birth under ORS 33.430 or a court-certified judgment changing the name of the registrant on the record of live birth; ¶

(B) A complete amendment application; and¶

(C) An amendment fee.¶

(b) For the purposes of this section, a "new record of live birth" means that the state registrar shall create a new record of live birth that:¶

(A) Includes all information from the current record of live birth including all notations that the record was amended or corrected.¶

(B) Includes a notation identifying the name change amended unless the individual with the name change is a certified adult program participant in the Address Confidentiality Program under ORS 192.826 or the court order explicitly indicates that the name change is sealed.¶

(C) Is substituted for the original record of live birth. ¶

(c) Confidentiality of new records and supporting documents. After preparation of a new record under this subsection, the record of live birth on file with CHS at the time the amendment request was received and the evidence upon which the replacement record was based are sealed and not subject to inspection except upon order of a court of competent jurisdiction or by the state registrar for purposes of administering the vital statistics program except that the records may be released upon demand of the person whose name was changed, if of legal age.¶

(8) Any replacement record or new record prepared under this rule is subject to the fees in 333-011-0340(6). Statutory/Other Authority: ORS 33.430, ORS 25.550, ORS 192.826, ORS 109.070, ORS 413.042, ORS 432.010, ORS 432.015, ORS 432.030, ORS 432.033, ORS 432.088, ORS 432.098, ORS 432.228, ORS 432.235, ORS 432.245 Statutes/Other Implemented: ORS 432.098, ORS 432.245

RULE SUMMARY: Repeal OAR 333-011-0275

New Record of Birth Following Adoption, Legitimation, Paternity Determination, and Paternity Acknowledgement or Change of Sex: Previously the rule describing requirements and processes used by the Center for Health Statistics to create a new birth record after an adoption, legitimation, determination of parentage/paternity, acknowledgment of parentage, or change of sex. Substantial changes to this rule are being adopted as OAR 333-011-0274.

CHANGES TO RULE:

~~333-011-0275~~

~~New Record of Birth Following Adoption, Legitimation, Paternity Determination, and Paternity Acknowledgement or Change of Sex¶¶~~

~~(1) The state registrar shall amend a record of live birth and establish a replacement record of live birth for a person born in this state upon receipt of the following:¶¶~~

~~(a) Legitimation. If the mother is unmarried at the time of birth and the biological parents marry after the birth of a child, a new record of live birth shall be prepared by the state registrar for a child born in this state upon receipt of a sworn acknowledgement of paternity signed by the biological parents of said child together with a certified copy of the parents' marriage record. The mother's legal name can be amended to the name taken at marriage on the child's record of live birth if requested.¶¶~~

~~(b) Determination of paternity. A new record of live birth shall be prepared by the State Registrar for a child born in this state upon receipt of a certified copy of a court determination of paternity. If the birth mother's marital status was not unmarried at the time of birth or if another person is listed as the second parent, the court order must disestablish paternity as well as establish the new parent. If the surname of the child is not decreed by the court, the request for the new record received with the certified copy of the court determination shall specify the surname requested by both parents to be placed on the record.¶¶~~

~~(c) Acknowledgement of paternity. A new record of live birth shall be prepared by the state registrar for a child born to an unmarried birth mother in this state upon acceptance of a notarized voluntary acknowledgement of paternity signed by both parents if no second parent appears on the record. The child's surname may be changed through the voluntary acknowledgment of paternity.¶¶~~

~~(d) Adoption. A certified copy of a report of adoption as provided in ORS 432.223 or a certified copy of the decree of adoption, together with the information necessary to identify the original record of live birth and to establish a replacement record of live birth, except that a replacement record of live birth shall not be established if so requested by the court decreeing the adoption.¶¶~~

~~(e) Change of sex. A certified copy of an order of a court of competent jurisdiction indicating that an individual born in this state shall be changed or an accepted administrative request to change sex in support of gender identity under OAR 333-011-0272.¶¶~~

~~(2) The birth mother's marital status is unmarried at the time of birth if she was not married at conception, at birth, or within 300 days prior to the birth.¶¶~~

~~(3) New record:¶¶~~

~~(a) The new record of live birth prepared after adoption, legitimation, determination of paternity, or acknowledgment of paternity, or change of sex shall be on the form in use at the time of its preparation and shall include the following items and such other information necessary to complete the certification:¶¶~~

~~(A) The name of the child;¶¶~~

~~(B) The date and place of birth as transcribed from the original record;¶¶~~

~~(C) The full names, dates of birth and places of birth of the adoptive parents or the biological parents whichever is appropriate;¶¶~~

~~(D) The name of the attendant;¶¶~~

~~(E) The state file number assigned to the original birth record; and¶¶~~

~~(F) The original filing date.¶¶~~

~~(b) The information necessary to locate the existing record and to complete the new record shall be submitted to the state registrar on forms prescribed or approved by the state registrar.¶¶~~

~~(4) Existing record to be placed in a special file. After preparation of the new record, the existing record and the evidence upon which the new record was based are to be placed in a special file. Such file shall not be subject to inspection except upon order of a court of competent jurisdiction or by the state registrar for purposes of properly administering the vital statistics program.¶¶~~

~~(a) A court order is not required before the release of a Voluntary Acknowledgment of Paternity form to any~~

government agency responsible for the administration of child support enforcement programs created under Title IV-D of the Social Security Act, to a parent who signed the form or to the registrant if age 18 or older.¶

~~(b) A court order is not required before the release of the request to change name under OAR 333-011-0271 or to change sex under OAR 333-011-0272 to the applicant or to the registrant if age 18 or older.~~

~~Statutory/Other Authority: ORS 432.245, 432.098, 432.289~~

~~Statutes/Other Implemented: ORS 432.245, 432.098, 432.289~~

RULE SUMMARY: Adopt OAR 333-011-0276

Registration of Births under a Gestational Surrogacy Agreement: Establishes the administrative process and requirements for including parents in a gestational surrogacy agreement on their child's birth record and excluding the gestational surrogate from the record. This rule describes when and how the Center for Health Statistics will include or remove parents and gestational surrogates from a birth record pursuant to a gestational surrogacy agreement and when an amendment fee is required to amend a birth record. The rule also identifies obligations for individuals reporting births under a gestational surrogacy agreement.

CHANGES TO RULE:

333-011-0276

Registration of Births Under a Gestational Surrogacy Agreement

(1) For the purposes of this rule:¶

(a) "Reporter" means the person who submits a report of live birth to the Center for Health Statistics (CHS) as described in ORS 432.088(3) and (5).¶

(b) "Gestational surrogate" has the meaning provided in ORS 109.002.¶

(2) To request to register the birth of a child born under a gestational surrogacy agreement that includes the intended parents as the parents, the intended parents or their designee must submit the following to the state registrar.¶

(a) A court-certified judgment of parentage issued pursuant to ORS 109.242 that matches the information in the birth report for the child as provided in section (3) of this rule; and¶

(b) A completed gestational surrogacy information sheet as provided by CHS on its website or upon request.¶

(3) For a court-certified judgment of parentage to match the birth report for a child for the purposes of this rule:¶

(a) The following information on the judgment of parentage and birth report must be the same:¶

(A) Intended parent(s) first and last name(s);¶

(B) Gestational surrogate's first and last name; and¶

(b) The date of birth for the child identified in the birth report must fall within 120 days of the expected date of birth or within the expected date of birth range not to exceed 120 days of the date of birth included in the judgment.¶

(4) The court-certified judgment of parentage may be submitted to CHS before or after the child's birth. CHS shall check judgments received prior to the birth of the child for a matching birth report until the birth of the child or up to six months after the expected date of birth indicated in the judgment. ¶

(5) An intended parent, or designee for the intended parent(s), shall serve as the informant of birth and shall complete the birth worksheets on a form prescribed by the state registrar. The following shall be completed in the worksheets: ¶

(a) Information for the gestational surrogate: Name, contact information, demographic and statistical information;¶

(b) Information for the intended parent(s): Name(s), date(s) of birth, state or country of birth, and other information required in the worksheet;¶

(c) Signature by an intended parent or designee for the intended parent(s) as the informant and verifying the accuracy of the information; and¶

(d) Any other information as required by the state registrar in the birth worksheet.¶

(6) Reporters shall retain completed worksheet forms for a minimum of two years after the birth of the child unless the worksheet forms are attached to the birth report in the state electronic reporting system. The forms shall be retained separately from the child's, gestational surrogate's, or parents' medical records.¶

(7) Reporters submitting births in the state electronic birth reporting system shall complete the report of live birth using the information provided on the birth worksheets identifying the intended parents as the parents of the child and the gestational surrogate information as the gestational surrogate in the electronic birth reporting system.¶

(8) Reporters submitting birth reports on paper shall enter the information on the paper birth report identifying the intended parents as the parents and including the gestational surrogate's demographic and statistical information ¶

(9) The birth of a child under a gestational surrogacy agreement shall only be registered with the intended parents as the parents on the birth record when CHS has received and accepted a court-certified judgment of parentage that matches the birth report as described in these rules.¶

(10) Procedures for registering a birth.¶

(a) After receiving a birth report indicating a birth under a gestational surrogacy agreement, CHS must receive a court-certified judgment of parentage that matches the information on the birth report no later than 45 days after receipt of the birth report. If a court-certified judgment that matches the birth report is not timely received, the state registrar may refuse to register the birth. ¶

(b) If CHS receives a judgment that is not court-certified but matches a birth report, CHS shall not register the birth. ¶

(c) If CHS receives a court-certified judgment that does not match a birth report as required in section (3) of this rule, CHS shall not register the birth. ¶

(d) If information on the court-certified judgment and report of birth, other than the information that is required by section (3) of this rule to match, do not match, any information mandated by the court-certified judgment to be included in the registration of birth shall be included in the registration of birth as directed by the judgment. ¶

(11) Judgments received under this rule shall be placed in a sealed file after the birth is registered. Such file shall not be subject to inspection except upon order of a court of competent jurisdiction. ¶

(12) The gestational surrogate, the intended parent, or legal representative of either may request to amend a registration of birth to remove the gestational surrogate and add the intended parent(s) to the birth record by submitting the following to CHS: ¶

(a) A court-certified judgment of parentage issued pursuant to ORS 109.242 that matches the information on the birth record for the child in accordance with section (3) of this rule; ¶

(b) Oregon state vital records amendment order form; and ¶

(c) An amendment fee. ¶

(13) Upon receipt of all documentation required under section (12) of this rule and with the state registrar's approval: ¶

(a) The surrogate shall be removed as the parent. ¶

(b) The intended parent(s) shall be added to the birth record. ¶

(c) CHS shall establish a replacement record of live birth that does not indicate that it has been amended to remove the gestational surrogate and add the intended parents as the child's parents or any other amendment or correction notations. ¶

(d) The original record of live birth and all evidence submitted with the request or court order for the replacement for the record of live birth shall be placed in a sealed file. Such file shall not be subject to inspection except upon order of a court of competent jurisdiction. ¶

(14) When processing a request under this rule, if the state registrar has cause to question the validity or adequacy of the documentation, the state registrar, in the state registrar's discretion, may request additional information or documentation or may refuse to register the live birth or amend a record of live birth.

Statutory/Other Authority: ORS 413.042, ORS 432.010, ORS 432.015, ORS 432.030, ORS 432.033, ORS 432.075, ORS 432.083, ORS 432.088, ORS 109.222 - ORS 109.244

Statutes/Other Implemented: ORS 432.088, ORS 109.222 - ORS 109.244

RULE SUMMARY: Amend OAR 333-011-0340

Fees: Replaces a reference to OAR 333-011-0275, which is being repealed, with OAR 333-011-0276. Amending rule to remove references to dates that have passed.

CHANGES TO RULE:

333-011-0340

Fees ¶

(1) The fee for any search of the files and vital statistics records is \$25.¶

(a) The \$25 search fee includes the issuance of one certified copy if the record is located and matched to the request. If no matching record is found, a statement to this effect will be issued in lieu of a record.¶

(b) The \$25 fee covers the cost of a five year search for death, fetal death, marriage, divorce, domestic partnership and dissolution of domestic partnership records. If more than a five year search is requested, an additional fee of \$1 per year shall be charged.¶

(2) The fee for the first certified copy of a death, fetal death, marriage, divorce, domestic partnership, or dissolution of domestic partnership vital statistics record is \$25. Additional certified copies of the same record ordered at the same time ~~is \$20 for each certified copy through December 31, 2017. Effective January 1, 2018, additional~~ certified copies of the same record ordered at the same time shall be \$25 for each certified copy.¶

(3) The fee for a certified copy of a birth vital statistics record is:¶

(a) \$25 when a computerized version of the record is issued. Additional certified copies of the same record ordered at the same time shall be ~~\$20 for each certified copy through December 31, 2017. Effective January 1, 2018,~~ additional certified copies of the same record ordered at the same time shall be \$25 for each certified copy.¶

(b) \$30 for each certified copy when an image of the original record is requested by the applicant.¶

(4) The fee for a certified copy of a recorded court order registering an unrecorded birth under ORS 432.118 is \$25.¶

(5) The fee for a Commemorative Certificate of Stillbirth is \$25.¶

(6) A fee of \$35 shall be paid to the state registrar for the preparation of a new or updated record of live birth for amendment, correction, adding the father's name to the birth record or filing of adoption orders and delayed and court registered birth records. This fee does not include a certified copy of the amended record.¶

(a) The \$35 fee may be waived to correct an error or omission by a reporting source if a birth record is corrected within the first year from the date of the event.¶

(b) The \$35 fee may be waived at any future time to correct an error on a record of live birth by a reporting source for date of birth, time of birth or sex of registrant.¶

(c) An additional service to expedite an amendment within three business days may be available for an additional fee of \$30 if the request is matched to a registered record and all required documentation under ORS 432.223 ~~& and~~ 432.245, OAR 333-011-0260 through 02756, or OAR 333-011-0300 has been received and approved. This fee does not include a certified copy of the amended record and is in addition to the amendment fee.¶

(7) A fee of \$35 shall be paid to the state registrar for the preparation of an amended death record, if amendments are filed more than one year after the date of death. However, no fee shall be paid for amendments to the cause of death filed by the physician or medical examiner that signed the report of death. This fee does not include a certified copy of the amended record.¶

(8) A fee of \$5 for each certified copy shall be paid for the replacement of certified copies of a death record when the original documents are returned within a year of issuance with an acceptable correction document and appropriate amendment fee. This fee may be waived when the replacement of certified copies is required solely due to an amendment or correction by the medical certifier on the record or a Medical Examiner.¶

(9) A fee of \$5 for each certified copy shall be paid for the replacement of certified copies of a birth record when the original documents are returned within a year of issuance and an acceptable correction document and appropriate amendment fee has been received. The \$5 fee may be waived for the replacement of one certified copy of the record of live birth when an amendment is made.¶

(10) A fee of \$7 shall be paid to expedite the search and filling of an order for a certified copy when the order is placed by telephone or the Internet, billed to a credit card and processed within three working days upon receipt of the order. This fee is in addition to the fee charged by a subcontractor providing computer, prepayment, billing and collection services for orders processed using the subcontractor's services.¶

(11) A fee of \$45 shall be paid for heirloom birth certificates under ORS 432.445.¶

(12) A fee of \$30 shall be paid for a certified copy of a person's original record of live birth prior to adoption under ORS 432.228(1).¶

- (13) A fee of \$25 shall be paid when submitting a Contact Preference Form to match with an adopted person's record of live birth.¶¶
- (14) Persons requesting special services or specific data sets shall be charged actual time and material costs of producing the data.¶¶
- (15) The fee for copies of vital statistics records issued for research approved by the state registrar under ORS 432.350 is \$25 for each record. Records for research purposes are issued as uncertified copies.¶¶
- (16) A fee of \$24 shall be paid for making certified copies of documents from sealed files, special files and affidavits and supplemental reports authorized by statute or rule.¶¶
- (17) A fee of \$4 per page shall be charged for uncertified copies of documents from sealed files, special files and affidavits or supplemental reports authorized by statute or rule.¶¶
- (18) A fee of \$10 shall be paid for each manual verification of a vital event for each government agency or subdivision of a government agency requesting over ~~5~~five verifications per month.¶¶
- (19) A fee not to exceed \$4 shall be paid for each electronic verification of a vital event. This fee is in addition to the fee charged by a subcontractor providing computer system, billing and collection services for verifications processed using the subcontractor's services.¶¶
- (20) Overpayment of a required fee received in the office of the state registrar shall be refunded if in excess of \$6 and any overpayment less than \$6 shall be refunded upon written request of the applicant within one year.
- Statutory/Other Authority: ORS 432.015, ORS 432.350, ORS 432.435, ORS 432.148
- Statutes/Other Implemented: ORS 432.435, ORS 432.148