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1 **OAR 333-011-0212**

2 **Standards for Reporting Live Births**

3

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

6 Reporters may include institutions, persons in charge of the institution, physicians as
7 defined in ORS 432.005, direct entry midwives, midwives registered with CHS, the parent
8 who gave birth, any other parent, person in charge of the premises where the live birth
9 occurred, or any other person who submits a report of live birth to CHS.

10

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

12

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

16

17 (A) The parent or their designee shall complete the parent information on the birth filing
18 worksheet for parents and sign the worksheet indicating their verification of the accuracy of
19 the data provided in the worksheet used to prepare the report of live birth.

20

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

25

26 (3) Reporters shall report live births under a gestational surrogacy agreement in
27 accordance with OAR 333-011-0276 sections (4) and (5).

28

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

33

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

36

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

39

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

43

1 (6) Reporters shall retain completed worksheet forms for a minimum of two years after the
2 birth of the child. The forms shall be retained separately from the child or parents' medical
3 records.

4
5 (7) Reporters shall provide the completed worksheet forms to CHS upon request.
6 Completed worksheets are exempt from public disclosure under ORS 192.311 to 192.478
7 and a person may not disclose or allow a person to inspect completed worksheets unless
8 permitted by ORS 432.350, 432.380, or OAR Chapter 333, Division 11.

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13

1 **OAR 333-011-0262**

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

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

6 Reporter may include acknowledged parents, alleged genetic parents, intended parents,
7 institutions, persons in charge of the institution, or physicians as defined in ORS 432.005,
8 direct entry midwives, midwives registered with CHS, the parent who gave birth, any other
9 parent, a person in charge of the premises where the live birth occurred, or any other
10 person who submits a report of live birth to CHS.

11
12 (2) For purposes of this rule, “second parent” means the individual who is not the parent
13 who gave birth and seeks to be added to the birth record for the child under this rule.

14
15 (3) If a parent who gave or will give birth to the child is not married at the time of either
16 conception or live birth, or within 300 days before the live birth, the second parent may be
17 entered on the report of live birth if:

18
19 (a) the parent who gave birth or will give birth to the child and the second parent intend to
20 marry or enter into a domestic partnership registered by the state after the birth of the
21 child; and

22
23 (b) The second parent agrees to be added to the record of live birth.

24
25 (4) To add the second parent on the birth report under this rule, the following must be
26 submitted on the birth filing worksheet for parents in the form required by CHS:

27
28 (a) indication the parent who gave birth and second parent intend to marry or enter into
29 domestic partnership registered by the state;

30
31 (b) the signature of the second parent indicating they agree to be added to the birth record;

32
33 (c) information for the second parent, including name, date of birth and other information
34 required in the worksheet;

35
36 (d) any other information as required by the state registrar in the birth worksheet; and

37
38 (e) the signature of the parent who gave birth or their designee as the informant verifying
39 the accuracy of the information provided on the worksheet.

40
41 (5) A reporter shall complete the report of live birth and include the second parent using
42 the information provided on the birth worksheet if:

- 1 (a) the birth worksheet has been signed by the second parent indicating agreement to be
2 added to the birth report;
3
- 4 (b) the requirements under section (3) of this rule have been met; and
5
- 6 (c) The birth worksheet does not indicate that the parent who gave or will give birth to the
7 child was married at the time of either conception or live birth, or within 300 days before
8 the live birth.
9
- 10 (6) A reporter shall not include the second parent on the birth report and the state registrar
11 shall not include the second parent on the birth record if:
12
- 13 (a) The second parent has not signed the worksheet indicating agreement to be added to
14 the birth report;
15
- 16 (b) Any requirement under section (4) of this rule has not been met; or
17
- 18 (c) The birth worksheet indicates that the parent who gave or will give birth to the child was
19 married at the time of either conception or live birth, or within 300 days before the live
20 birth.
21
- 22 (7) When processing a request under this rule, if the state registrar has cause to question
23 the validity or adequacy of the documentation, the state registrar, in the state registrar's
24 discretion, may request additional information or documentation or may refuse to register
25 the live birth or amend a record of live birth.
26
27

1 **OAR 333-011-0266**

2 **Witnessed Voluntary Acknowledgment of Parentage**

3

4 (1) For the purposes of this rule “parties” is defined to:

5

6 (a) Include the parent who will give or who gave birth to the child, the alleged genetic parent
7 as defined in ORS 109.002, presumed parent as defined in ORS 109.002 or intended parent
8 as defined in ORS 432.005.

9

10 (b) Exclude an intended parent as defined in ORS 432.005 when the child was conceived by
11 assisted reproduction under a surrogacy agreement.

12

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

18

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

22

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

24

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

26

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

28

29 (d) Birthplaces of the parties;

30

31 (e) Addresses and phone numbers of the parties;

32

33 (f) Birthplace of the child, hospital or health care facility;

34

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

37

38 (h) Statements of acknowledgment signed by both parties:

39

40 (i) Signature lines for the parties;

41

42 (j) Signature lines for witnesses; and

43

1 (k) Statements of rights, responsibilities, alternatives and consequences specified in ORS
2 109.070.

3
4 (4) Staff at the health care facility where the birth occurred shall provide the witnessed
5 voluntary acknowledgment of parentage form to the parties before, at or after the birth of
6 the child if there is reason to believe that:

7
8 (a) The parent who gave birth to the child is not married or in domestic partnership
9 registered by the state;

10
11 (b) The parent who gave birth to the child is married or in domestic partnership registered
12 by the state, but the alleged genetic parent of the child is not the spouse or registered
13 domestic partner of the parent who gave birth to the child; or

14
15 (c) The child was conceived by assisted reproduction, other than under a surrogacy
16 agreement.

17
18 (5) A witnessed voluntary acknowledgment of parentage must:

19
20 (a) Be fully completed, with all required fields filled out.

21
22 (b) Not contain any crossed out or altered information.

23
24 (c) Be witnessed by a staff member of the health facility where the child was born within
25 five days following the child's birth.

26
27 (d) Be signed and dated by all parties identified in the form while witnessed by facility staff.
28 All signatures must be original and may not be stamps or electronic signatures. The date of
29 signature by the witness must match the signature date of the party whose signature was
30 witnessed.

31
32 (e) Only be signed after facility staff reads to the parties the rights, responsibilities,
33 alternatives and consequences listed on the acknowledgment.

34
35 (6) The parties are responsible for accurately completing the form and returning the
36 completed and signed form to the health care facility staff for submission to CHS. Each
37 party should retain a copy of the completed signed form.

38
39 (7) The state registrar shall only accept a witnessed voluntary acknowledgment of
40 parentage form that satisfies the requirements in this rule and applicable statute.

41
42 (8) The person in charge of the health care facility where the birth occurred, or an
43 authorized designee, shall enter the information regarding the alleged genetic parent,
44 presumed parent, or intended parent from the witnessed acknowledgment of parentage

1 form into the state registrar’s electronic birth reporting system. If the information on a
2 parent worksheet for the party seeking to establish parentage differs from the witnessed
3 voluntary acknowledgment of parentage form, health care facility staff shall input the
4 information from the acknowledgment form into the birth report.
5
6 (9) The health care facility shall mail complete witnessed voluntary acknowledgment of
7 parentage forms to CHS at least weekly.
8
9 (10) When a birth report indicates a witnessed voluntary acknowledgment of parentage
10 form was completed, the state registrar shall register the birth to include the parent added
11 by the witnessed voluntary acknowledgment only after:
12
13 (a) Receiving and accepting a witnessed voluntary acknowledgment of parentage form if no
14 second parent is named on the child’s report of live birth; or
15
16 (b) Receiving and accepting a witnessed voluntary acknowledgment of parentage form and
17 a denial of parentage form as described in OAR 333-011-0268 if there is a second parent
18 named in the report of live birth.
19
20 (11) If a witnessed voluntary acknowledgment form is not received and accepted by the
21 state registrar as described in section (10)(a) of this rule within 45 days from the date of
22 birth the state registrar shall register the birth without the parent identified in the report as
23 submitting a witnessed voluntary acknowledgment of parentage.
24
25 (12) Witnessed voluntary acknowledgment of parentage forms received by CHS shall be
26 held for matching with birth reports, birth records, or denials of parentage forms until
27 matched or for six months after receipt, whichever is earlier. Unmatched notarized
28 voluntary acknowledgment of parentage forms will be retained for ### years then
29 destroyed.
30
31 (13) When the state registrar has cause to question the validity or adequacy of
32 documentation submitted under this rule, the state registrar, in the state registrar’s
33 discretion, may request additional documentation or refuse to accept the witnessed
34 voluntary acknowledgment of parentage.
35

1 **OAR 333-011-0267**

2 **Notarized Voluntary Acknowledgment of Parentage**

3
4 (1) For the purposes of this rule “parties” is defined to:

5
6 (a) Include the parent who will give or who gave birth to the child, the alleged genetic parent
7 as defined in ORS 109.002, presumed parent as defined in ORS 109.002 or intended parent
8 as defined in ORS 432.005.

9
10 (b) Exclude an intended parent as defined in ORS 432.005 when the child was conceived by
11 assisted reproduction under a surrogacy agreement.

12
13 (2) This rule adopts the notarized voluntary acknowledgment of parentage form as required
14 by ORS 432.098. A notarized voluntary acknowledgment of parentage form must be
15 completed on the form provided by the state registrar which is available on the Center for
16 Health Statistics (CHS) website or upon request.

17
18 (3) A notarized voluntary acknowledgment of parentage form can be signed before or after
19 the birth of the child but takes effect upon the birth of the child or the filing of the form with
20 the state registrar, whichever is later. If a voluntary acknowledgment of parentage form and
21 a denial of parentage form are both required, neither is effective until both are filed with the
22 state registrar.

23
24 (4) The notarized voluntary acknowledgment of parentage form shall request or require
25 information necessary to comply with existing federal and state laws and regulations for
26 determination and recording of parentage including but not limited to:

27
28 (a) Current full names of the child;

29
30 (b) Current full names of the parties;

31
32 (c) Social security numbers of the parties if available;

33
34 (d) Date of birth for the child or the expected date of birth;

35
36 (e) Dates of birth of the parties;

37
38 (f) Birthplaces of the parties;

39
40 (g) Addresses and phone numbers of the parties;

41
42 (h) Birthplace of the child;

43

- 1 (i) Statement indicating the parties need to read and understand the form and that making
2 willful and knowing false statements on this form can lead to criminal and civil penalties;
3
- 4 (j) Statements of acknowledgment signed by both parties;
5
- 6 (k) Signature lines for the parties;
7
- 8 (L) Space for notary information, signature and notary stamp; and
9
- 10 (m) Statements of rights, responsibilities, alternatives and consequences specified in ORS
11 109.070.
- 12
- 13 (5) A notarized voluntary acknowledgment of parentage form must:
- 14
- 15 (a) Be fully completed, with all required fields filled out.
16
- 17 (b) Not contain any crossed out or altered information.
18
- 19 (c) Include a complete and valid notary section with signature and date by a notarial officer.
20
- 21 (d) Contain original signatures.
22
- 23 (e) Match the child's full name (if known), date of birth or expected date of birth, parent who
24 gave birth's current name and name prior to any marriage (maiden name) in the birth report
25 or birth record. For an expected date of birth to match a date of birth, the expected date of
26 birth on the form must fall within 120 days of date of birth on the birth report.
27
- 28 (6) The state registrar may require additional information from the parties to match the
29 notarized voluntary acknowledgment of parentage form to the birth report or birth record.
30
- 31 (7) The parties are responsible for accurately completing the notarized voluntary
32 acknowledgment of parentage form and mailing the original completed form to CHS at the
33 address identified in the form.
34
- 35 (8) Notarized voluntary acknowledgment of parentage forms received by CHS shall be held
36 for matching with birth reports, birth records, or denials of parentage forms until matched
37 or for six months after receipt, whichever is earlier. Unr
38 acknowledgment of parentage forms will be retained for ### years then destroyed.
39
- 40 (9) The state registrar shall only register a birth or prepare a new birth record to add a parent
41 identified in a notarized voluntary acknowledgment of parentage form:
42
- 43 (a) If there is no second parent named on the child's record of live birth; or
44

- 1 (b) If there is a second parent already named in the report of live birth or record of live birth
2 and the registrar has received and accepted a denial of parentage form as described in
3 OAR 333-11-0268; and
4
- 5 (c) After receiving and accepting a voluntary acknowledgment of parentage form; and
6
- 7 (d) After receiving required fees.
8
- 9 (10) The state registrar shall establish a replacement for the record of live birth after
10 amending a record of live birth under this rule when a replacement record is requested.
11
- 12 (11) A fee is not required to amend or add a parent pursuant to an accepted notarized
13 voluntary acknowledgment of parentage form if the form was received by the state
14 registrar:
15
- 16 (a) Via mail postmarked within 14 days of birth of the child; or
17
- 18 (b) Via mail postmarked within 30 days of the date the state registrar rejected a witnessed
19 voluntary acknowledgment of parentage form.
20
- 21 (12) When the state registrar has cause to question the validity or adequacy of
22 documentation submitted under this rule, the state registrar, in the state registrar's
23 discretion, may request additional documentation or refuse to accept the notarized
24 voluntary acknowledgment of parentage form.
25

1 **OAR 333-011-0268**

2 **Denial of Parentage**

3

4 (1) For the purposes of this rule “parties” is defined to:

5

6 (a) Include the parent who will give or who gave birth to the child, the alleged genetic parent
7 as defined in ORS 109.002, presumed parent as defined in ORS 109.002 or intended parent
8 as defined in ORS 432.005.

9

10 (b) Exclude an intended parent as defined in ORS 432.005 when the child was conceived by
11 assisted reproduction under a surrogacy agreement.

12

13 (2) The denial of parentage form shall be available on the state registrar’s website or upon
14 request, and shall request or require information necessary to comply with state laws and
15 regulations for denial of parentage including but not limited to:

16

17 (a) Child’s full name;

18

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

20

21 (c) Child’s city or county of birth;

22

23 (d) The full name of the person who gave or will give birth to the child;

24

25 (e) The party denying parentage’s full name, telephone number, email, address;

26

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

30

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

32

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

34

35 (3) A denial of parentage form can be completed, signed and submitted to the Center for
36 Health Statistics (CHS) before or after the birth of the child. A denial of parentage form is
37 effective on the birth of the child or the filing of all required forms with the state registrar,
38 whichever is later.

39

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

43

44 (5) A denial of parentage form must:

- 1
2 (a) Be fully completed, with all required fields filled out.
3
4 (b) Not contain any crossed out or altered information.
5
6 (c) Include a complete and valid notary section with signature and date by a notarial officer.
7
8 (d) Contain original signatures.
9
10 (e) Match the child's full name (if known), date of birth or expected date of birth, parent who
11 gave birth's current name and name prior to any marriage (maiden name) in the birth report
12 or birth record. For an expected date of birth to match a date of birth, the expected date of
13 birth on the form must fall within 120 days of date of birth on the birth report or birth record.
14
15 (6) The state registrar may require additional information from the parties to match the
16 denial of parentage form to the birth report or birth record.
17
18 (7) Staff at the health care facility shall offer the denial of parentage form and witnessed
19 acknowledgment of parentage to the parties:
20
21 (a) If the parent who gave birth to the child indicates on the birth worksheet for parents that
22 they are:
23
24 (A) Married or were married within 300 days of the birth of the child; and
25
26 (B) The presumed parent is not the alleged genetic parent of the child.
27
28 (b) As otherwise directed by the state registrar.
29
30 (8) (a) If a witnessed voluntary acknowledgment of parentage form indicates that a denial of
31 parentage form will be submitted and the parent who gave birth identifies the presumed
32 parent at the time of birth on the birth worksheet for parents, the health care facility staff
33 shall enter the presumed parent on the birth report. If the presumed parent is not identified
34 on the birth worksheet for parents, no second parent will be listed on the birth report.
35
36 (b) If the health care facility receives a completed denial of parentage form, it shall be
37 submitted to CHS as outlined in OAR 333-011-0266.
38
39 (9) When a birth report identifies a presumed parent and indicates that a witnessed
40 voluntary parentage form and denial of parentage form will be submitted to CHS:
41
42 (a) The state registrar shall only register the birth to include the parent listed on the
43 witnessed voluntary acknowledgment of parentage after receiving and accepting the denial
44 of parentage and corresponding witnessed voluntary acknowledgment of parentage.

1
2 (b) The state registrar shall register the birth with the presumed parent listed as the second
3 parent if the denial of parentage form and a witnessed voluntary acknowledgment of
4 parentage form are not received and accepted by the state registrar within 45 days from the
5 date of birth.

6
7 (10) If the state registrar receives an acceptable notarized voluntary acknowledgment of
8 parentage and corresponding denial of parentage prior to the birth of the child, the state
9 registrar shall:

10
11 (a) Hold the forms until matched with a birth report or record.

12
13 (b) Add the parent listed on the notarized voluntary acknowledgment of parentage if not
14 included in the birth record and remove the parent denying parentage if included on the
15 birth record.

16
17 (11) When a birth report identifies a presumed parent as the second parent and does not
18 indicate a witnessed voluntary acknowledgment of parentage shall be submitted and no
19 notarized voluntary acknowledgment of parentage and corresponding denial of parentage
20 was received prior to the birth, the state registrar shall register the birth with the presumed
21 parent as the second parent.

22
23 (a) To remove the presumed parent from the birth record added under section 11 of this
24 rule for no fee, CHS must receive via mail postmarked within 14 days of birth of the child an
25 acceptable denial of parentage form and a notarized voluntary acknowledgment of
26 parentage form.

27
28 (b) To remove the presumed parent from the birth record added under section 11 of this
29 rule when a denial of parentage form and a notarized voluntary acknowledgment of
30 parentage are mail postmarked more than 14 days after of birth of the child, CHS must:

31
32 (A) Receive and accept a notarized denial of parentage form and a notarized voluntary
33 acknowledgment of parentage form; and

34
35 (B) Receive an amendment fee and Oregon state vital records amendment order form.

36
37 (12) Denial of parentage forms received by CHS shall be held for matching with birth
38 reports, birth records, and corresponding acknowledgment of parentage forms until
39 matched or for six months after receipt, whichever is earlier. Unmatched denial of
40 parentage forms will be stored for ### years then destroyed.

41
42 (13) The state registrar shall establish a replacement for the record of live birth after
43 amending a record of live birth under this rule.

44

1 (14) When the state registrar receives a voluntary acknowledgment of parentage form
2 indicating another person is denying parentage and no denial of parentage has been
3 received via mail postmarked within 14 days of birth of the child, the parties on the
4 voluntary acknowledgment form will be informed that the denial has not been received.
5 The state registrar shall not amend the birth record or add the person acknowledging
6 parentage to the birth record unless or until a denial of parentage is received, accepted,
7 and matched to the birth record or birth report.

8
9 (15) When the state registrar receives a denial of parentage form and no corresponding
10 voluntary acknowledgment of parentage has been received via mail postmarked within 14
11 days of birth of the child, the party on the denial of parentage form will be informed that the
12 notarized voluntary acknowledgment of parentage has not been received. The state
13 registrar shall not amend the birth record or remove the person denying parentage from the
14 birth record unless or until an acknowledgment of parentage is received, accepted, and
15 matched to the birth record or birth report.

16
17 (16) If the state registrar is aware that parentage is being denied and a voluntary
18 acknowledgment of parentage form indicating another person is denying parentage or a
19 denial of parentage form has not been received within 14 days of the birth of the child, the
20 parents listed on the birth report or record will be informed that appropriate forms have not
21 been received.

22
23 (17) When processing a request under this rule, if the state registrar has cause to question
24 the validity or adequacy of the documentation, the state registrar, in the state registrar's
25 discretion, may request additional information or documentation or may refuse to register
26 the live birth or amend a record of live birth.

27

1 **OAR 333-011-0269**

2 **Rescission of Acknowledgment or Denial of Parentage**

3

4 (1) For the purposes of this rule “parties” is defined to:

5

6 (a) Include the parent who will give or who gave birth to the child, the alleged genetic parent
7 as defined in ORS 109.002, presumed parent as defined in ORS 109.002 or intended parent
8 as defined in ORS 432.005.

9

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

12

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

17

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

19

20 (A) Child’s full name;

21

22 (B) Child’s date of birth or expected date of birth;

23

24 (C) Child’s city or county of birth;

25

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

27

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

29

30 (b) Rescinding party’s telephone number, email, and address;

31

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

35

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

37

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

39

40 (3) A rescission form must be filed with the state registrar within the earlier of:

41

42 (a) Sixty days after the acknowledgment or denial becomes effective as described in ORS
43 432.098; or

44

- 1 (b) The date of the first hearing before the court in a proceeding relating to the child,
2 including a proceeding to establish a support order, in which the party wishing to rescind
3 the acknowledgment or denial is also a party.
4
- 5 (4) The party rescinding acknowledgment or denial of parentage is responsible for
6 accurately completing the rescission form and mailing the original completed form to CHS
7 at the address identified in the form.
8
- 9 (5) A rescission of acknowledgment or denial parentage form must:
10
- 11 (a) Be fully completed, with all required fields filled out.
12
- 13 (b) Not contain any crossed out or altered information.
14
- 15 (c) Include a complete and valid notary section with signature and date by a notarial officer.
16
- 17 (d) Contain original signatures.
18
- 19 (e) Match the child's full name (if known), date of birth or expected date of birth, the current
20 name of the parent who gave birth name and name prior to any marriage (maiden name) in
21 the acknowledgment or denial to be rescinded.
22
- 23 (6) The state registrar may require additional information from the parties to match the
24 rescission form to the acknowledgment or denial form to be rescinded.
25
- 26 (7) If the state registrar has added the information from the acknowledgment or denial
27 being rescinded into the child's birth record, the state registrar shall amend the existing
28 birth record to remove any information added or changed due to the acknowledgment or
29 denial of parentage from the birth record and any corresponding denial or acknowledgment
30 of parentage:
31
- 32 (a) After receiving and accepting the rescission form; and
33
- 34 (b) Receiving any required fees.
35
- 36 (8) A birth record amended under this rule shall:
37
- 38 (a) Revert to the parentage information included on the birth record prior to the acceptance
39 of the acknowledgment or denial of parentage that is being rescinded; and
40
- 41 (b) Not indicate that it has been amended.
42

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

4

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

9

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

14

1 **OAR 333-011-0276**

2 **Registration of Births under a Gestational Surrogacy Agreement**

3
4 (1) For the purposes of this rule, “reporter” means the person who submits a report of live
5 birth to the Center for Health Statistics (CHS) as described in ORS 432.088 (3) and (5).
6 Reporters may include institutions, persons in charge of the institution, physicians as
7 defined in ORS 432.005, direct entry midwives, midwives registered with CHS, the parent
8 who gave birth, any other parent, person in charge of the premises where the live birth
9 occurred, or any other person who submits a report of live birth to CHS.

10
11 (2) To request to register the birth of a child born under a gestational surrogacy agreement
12 that includes the intended parents as the parents, the intended parents or their designee
13 must submit the following to the state registrar of the CHS:

14
15 (a) A court-certified judgment of parentage issued pursuant to ORS 109.242 that matches
16 the information in the birth report for the child; and

17
18 (b) A completed gestational surrogacy information sheet provided by CHS on its website or
19 upon request.

20
21 (3) For a court-certified judgment of parentage to match the birth report for a child for the
22 purposes of this rule:

23
24 (a) The following information on the judgment and report must be the same:

25
26 (A) Intended parent(s) first and last name(s) and date(s) of birth;

27
28 (B) Surrogate’s first and last name and date of birth; and

29
30 (b) The date of birth for the child identified in the report must fall within 120 days of the
31 expected date of birth or within the expected date of birth range not to exceed 120 days of
32 the date of birth included in the judgment.

33
34 (4) The court-certified judgment of parentage may be submitted to CHS before or after the
35 child’s birth. CHS shall check judgments received prior to the birth of the child for a
36 matching birth report until the birth of the child or six months after the expected date of
37 birth indicated in the judgment, whichever is earlier.

38
39 (5) An intended parent, or designee for the intended parent(s), shall serve as the informant
40 of birth and shall complete the birth worksheets on a form prescribed by the state registrar.
41 The following shall be completed in the worksheets:

42
43 (a) Information for the gestational surrogate: Name, contact information, social security
44 number, demographic and statistical information.

- 1
2 (b) Information for the intended parent(s): Name(s), date(s) of birth, location(s) of birth, and
3 other information required in the worksheet.
4
- 5 (c) Signature by an intended parent or designee for the intended parent(s) as the informant
6 and verifying the accuracy of the information.
7
- 8 (d) Any other information as required by the state registrar in the birth worksheet.
9
- 10 (6) Reporters submitting births in the electronic birth reporting system shall complete the
11 report of live birth using the information provided on the birth worksheets identifying the
12 intended parents as the parents and the gestational surrogate information as the
13 gestational surrogate in the electronic birth reporting system.
14
- 15 (7) Reporters submitting birth reports on paper shall enter the information on the paper
16 birth report identifying the intended parents as the parents and the gestational surrogate
17 information for the demographic and statistical information.
18
- 19 (8) The birth of a child under a gestational surrogacy agreement shall only be registered
20 with the intended parents as the parents on the birth record when:
21
- 22 (a) CHS has received a court-certified judgment of parentage that matches the birth report
23 as described in these rules.
24
- 25 (b) The state registrar has reviewed, determined no additional information or verification is
26 necessary, and approved the registration.
27
- 28 (9) Timing for registering the birth.
29
- 30 (a) After receiving a birth report that includes a gestational surrogacy agreement and
31 intended parents, CHS must receive a court-certified judgment of parentage that matches
32 the information on the birth report no later than 45 days after receipt of the birth report to
33 include the intended parents on the birth record.
34
- 35 (b) If a court-certified judgment that matches the birth report is not received before 46 days
36 after receipt of the birth report, the state registrar may register the birth with the surrogate
37 identified as the parent that gave birth, and the intended parents shall not be included on
38 the birth record.
39
- 40 (c) If CHS receives a request for a certified copy of the birth record before the 45 days
41 expires and the birth report has not been registered, because there is no birth record to be
42 issued and the request shall be denied.
43

1 (d) If CHS receives a request for a certified copy of the birth record after the 45 days expires
2 and the birth has been registered with the person who gave birth as the parent included on
3 the record, CHS may provide a certified copy to any eligible person in accordance with ORS
4 432.380.

5
6 (e) A birth that has been registered with the person who gave birth as the parent on the
7 record may be amended as described in section (10) of this rule.

8
9 (10) Procedures for registering a birth.

10
11 (a) If CHS receives a judgment that is not court-certified but matches a birth report, CHS
12 shall not register the birth with the intended parents. CHS will notify the contact person
13 identified in the gestational surrogacy information sheet of the lack of certification.

14
15 (b) If CHS receives a court-certified judgment that does not match a birth report as
16 required in section 2 of this rule, CHS shall not register the birth with the intended parents.
17 CHS shall notify the contact person identified in the gestational surrogacy information
18 sheet of the inconsistency.

19
20 (c) If information on the court-certified judgment and report of birth, other than the
21 information that is required by section 2 of this rule to match, do not match, any
22 information mandated by the court-certified judgment to be included in the registration of
23 birth shall be included in the registration of birth as directed by the judgment. CHS shall
24 notify the contact person identified in the gestational surrogacy information sheet of the
25 inconsistency.

26
27 (11) Judgments received under this rule shall be placed in a sealed file after the birth is
28 registered. Such file shall not be subject to inspection except upon order of a court of
29 competent jurisdiction.

30
31 (12) The person who gave birth, intended parent, or legal representative of either may
32 request to amend a registration of birth that identifies the person who gave birth as a
33 parent to remove the person who gave birth and add the intended parent(s) to the birth
34 record by submitting the following to CHS:

35
36 (a) A court-certified judgment of parentage issued pursuant to ORS 109.242 that matches
37 the information in the birth record for the child;

38
39 (b) Oregon state vital records amendment order form; and

40
41 (c) An amendment fee.

42
43 (13) Upon receipt of all documentation required under subsection 12 and the state
44 registrar's approval:

- 1
2 (a) The surrogate shall be removed as the parent.
3
4 (b) The intended parent(s) shall be added to the birth record.
5
6 (c) CHS shall establish a replacement record of live birth that does not indicate that it has
7 been amended to remove the person who gave birth and add the intended parents or any
8 other amendment or correction notations.
9
10 (d) The original record of live birth and all evidence submitted with the request or court
11 order for the replacement for the record of live birth shall be placed in a sealed file. Such
12 file shall not be subject to inspection except upon order of a court of competent
13 jurisdiction.
14
15 (14) For a court-certified judgment of parentage to match the information in the birth
16 record for the purposes of section 12 of rule:
17
18 (a) The following information on the judgment and record must be the same:
19
20 (A) Intended parent(s) first and last name(s) and date(s) of birth;
21
22 (B) Surrogate's first and last name and date of birth; and
23
24 (b) The date of birth for the child identified in the record must fall within 120 days of the
25 expected date of birth or within the expected date of birth range not to exceed 120 days
26 included in the judgment.
27
28 (15) When processing a request under this rule, if the state registrar has cause to question
29 the validity or adequacy of the documentation, the state registrar, in the state registrar's
30 discretion, may request additional information or documentation or may refuse to register
31 the live birth or amend a record of live birth.
32

1 **333-011-0230**

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

4
5 (1) When a live birth that occurred outside a licensed medical facility has not been
6 registered within one year from the date of birth, an application for a delayed registration of
7 live birth may be submitted. The applicant shall complete a delayed report of live birth
8 application form prescribed by the state registrar, pay the delayed filing fee, and shall
9 provide additional documentation described in this rule.

10
11 (a) If the proposed registrant is age 18 or older, the proposed registrant must file the
12 application unless the proposed registrant has a legal guardian due to incapacity. If the
13 proposed registrant is age 18 or older and has a legal guardian due to incapacity, the legal
14 guardian may file the application on behalf of the proposed registrant.

15
16 (b) If the proposed registrant is less than age 18, the mother, the father if legal relationship
17 is established, the legal guardian, or a state agency with physical custody may file the
18 application.

19
20 (c) No delayed report of live birth shall be registered for a deceased person.

21
22 (2) A delayed registration of birth application form shall be signed by the person authorized
23 to request a delayed registration of birth as described in subsections (1)(a) and (b) of this
24 rule and sworn to before an official authorized to administer oaths, swearing to the
25 accuracy of the facts stated therein.

26
27 (3) In addition to completing the delayed registration of live birth application, the applicant
28 must submit documents to establish the facts of birth including:

29
30 (a) The full name of the proposed registrant at the time of birth;

31
32 (b) The date of birth;

33
34 (c) The place of birth within Oregon;

35
36 (d) The mother's full name at birth and current full legal name; and

37
38 (e) Proof that a record does not currently exist in Oregon.

39
40 (4) If the mother was not married either at the time of conception or birth or within 300 days
41 prior to the birth, or in a domestic partnership registered by the state at the time of either
42 conception or live birth, or between conception and live birth, the state registrar shall not
43 enter the name of the father on the delayed record of live birth for a minor child except

1 upon receipt of a voluntary acknowledgment of parentage as provided in OAR 333-011-
2 0266, OAR 333-011-0267 or upon receipt of a court order establishing parentage.

3
4 (5) A delayed registration of birth application completed and submitted to the state
5 registrar within 10 years of the birth of the proposed registrant must include three pieces of
6 documentary evidence that support the facts of birth.

7
8 (a) One of the three documents must establish the mother's residence address in Oregon
9 within 30 days of the date of the live birth and inclusive of the date of birth. A personal
10 affidavit cannot be used to establish residence.

11
12 (b) One document other than a personal affidavit must have the full name at birth of the
13 proposed registrant, the date of birth, and the full legal name or the full name at birth of the
14 mother. This document must be dated either:

15
16 (A) Before the first birthday of the proposed registrant; or

17
18 (B) At least one year prior to the date of the application.

19
20 (c) One of the documents may be a personal affidavit. To be accepted, a personal affidavit
21 must be signed by a person who is at least 18 years of age and is at least 10 years older
22 than the proposed registrant. That person must have personal knowledge of the facts of
23 birth and not be a family member of either parent.

24
25 (d) In addition to the facts of birth, information on the identity of the mother and father is
26 required.


27
28 (A) Evidence of the identity of the mother shall include:

29
30 (i) An official identification document from a government agency that includes a
31 photograph of the mother; and

32
33 (ii) A certified copy of the mother's record of birth; or

34
35 (iii) Other official documents acceptable to the state registrar.

36
37 (B) Evidence of the identity of the father if the father is to be listed on the record of live birth
38 shall include:

39
40  n official identification document from a government agency that includes a
41 photograph of the father; and

42
43 (ii) A certified copy of the father's record of birth; or

44

- 1 (iii) Other official documents acceptable to the state registrar.
2
- 3 (C) If a parent’s current legal name does not match the name on his or her record of birth,
4 evidence of the legal name change through court order, marriage or other legal process
5 must be provided.
6
- 7 (e) If the father is listed on the birth report because the mother and father are married, a
8 certified copy of a marriage record for the mother and the father must be submitted.
9
- 10 (6) If a delayed registration of live birth application is completed and submitted to the state
11 registrar 10 years or later after the date of birth of the proposed registrant, at least three
12 pieces of documentary evidence shall be submitted with the application for delayed record
13 of live birth.
14
- 15 (a) All documents must have been established:
16
- 17 (A) Prior to the proposed registrant's 10th birthday and at least one year prior to the date of
18 application; or
19
- 20 (B) At least 10 years prior to the date of application.
21
- 22 (b) One document must have the full name at birth of the proposed registrant, the date of
23 birth or age, the place of birth within Oregon, and the mother’s first and last name prior to
24 marriage.
25
- 26 (c) The remaining two documents must have the name of the proposed registrant, the date
27 of birth or age, and place of birth. One document of the three must include the registrant’s
28 first and last name, date of birth and place of birth within Oregon.
29
- 30 (d) The father will be included on the record of live birth if the proposed registrant is age 18
31 or older and the evidence submitted documents the identity and relationship.
32
- 33 (e) Documents in addition to the three required may include first and last names only and
34 do not need to include the date of birth and place of birth if sufficient information appears
35 in the document to clearly identify the proposed registrant as the subject of the document.
36 These documents may be used to correct the spelling of a name or to add information
37 missing from the three documents required, such as a parent’s place of birth.
38

39 **Statutory/Other Authority:** ORS 432.113

40 **Statutes/Other Implemented:** ORS 432.113

41 **History:**

42 PH 17-2013, f. 12-26-13, cert. ef. 1-1-14
43
44

1 **333-011-0275**

2 **Establishing Replacement Records and New Records of Live Birth**

3

4 (1) The state registrar shall establish a replacement record of live birth for a person born in
5 this state when amending a record under any of the circumstances identified in ORS
6 25.550, ORS 432.235(3)(a) or (b), ORS 432.245, sections (2) to (6) of this rule, and OAR 333-
7 011-0276.

8

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

11

12 (a) The child’s surname may be changed by requesting the change on the acknowledgment
13 of parentage.

14

15 (b) The parent who gave birth’s last name may be amended if:

16

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

19

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

23

24 (C) A certified copy of the parents’ marriage or domestic partnership record is submitted
25 with the acknowledgment of parentage.

26

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

29

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

33

34 (b) The State Registrar shall amend the last name of the child if ordered by the court or the
35 administrator;

36

37 (4) For the purposes of this rule, a “replacement for the record of live birth” means that the
38 state registrar shall create a record of live birth that:

39

40 (a) Includes all information from the current record of live birth except for the specific items
41 requested to be amended under this rule. All amendment or correction notations in the
42 current record shall be included on the replacement record, except that replacement
43 record issued under ORS 432.245(1)(a) or (d), ORS 432.235(3)(b)(A) or (B), or OAR 333-011-
44 0276 shall not include any notations of amendment or correction from the current record.

1 (b) Does not indicate or include any notation of the amendment requested under this rule
2 except that a replacement record issued under ORS 432.235(3)(a)(A) or (B) shall include
3 the notation of the name change amendment as described in OAR 333-011-273(3).
4

5 (c) Is substituted for the original record of live birth.
6

7 (5) For purposes of this rule, a “current record of live birth” means the record of live birth on
8 file with CHS at the time an amendment request is received by CHS.
9

10 (6) Confidentiality of replacement records and supporting documents. After preparation of
11 a replacement record under this rule, the record of live birth on file with CHS at the time the
12 amendment request was received and the evidence upon which the replacement record
13 was based are sealed and not subject to inspection except upon order of a court of
14 competent jurisdiction or by the state registrar for purposes of administering the vital
15 statistics program except:
16

17 (a) Documents or information relating to voluntary acknowledgment of parentage, denial of
18 parentage, or rescission of either may be released as provided in ORS 432.098(2), to a party
19 of any of the acknowledgment, denial, or rescission thereof, and to the registrant if age 18
20 years or older.
21

22 (b) Documents relating to a request to change name under OAR 333-011-0271 or to change
23 sex under OAR 333-011-0272 may be released to the applicant or to the registrant if age 18
24 years or older.
25

26 (c) Affidavits and supporting evidence submitted to support an amendment may be
27 released to individuals who signed the affidavits or an individual who is eligible to obtain
28 the corresponding record under ORS 432.380.
29

30 (d) Documents relating to adoptions may be released in accordance with ORS 432.228.
31

32 (7) Court-Ordered Name Changes.
33

34 (a) To establish a new record of live birth pursuant to a court-ordered name change other
35 than a court order under ORS 432.235(3), the state registrar must receive:
36

37 (A) A certified court order changing the name of a parent listed on the record of live birth
38 under ORS 33.430; or
39

40 (B) A certified court order changing the name of the registrant on the record of live birth.
41

42 (C) a complete amendment application; and
43

44 (D) an amendment fee.

1
2 (b) For the purposes of this subsection, a “new record of live birth” means that the state
3 registrar shall create a new record of live birth that:

4
5 (A) Includes all information from the current record of live birth including all notations that
6 the record was amended or corrected.

7
8 (B) Includes a notation identifying the name change amended unless the individual with the
9 name change is a certified adult program participant in the Address Confidentiality
10 Program under ORS 192.826 or the court order explicitly indicates that the name change is
11 sealed.

12
13 (C) Is substituted for the original record of live birth.

14
15 (c) Confidentiality of new records and supporting documents. After preparation of a new
16 record under this subsection, the record of live birth on file with CHS at the time the
17 amendment request was received and the evidence upon which the replacement record
18 was based are sealed and not subject to inspection except upon order of a court of
19 competent jurisdiction or by the state registrar for purposes of administering the vital
20 statistics program except that the records may be released upon demand of the person
21 whose name was changed, if of legal age.

22
23 (7) Any replacement record or new record prepared under this rule is subject to the fees in
24 333-011-0340(6).
25