

SB 163 Rulemaking Advisory Committee- 20260728_103910-Meeting Recording

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1h 20m 50s

● **Kracker James** started transcription

PC **Patterson Derrick C** 0:04

jump in.

All right.

Let's see.

Apologize, my Teams bar gets in the way.

Okay.

So the first rule that we're going to be looking at is 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. Okay.

Section One.

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. Reporters may include institutions, persons in charge of the institution, physicians as defined in ORS 432.005,

direct entry midwives, midwives registered with CHS, the parent who gave birth, any other parent, person in charge of the premises where the live birth occurred, or any other person who submits a report of live birth to CHS.

Any feedback on that section? Yeah, Robin.

RP **Robin Elizabeth Pope** 1:53

And I had sent you my written edits and comments, but I want to make the point

from the start. So on line 7, it says the parent who gave birth, that is legally incorrect under our new law. It should read, Jen also sent some edits that it should read the gestational surrogate.

And so there are, I believe, some other places throughout the rule where we need to be very careful that we don't give any kind of indicia of legal parentage to the gestational surrogate, but that goes to the intended parents under the new law. So I don't want to keep repeating that throughout, but want to point that out here that it's really important to change it right there at the start.

And then I think Jen, and I know she's here, but said any other like should be intended parent, I believe. Jen, if you want to, Jen Wilson.

JW **Jen Wolfsong** 2:45

Yeah, I suggested intended parent, yeah.

RP **Robin Elizabeth Pope** 2:49

Right. And it's just going to be crucial to make that distinction in part, because that's what the law says. And then we don't want to be bringing genetic surrogacy into this rule. It needs to be very clear that it's gestational surrogacy and intended parents. Thanks.

PC **Patterson Derrick C** 3:05

Thank you. Thank you both. Anything else on section 1?

Okay, Section 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 of the CHS. A, a court-certified judgment of parentage issued pursuant to ORS 109.242, that matches the information in the birth report for the child, and B, a completed gestational surrogacy information sheet provided by CHS on its website or upon request.

I do have one specific question about this, but I want to get general feedback first. Robin.

What?

RP **Robin Elizabeth Pope** 3:56

Sorry about this, folks. Throughout, we use the word matches in terms of the

judgment and the birth report and maybe another form. And they're never going to identically match, but if we could insert the word substantially, and then I guess we need direction.

Right now, we don't include dates of birth or social security numbers in our judgments that we file for parentage. And I don't think it was our intent as attorneys to include that information because it doesn't seem to be necessary. But if Vital Records thinks it's necessary to fully identify the individuals, then it's just we're going to have to make a practice change. That's all. So we just need to clarify that. But substantially matches seems to work, I think, more appropriately.

PC **Patterson Derrick C** 4:46

Thank you.

Other feedback on this section.

Yeah, tap them.

TK **Tabitha L. Koh** 4:56

So, am I coming through okay, my volume? Okay, thank you.

PC **Patterson Derrick C** 4:59

Yes.

TK **Tabitha L. Koh** 5:05

This is, I guess, a state of Oregon policy or practice decision, but I just want to, and I'm not necessarily opposed to it, but the

The statute does make the intended parents, presumed parents, regardless of whether or not they have a judgment of parentage already in place. In Washington State, when we went through this process with the UPA, the

Practice has been that we, of course, seek, in that case, orders of parentage, pre-birth in every case where we can. But if a baby is born before the judgment has been obtained, the valid contract can be used to allow the intended parents to report as parents from the hospital.

And it looks like these OARs are setting it out so that parentage can only be established after a judgment is obtained. And I just want to note that that's not the only path we could have chosen.

PC Patterson Derrick C 6:16

Thank you.

Anything else on Section 2?

I do want to add here, there has been some questions around issued pursuant to ORS 109.242 and whether it would be required that that is cited in the judgment.

And we wanted to get your feedback on that, whether on the requirement related to issued pursuant.

to that RS.

RP Robin Elizabeth Pope 6:51

Sorry, Derek, are you just asking that the judgment itself has to say this is issued pursuant to ORS 109.242?

PC Patterson Derrick C 7:00

Yes, that's my understanding is that this, there were some questions around, you know, if the judgment doesn't cite that, whether we would reject that, whether that should be a requirement. And we thought that that would be a good question to pose to the RAC to get your feedback on that requirement.

RP Robin Elizabeth Pope 7:24

So I don't have my ORS in front of me, but some part of me as an attorney, and you know, and I've sat as a pro-tem judge, is that that makes sense to have the judgment site, the authority on which it's based.

So I don't have a problem with that, I don't think.

Jen, Tabitha.

Yeah.

PC Patterson Derrick C 7:48

Hey, Tabitha.

TK Tabitha L. Koh 7:50

Yeah, I agree. I think it's appropriate to have the judgment explicitly cite that it is issued pursuant to 109242. I think with the UPA, there could be various other parentage judgments termed judgment of parentage that are

RP Robin Elizabeth Pope 8:04

Yeah.

TK Tabitha L. Koh 8:11

that are being obtained and we want to be really clear in these gestational surrogacy cases that we're compliant with that specific statute.

Jen, do you just differ?

JW Jen Wolfson 8:24

I think I definitely agree. The only question I would have is if you're citing, oh, this is, you know, pursuant to 109-222-2109, whatever it goes to, does that suffice?

TK Tabitha L. Koh 8:41

Mm.

JW Jen Wolfson 8:43

Does that make sense?

RP Robin Elizabeth Pope 8:44

It should. It should.

TK Tabitha L. Koh 8:45

Yeah, you mean at SEC? Yes, yeah.

JW Jen Wolfson 8:46

Okay.

Yes, yes, thank you, yeah.

PC Patterson Derrick C 8:53

Thank you. Great questions and feedback. Anything else on this before we move on?

Okay.

If I move too quickly and we need to go back to something, that's totally fine. Yeah, Tabitha.

TK Tabitha L. Koh 9:10

Yeah, sorry. I actually do want to raise the issue of court certified judgment because sometimes in certain circumstances, it can be, there can be substantial delay in getting a certified judgment. And I would personally

PC Patterson Derrick C 9:11

Huh?

TK Tabitha L. Koh 9:29

I think it's sufficient to have a conformed judgment rather than requiring that the certified one be available in order for the court to register the birth. I'm just thinking of some emergency situations we see happens.

PC Patterson Derrick C 9:46

Thank you, Robin.

RP Robin Elizabeth Pope 9:49

So I'll respectfully disagree that it can take a lot of time. I mean, it does mean going to the courthouse. But I mean, the time that's incurred is getting the judgment entered with the court, and you can't get a court-certified copy until the judgment is entered. And so that's where the time delay could happen.

Um...

So presumably, if you didn't get a pre-birth judgment and for whatever reason, and you got a post-birth judgment and the court didn't enter it right away, which, I mean, to be honest, sometimes it can take one day to enter the judgment, sometimes it takes up to two weeks. But at the same time, I think vital records needs to rely

TK Tabitha L. Koh 10:21

Yes.

RP Robin Elizabeth Pope 10:32

and know that they're absolutely getting an appropriate document from the court. And the only way to do that really is a court certified judgment. So it does put us in kind of a bind. I totally get it, Tabitha, about the time frame.

PC Patterson Derrick C 10:49

Yeah, tap them.

TK Tabitha L. Koh 10:50

Just a second practical question. Are we going to be looking for original certified copies here or will photocopies be sufficient? Often the documents are provided to the hospital that is at some distance and it's not always an original.

PC Patterson Derrick C 11:11

Thank you.

Great question. Our subject matters can correct me if I'm wrong, but I believe this is we require originals.

RP Robin Elizabeth Pope 11:19

Yes, yeah.

PC Patterson Derrick C 11:21

Robin.

RP Robin Elizabeth Pope 11:22

I was going to say you require essentially a wet copy, an original as photocopy. And then this rule is submitting to the state registrar to vital records. It's not submitting it to the hospital. It's to the state registrar. So that's different than giving something to the hospital.

PC Patterson Derrick C 11:43

Thank you.

Anything else on Section Two?

All right. Section 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 and report must be the same. A, intended parents' first and last names and dates of birth. B, surrogate's first and last name and date of birth, and B, the date of birth for the child identified in the 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.

To.

Any questions or feedback on this section?

OK.

Section 4, the court certified judgment of parentage may be... Oh, go ahead, Jen.

JW **Jen Wolfsong** 12:55

Sorry, I was just going to note Robin's comment that maybe the word substantially should be added so that the first part says a court certified judgment of parentage to substantially match the birth report for a child.

PC **Patterson Derrick C** 12:56

I get.

Thank you.

Anybody else?

Okay, Section 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 six months after the expected date of birth indicated in the judgment, whichever is earlier.

Any feedback for Section Four?

Okay.

Section 5.

An intended parent or designee for the intended parents 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, social security number, demographic and statistical information. B, information for the intended parents, names, dates of birth, locations of birth, and other information required in the worksheet. C, signature by an intended parent or designee for the intended parents as the informant and verifying the accuracy of the information.

D. Any other information as required by the state registrar in the birth worksheet.

Any questions or feedback on this section? Robin.

RP **Robin Elizabeth Pope** 15:05

So this maybe is for the subject matter experts, but the informant versus the reporter, that they are different, is that correct?

WA Woodward Jennifer A 15:19

Yes, they are different. The reporter are the people who report the births. The informant is the individual who actually signs the birth worksheet, and they sign the birth worksheet saying that the information that they provided on the birth worksheet is accurate. So they are two different people.

RP Robin Elizabeth Pope 15:29

Okay.

Okay, I kind of figured that's what it was, but I just wanted to make sure. So currently, when we see informant on a birth certificate, it's usually somebody from the hospital. Going forward, it's probably going to be one of the intended parents, correct? Is that correct? No. For the informant.

WA Woodward Jennifer A 15:59

Mm.

No, the, let me double check on the, because the, the, it's the person who's actually saying that everything that they've reported that everything is accurate on the births is the person who is the certifier on the birth record. The informant.

RP Robin Elizabeth Pope 16:15

Okay.

WA Woodward Jennifer A 16:21

I'll have to check the off the top of my head. I don't think the informant is on the legal record because that is not put on the legal record. It's a certain that you're right, that's the hospital that says I certified that the information that I've added put it put into the birth record is accurate.

RP Robin Elizabeth Pope 16:36

But that, when I'm trying to visualize a birth certificate in front of me, I don't have one, but I think because clients ask who's the informant on the birth certificate, but I think it's fine. So I think I understand.

WA Woodward Jennifer A 16:49

Yeah, yeah, we'll confirm that.

RP Robin Elizabeth Pope 16:51

Okay. And then on A, which is on line 43, the social security number for the gestational surrogate. I know it was included for intended parent before and we had talked about it by e-mail and you took it out. So thank you for doing that. And I did check the statute that supported my position on that one.

But it, why do you need the social security number for the gestational surrogate? I'm just curious.

PC Patterson Derrick C 17:26

Thank you. Is there any of our subject matter experts know better?

WA Woodward Jennifer A 17:29

Yeah, I believe it has to do with the reporting to the National Center for Health Statistics, but let me confirm that.

RP Robin Elizabeth Pope 17:38

Because under the Oregon statute that I cited in my earlier e-mail a while ago was that we do not have to provide the Social Security number for the intended parents, but I don't think that applies to the surrogate, the statute. So that's why I'm asking.

WA Woodward Jennifer A 17:47

Okay.

Yep.

Okay, we'll check on that.

RP Robin Elizabeth Pope 17:56

And then my other question is a more general question about both B and D, the term other information required in the worksheet and then any other information required by the state registrar. So that just kind of leaves everything wide open to almost anything.

WA Woodward Jennifer A 18:17
Mm.

RP Robin Elizabeth Pope 18:19
And I'm a little uncomfortable with that, but there you go, Davida, I guess.

WA Woodward Jennifer A 18:25
May I chime in, Derek?

PC Patterson Derrick C 18:27
Yes.

WA Woodward Jennifer A 18:28
Yeah, I think the thing is that these are birth, these are the worksheets that we have that we gather the standard information for completing a birth record and the statistical information. And occasionally we do get changes, like we get a modification on a, like we may say, you know, we're adding, we're doing a change on the worksheet.
we modify, update them, reformat them, or we're asked to gather additional information for statistical purposes. And if I have those details in rule, I have to go through the rulemaking process. So, but we, you know, we work with the hospitals quite a bit, but on these worksheets.
But we really try to minimize additional information that's added onto them. But again, I would prefer not to have to go through rulemaking anytime I make a change to the worksheets.

RP Robin Elizabeth Pope 19:16
So I totally support that. My only concern is that, for example, we've left off the social security number for the intended parents. I wouldn't want that to be brought back in at a later date unless we actually change the law.

WA Woodward Jennifer A 19:30
Specifically for the intended parents.

RP Robin Elizabeth Pope 19:32

Right, right.

WA Woodward Jennifer A 19:34

Okay, yeah, we would um and again we have the the
The worksheets for the intended parents, what we're gathering as much information
as we can for to make sure we have everything we need so they can complete the
birth certificate, the legal portion of the birth certificate.

PC Patterson Derrick C 19:56

Perfect. Thank you.

Tap the.

I still on mute.

TK Tabitha L. Koh 20:06

Thank you. The informant is usually one of the parents and it does show up on the
birth certificate. So it's important that it is aligned with the legal parent there.

PC Patterson Derrick C 20:07

Yeah.

Thank you.

TK Tabitha L. Koh 20:20

Yeah.

PC Patterson Derrick C 20:21

Alright, anything else for Section Five?

Okay.

Section 6, reporters submitting births in the 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 and the gestational
surrogate information as the gestational surrogate in the electronic birth reporting
system.

Any feedback on this section?

Jen.

JW **Jen Wolfsong** 21:05

I would.

suggest that we say, change that sentence to, well, I think this was Robin's suggestion. The reporter submitting births in the 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 as the person who gave birth to the child. And maybe even instead of as the person who gave birth to the child as the gestational surrogate, since that's a term used in the statute.

PC **Patterson Derrick C** 21:43

Thank you.

Okay.

Anybody else for this section?

Okay, 7. Reporter submitting birth reports on paper shall enter the information on the paper birth report identifying the intended parents as the parents and the gestational surrogate information for the demographic and statistical information.

Any feedback on this section?

Okay, Jen.

JW **Jen Wolfsong** 22:32

I just had a question about six and seven and one is about reporting in the electronic system and one is reporting on paper. Why is there a difference? I was just curious.

PC **Patterson Derrick C** 22:47

Thank you. One of our subject matter experts want to chime in.

WA **Woodward Jennifer A** 22:50

Sure. First of all, we do have, so there are different formats and forms. So, you know, originally with six was really providing the reporters, which are the people that are completing the birth certificates, particularly at the hospitals, making sure that they understand how they're putting it in. And we had the language about

Deep.

making sure it goes into the electronic birth registration system where the reporters who give us birth records or it's a paper, it's a completely different form. And it's actually most of the time it's either handwritten or typed in. And we just want to make sure that we were clear that one is submitted on paper and then everything needs to be completed and that the correct information is done for the paper record versus the electronic birth record. Because we have, we do have some midwives, traditional midwives and home births that are paper records. So we wanted to make sure we were including that information for the two different types of reporting.

PC **Patterson Derrick C** 23:56

Thank you.

JW **Jen Wolfsong** 23:57

Thank you.

PC **Patterson Derrick C** 24:00

Anything else on this section?

All right, Section 8. 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 A, CHS has received a court-certified judgment of parentage that matches the birth report as described in these rules. B, the state registrar has reviewed, determined no additional information or verification is necessary, and approved the registration.

Any feedback on Section 8?

Alright, Section 9.

Timing for registering the birth. A, after receiving a birth report that includes A gestational surrogacy agreement and intended parents, 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 to include the intended parents on the birth record.

B. If a court-certified judgment that matches the birth report is not received within 46 days after receipt of the birth report, the State Registrar may register the birth with the surrogate identified as the parent that gave birth and the intended parent shall not be included on the birth record. C. If CHS receives a request for a certified copy

of the birth record before the 45 days expires and the birth report has not been registered because there is no birth record to be issued and the request shall be denied. D, if CHS receives a request for a certified copy of the birth record after the 45 days expires and the birth has been registered with the person who gave birth as the parent included on the record, CHS may provide a certified copy to any eligible person in accordance with ORS 432.380. A birth, a birth that has been registered with the person who gave birth as the parent on the record, may be amended as described in Section 10 of this rule. Robin.

RP

Robin Elizabeth Pope 26:19

So this is probably one of the most problematic parts of the rule, proposed rule to me. So, so timing 9A, and you have my edits, but I want to, this piece is really important. So after receiving a birth report, We don't include the gestational surrogacy agreement when we file our documents with the court and there's no requirement in the statute. We actually discussed that on our work group when we wrote the statute. So that's not required in Oregon. So I think it should read after receiving a birth report for a child born under a gestational surrogacy agreement that includes the intended parents. and the gestational. So this is a birth report saying this is who everybody is. Then it says CHS must receive a court certified judgment of parentage that I think substantially matches the information. I don't understand why there's a 45 day limitation. Okay, so that the proposed changes and then a question about Why the limitation of 45 days? And then B, I think, has to be stricken in its entirety, because that's contrary to the law that we passed. I don't know where the authority for that comes from. And And then C, it's like it doesn't make sense to me. And D, I guess after. So again, the person who gave birth should not be listed as a parent no matter what, because that's not what the law says. So D could be stricken. And then, I mean, E is a catch-all, just in case by accident, somehow the person who gave birth is registered as the parent, but then that would give the option of being able to amend the record. And I think Jen had a question about which section, under which section that would happen. But. I think BC. Um...

D should just be stricken in their entirety.

There you go.

PC **Patterson Derrick C** 28:24

Thank you.

Any other feedback on this section? Yeah, Tabitha.

TK **Tabitha L. Koh** 28:34

I absolutely agree with Robin's points. I think this comes back to that, the earlier question I asked about if the statute makes the intended parents, the creates A presumption of parentage for them and the gestational carrier, gestational surrogate is never a parent.

ever, than having a...

a structure that requires A certified judgment of parentage in the name of the intended parents, or else we just list the surrogate as a parent.

That's at odds with the law. And of course, we want people to have judgments of parentage. We want to be able to require that. But what do you do if no one got the judgment of parentage? You still can't make the surrogate the parent.

PC **Patterson Derrick C** 29:27

Thank you.

Let's see. Oh, Tabitha, it looks like you've got your hand back up, but I think that was a mistake, right? Okay. Anything else, or do our subject matter experts have any background that they would like to provide on that section?

WA **Woodward Jennifer A** 29:47

Yeah, I'd like to chime in if that's okay, and Aaron might. Jennifer, so thank you for your guidance on this. I really, really appreciate your feedback on that. I think what we were looking at, and it comes back to what you had, Tabitha, so we'll need to clarify because this idea of if there's, so how do, you know, if we know there's a gestational surrogate,

PC **Patterson Derrick C** 29:49

Yeah.

WA Woodward Jennifer A 30:07

at the hospital, but we never receive a judgment or we never receive any documentation. What I heard, Tabitha, there's this assumption that the intended parents are, because the gestational surrogate could never be a parent. We would just register the birth without the documentation. And this was taking into account what happens if we never got a judgment or were holding this birth record for such a long time because we haven't seen anything to allow us to register it. Section 8 does say once we get the judgment, we will register the birth with the intended parents. The 9 was just seeing like what happens if we never get the judgment. So that's what we were trying to do and making sure we were covering that. So that was the intent of nine, but I greatly appreciate your your guidance and thoughts on that, and we'll turn it over to Jen.

JW Jen Wolfsong 31:00

Thank you, Jennifer. I agree with Robin and Tabitha, but I understand the issue of not receiving a judgment and what do you do. Unfortunately, maybe the law didn't contemplate that because it does clearly state that intended parents are the parents by operation of law.

So I don't think we can use B&C and still comply with the law. So I don't know what the answer is if you don't receive a judgment.

But I don't think B&C are probably the right solutions.

PC Patterson Derrick C 31:41

Thank you.

Okay.

Any Robin?

RP Robin Elizabeth Pope 31:47

So just following up on Jen and Jennifer and Tabitha. And I think it is a missing piece from in the statute.

But perhaps just providing a copy of the gestational surrogacy agreement that's fully signed by all the parties, that that would do it. But, you know, oftentimes we don't have wet signatures on those agreements. We have electronic signatures. So I can kind of understand why vital records is coming from a place of saying we want there

to be some verification from the court that this is.
this is really what these people intended and not have people come in and fraudulently create birth records. So maybe we need to do a statutory fix, but Lane's not on the call and he'll go, nah.
Anyway, thanks.

PC **Patterson Derrick C** 32:44

Thank you.
Anything else for this section?

EW **Erin Williams** 32:54

Can I pose a question to the group since we have you here? This is Aaron from DOJ. I think one of the other...

PC **Patterson Derrick C** 32:58

Mhm.

EW **Erin Williams** 33:02

Like, like this question of like, what do you do when you don't get the judgment, right? It's like...

There's a policy benefit for a child to have a birth certificate, I think, and but I think the other alternative would be.

If there's no court.

If a birth report indicating that the child was born under a gestational surrogacy agreement, but the judgment isn't received to not issue the certificate at all and say we're denying issuing the certificate because we don't know who the parents are. We don't have enough to determine who the parents are and put them on the.

record. And so then the child won't have a won't have a birth certificate. So I think that's the other like the third option. There's probably lots of options, but that's another one. And I would just be interested to hear.

from you all about, you know, the...

The impacts of that.

PC **Patterson Derrick C** 34:03

Thank you, Robin.

RP Robin Elizabeth Pope 34:04

So Aaron, you're saying that you would create a birth record in the computer, but you wouldn't issue the paper certificate for people to hold in their hands. Is that right?

TK Tabitha L. Koh 34:13

I love you.

EW Erin Williams 34:15

I think we would, I think there would be a report received by the registrar where there's not enough information to register their record. So there would be a report, but no record and nothing to be issued.

RP Robin Elizabeth Pope 34:15

That's what you're saying.

Right.

Who?

And so that is a policy decision, I believe. You know, how much verification do you want that this child belongs to these? These are the child's legal parents, the intended parents. So that's a policy issue. I don't think we can decide that on this committee.

EW Erin Williams 34:32

Yes.

RP Robin Elizabeth Pope 34:49

But there you go.

EW Erin Williams 34:50

I agree, I'm just, I am, if anyone has input, and I see Tabitha, I don't know if your hand's up for this.

to, since we have all of you here about...

If there's other impacts of that other than what we're that the center is already thinking about with having a child without a certificate that you want to weigh in on.

PC Patterson Derrick C 35:16

Yeah, Tabitha.

TK Tabitha L. Koh 35:16

Yes, so the thank you. The biggest one I see is insurance. So get having a baby able to get health insurance. And oftentimes what we see is that parents insurer is willing to add the child initially, but they require a birth certificate within a set period of time. So I would be very concerned about having about a child not having a birth certificate at all. But I'm also really concerned about them having an incorrect birth certificate.

I.

I guess, again, looking at how this has played out in Washington State, where we have similar sort of set of concerns, it's pretty unusual for parents to seek that birth certificate without a judgment or in that case in order. But I do see situations where the hospital is being presented with contract, a signed contract that puts them under the rule, creates the presumption that the intended parents are the legal parents and should be reported. And then the hospital staff are in this tricky position of not knowing. if how to report, if that's enough to report the birth in the name of the intended parents. And I've seen different hospitals handling it different ways, some seeking a legal opinion letter from an attorney that the contract complies with the law and therefore is eligible for the presumption.

Um...

So I guess I don't have I don't have a lot of answers, but I'm I I think that finding some way to be able to report the birth.

It needs to be a priority and even if it's a report that has to be corrected later because we did it wrong.

PC Patterson Derrick C 37:16

Thank you, Robin.

RP Robin Elizabeth Pope 37:18

So I don't think it's necessarily a question of did we do the report wrong? It's whether or not it's done fraudulently. I think that's probably more of the policy issue that we don't want legal parents created fraudulently.

under this system. And I guess my inclination, rather than pushing the envelope, would be to be careful. And if what we say now is that for the time being in Oregon, you're going to have to provide a judgment of parentage in order to get the birth certificate.

Because I'm not hearing that vital records won't put the birth record into their system. I'm just hearing that they then would not issue the birth certificate. And that's two different things. So, I mean, and like I said, maybe we do need to go back to the legislature and ask for clarification on that. There are actually a few other things in the bill that some of us would like to go back and clarify.

But that all takes time. But at the same time, this is a new law, it's a new system, and I would prefer that we go at it carefully. And we are very transparent, and we make sure that people know if you're going to establish a legal parentage here in Oregon and get birth certificates, that you do it.

in a legally correct way and a factually correct way. That would be my inclination.

PC Patterson Derrick C 38:40

Thank you.

All right, anything else before we move on to Section 10?

Okay.

Section 10, procedures for registering a birth. A, if CHS receives a judgment that is not court certified but matches a birth report, CHS shall not register the birth with the intended parents. CHS will notify the contact person identified in the gestational surrogacy information sheet of the lack of certification.

B. If CHS receives a court-certified judgment that does not match a birth report as required in Section 2 of this rule, CHS shall not register the birth with the intended parents. CHS shall notify the contact person identified in the gestational surrogacy information sheet of the inconsistency.

C. If information on the court-certified judgment and report of birth, other than the information that is required by Section 2 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. CHS shall notify the contact person identified in the

gestational surrogacy information sheet of the inconsistency.

Any feedback on this section?

Rabbit.

RP Robin Elizabeth Pope 40:13

Hi. There were some minor things that were in my edits, so I don't really want to go back through them, but it was like naming the intended parents named as the parents a couple of times, the word promptly. But then in section C, line 21, and this is probably for subject matter folks, other than the information that is required by section 2, did you also mean to include section 3?

So section 2, you've got to provide certain things to the state registrar and then also. For the judgment to match the birth report, certain information has to be. So I didn't know if you meant to also include section 3 on that.

PC Patterson Derrick C 40:54

Thank you. We can take a look at that. Jen.

JW Jen Wolfsong 41:01

Yeah, I was just wondering if the solution for 10, when you don't get a court certified judgment, that you contact the contact person, notification, notify the contact person, could that be the solution in nine as well if?

If after receiving a birth report, you know, CHS doesn't receive that judgment, then they...

notify the contact person. Is that?

I don't know, does that make sense?

PC Patterson Derrick C 41:37

Yes.

Thank you. Yeah, we can. We will appreciate that question and we will definitely consider that option.

Any other feedback on this section?

Okay. Section 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.

Feedback on section 11.

Robin.

RP Robin Elizabeth Pope 42:23

So I'm just curious, I know that there's a separate statute saying that it's a sealed file at Vital Records and not subject to inspection, but under the statute that we've written, we have said, well, this is the court file, so that's different.

court file will be open to certain identified persons with proof of identification.

Would that also be accurate for vital records where, for example, the intended legal parents could see what's at vital records, the attorney could see what's at vital records, or is that something that

By law at this point, it's just all sealed and that's it.

No.

PC Patterson Derrick C 43:09

See, is that something that our subject matter experts can chime in on quickly?

WA Woodward Jennifer A 43:12

Yeah, thank you, Robin. Again, I think that when I was looking at, you know, 109, 232, we were, I was looking at the idea that that's what's filed at the court, and then we have the sealed files under, you know, our ORS 275 and the OAR and ORS.

PC Patterson Derrick C 43:13

Hmm?

WA Woodward Jennifer A 43:33

that it would, that we would only request a court order to open up the sealed file because you have all the other documents. And that's kind of standard practice for what we have now for other, like, you know, adoptions, for example, we need a court order to open up the adoption files.

RP Robin Elizabeth Pope 43:43

Right.

Right.

WA Woodward Jennifer A 43:53

So that's what we're looking at.

RP Robin Elizabeth Pope 43:53

Even though, okay, so you're treating them similarly because under the adoption, when we did the open records adoption law and I was on that work group, we, that had to do with the court records, not with the vital statistics records. So we're going to treat them the same. Okay, I like that. Thanks. Okay.

WA Woodward Jennifer A 43:59

Mm-hmm.

Correct.

Yeah, yep, yep, just wanted to, yep, thank you.

RP Robin Elizabeth Pope 44:11

Thank you.

PC Patterson Derrick C 44:12

Any other feedback on this section?

All right. Section 12, the person who gave birth, intended parent or legal representative of either, may request to amend a registration of birth that identifies the person who gave birth as a parent, to remove the person who gave birth and add the intended parents 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 in the birth record for the child. B, Oregon State Birth Records Amendment Order Form, and C, an amendment fee. Any questions or feedback on Section 12?

Jen.

JW Jen Wolfsong 45:15

Just the same point as I don't think there's any, I think that.

can't list the gestational surrogate as the parent under the law. The only time that would happen is if the gestational surrogate turned out to be the genetic parent of

the child, and then there would be a court order, I would think.
saying that the gestational carrier is the parent.

PC Patterson Derrick C 45:41

Thank you.

And Tabitha, I see your comment and question in the chat. Appreciate that. We will definitely consider that. Thank you.

Anything else for Section 12?

Okay.

Section 13, upon receipt of all documentation required under subsection 12 and the state registrar's approval, A, the surrogate shall be removed as the parent. B, the intended parents 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 person who gave birth and add the intended 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 files shall not be subject to inspection except upon order of a court of competent jurisdiction. Robin.

RP Robin Elizabeth Pope 46:59

Thanks. So this actually ties 13 and 12 together in Jen's comment about the person who gave birth, which is twice in 12 on lines 31 and 32, that it shouldn't say that. It should say the gestational surrogate. And then on sub A line 2 of 13, it should say the gestational surrogate. We want to be clear.

There should be a consistency with the terminology that's used. And then we want to be clear that it's a gestational surrogate and not a genetic surrogate. And that's a very important distinction.

But Jen's right, the person who gave birth should never be treated as a parent. So if we call them instead the gestational surrogate, I think we will avoid doing that.

PC Patterson Derrick C 47:43

Thank you.

RP Robin Elizabeth Pope 47:43

Thanks.

PC Patterson Derrick C 47:46

Any other feedback on Section 13? Jennifer.

WA Woodward Jennifer A 47:50

Yeah, I'm chiming in. Thanks. So based, wouldn't we just zap, and that's a very formal term, shouldn't we just delete 12 and 13 since the comment is a gestational surrogate could never be apparent? Because these are, this is actually saying there is a report

PC Patterson Derrick C 47:59

Mm.

WA Woodward Jennifer A 48:09

and a record with the gestational surrogate, and now we're trying to get them off. And if they were never added on, we wouldn't need to take them off.

PC Patterson Derrick C 48:20

Thank you for that clarification, Jennifer. I'm seeing a thumbs up from Robin. Jen.

RP Robin Elizabeth Pope 48:24

The.

JW Jen Wolfsong 48:26

I would say that that would be one option. The other thing is, I don't know if you guys, if there's ever a situation where there is a mistake and the judgment does need, or the record does need to be amended. It could just be a general, you know, upon receipt of all documentation required, the birth record shall be amended as ordered. in the judgment and just kind of have it be a general option if something happens that it needs to be amended. For example, the gestational surrogate turns out to be a genetic parent or something like that.

PC Patterson Derrick C 49:06

Thank you, Aaron.

EW Erin Williams 49:10

Thanks, sorry. And I don't know. I have so many hands up. I didn't mean to have that money, just the one. I just wanted to say that.

This, I believe that this was intended to capture those situations where something's happened, right, incorrectly. You know, someone shows up to the hospital, doesn't have anything, it gets registered to the gestational surrogate, and there's a record issue with the stuff on there. And like, what do we do with it?

Jen, I so I think like that is the that's the that was the intent of 12 and 13.

And I know that Jennifer would agree that things don't always go as they should.

And so we want to be prepared for these wild cards that come in to the extent that we can, but we can't obviously prepare for everything or have a rule for everything.

And Jen, I think your thought

is an interesting one and we'll definitely think about that as well.

PC Patterson Derrick C 50:15

Thank you. Anybody else on Section 13?

All right, section 14.

For A court-certified judgment of parentage to match the information in the birth record for the purposes of Section 12 of Rule, A, the following information on the judgment and record must be the same. A, intended parents' first and last names and dates of birth. B, surrogate's first and last name and date of birth.

and B, the date of birth for the child identified in the record must fall within 120 days of the expected date of birth or within the expected date of birth range not to exceed 120 days included in the judgment.

feedback on 14.

Robin.

RP Robin Elizabeth Pope 51:11

Thanks. That would tie in with if you deleted 12 and 13, then presumably, because this says for the purposes of section 12, if we delete section 12, we would delete 14 also. Or if we're going to adopt something like what Jen Wolfsong suggested, sort of

a little catch-all in case there is a mistake.
then you would have to see how this still fit in.

PC **Patterson Derrick C** 51:37

Thank you.

Other questions or comments on 14?

All right, Section 15, 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.

Any questions or comments on 15?

Robin.

RP **Robin Elizabeth Pope** 52:19

So Derek, you may have to help me out or Jen Wolf so I might be able to. I'm proctoring the bar exam and I'm up at the law school and I don't have my all my edits with me. But I have added that we under the statute as it currently reads, there's a actually a how to proceed from here if this happens. And it seems like we should include that here because otherwise it's just like we can refuse and that's it. But we need to put something in there that says, okay, we've now refused. This is how you go about trying to fix it. And I think it was a right to appeal. I believe that's correct under the current statute. It's 433 something, I think.

PC **Patterson Derrick C** 52:55

I believe so, yep.

RP **Robin Elizabeth Pope** 52:57

Okay. So there was that and I think that's the only comment I had there. And then I just wanted to say thank you to like Jennifer Woodward and Derek and all of you, first of all, for putting all this together, because I know it's a lot of work and we worked a lot on the statute. But this has been a project of mine for almost 25 years as an attorney.

And it's just been really delightful and amazing that it came into being and that you are now helping to, you know, provide clarification for all of us in our process. And I

just so appreciate all of the effort that everyone's put in. So thank you and thank you for including me. I appreciate it.

PC Patterson Derrick C 53:34

Thank you. Appreciate that.

Anything else on this section before we move on?

Okay.

So the next rule that we're going to look at is 2.12 related to standards for reporting live births.

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.

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

Any feedback on that section?

Okay.

Section 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 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 record system.

if the information maintained in the medical record system matches the information collected on the birth filing worksheet for facilities.

Questions or comments on Section Two?

Okay.

Section 3, reporters shall report live births under a gestational surrogacy agreement in accordance with OER 333-011-0276, sections 4 and 5.

Anything for Section Three?

Section 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.

Anything for Section 4?

Ken.

Section 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 is identified by CHS or another

source, then the reporter shall amend the birth record in the state electronic reporting system if instructed to by CHS.

Any questions or comments for 5? Robin.

RP Robin Elizabeth Pope 58:24

Just on B line 42, it says if instructed, what happens if CHS doesn't instruct them to correct it? Does the incorrect information stay in the record?

To.

PC Patterson Derrick C 58:38

Thank you. That's a good question.

RP Robin Elizabeth Pope 58:39

It seems like it should be maybe as instructed by CHS.

PC Patterson Derrick C 58:47

Thank you.

Anything else for Section Five?

Okay, Section 6, reporters shall retain completed worksheet forms for a minimum of two years after the birth of the child. The form shall be retained separately from the child or parent's medical records.

Any feedback on Section Six?

All right.

Section 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.

Any questions or comments on number section 7?

Rabbit.

RP Robin Elizabeth Pope 1:00:03

It actually goes back up to six, sorry, that retaining the forms for a minimum of two years. And I think about who are the reporters. So, and I totally get, I don't disagree with this at all, but we don't have a similar requirement under 0276. So the reporter there does not have to maintain the completed worksheet forms.

PC Patterson Derrick C 1:00:06

Yeah.

RP Robin Elizabeth Pope 1:00:26

for any length of time, presumably, because there's nothing in 0276 requiring that. So that's a policy issue, I guess, or maybe it's a practical issue. Why would we treat the births under a gestational surrogacy agreement any differently in terms of how long the record or the completed worksheet?
is retained.

Thank you.

Anything else on these sections?

Okay.

So the next one is 0275. This is actually an existing rule that is being amended.

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, acknowledgement of parentage, or change of sex. Also describes the confidentiality for records submitted to establish a replacement birth record.

Describes processes 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 their registrant. Identifies what information is included on replacement records and new records. Identifies applicable amendment fees.

And because there was significant revisions to this rule, this is not the annotated version like we'll look at for the other one. This is the final text. Section one, the state registrar shall establish a replacement record of live birth for a person born in this state when amending a record under any of the circumstances identified in ORS 25.550.

ORS 432.2353 A or B, ORS 432.245 sections 2 through 6 of this rule, and OAR 333-011-0276.

Any questions or comments?

All right, Section 2, when a record of live birth is amended under ORS 432.245 pursuant to a notarized acknowledgement of parentage, A, the child's surname may be changed by requesting the change on the acknowledgement of parentage. B, the parent who gave birth's last name may be amended if

A, the parent being added to the record has married or entered a domestic partnership registered at the state with the person who gave birth to the child after the birth of the child. B, the acknowledgement of parentage includes a request to amend to 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 parent's marriage or domestic partnership record is submitted with the acknowledgment of parentage.

Be feedback on Section Two.

Robin.

RP Robin Elizabeth Pope 1:03:48

The intent is either marriage or a registered domestic partnership. With all the legislative work and work with ledge council, I think they would insert registered domestic partnership. I know in A it says registered at the state, but you could just say a registered domestic partnership, but do you only mean in Oregon or some other state?

and then registered domestic partnership in Big B and then in Big C also.

PC Patterson Derrick C 1:04:19

Thank you.

Any other feedback on Section Two?

MB Maura Roche, BRO 1:04:32

Uhh...

So, Robin, can you say more about what your concern is there?

RP Robin Elizabeth Pope 1:04:41

Oh, I believe we still have a legal animal called a registered domestic partnership in Oregon, right?

MB Maura Roche, BRO 1:04:48

We do. Unfortunately, yes.

RP Robin Elizabeth Pope 1:04:50

But if it's...

Okay. And Tabitha probably could, you know, can weigh in on this better than I, but a domestic partnership could just be two people living in the same household together and not be registered legally as a domestic partnership. So there would be a legal distinction between those relationships. And then married is obviously married.

MB Maura Roche, BRO 1:04:53

Ha!

RP Robin Elizabeth Pope 1:05:14

So if the policy intent is that anybody, two people come in and say, we're domestic partners and we both want to be on this birth certificate, if that's the policy intent, that's fine. But you start out by saying registered at the state. So that says to me you want it to be a registered domestic partnership. So I think you need to be clear throughout using the same terminology that it's a registered domestic partnership.

MB Maura Roche, BRO 1:05:38

Do you think an unregistered domestic partnership is a legally recognized relationship?

RP Robin Elizabeth Pope 1:05:47

Tabatha.

TK Tabitha L. Koh 1:05:54

So I think what we're getting at here is the fact that the parent's name would have been changed in the course of undertaking this legal transition, which would be marriage or registered domestic partnership. So I think in big A, it's covered by a domestic partnership registered at the state.

But in other places where we use like in Big B, it should say the name taken upon marriage or entering into a registered domestic partnership, because we're talking about something that has a legal effect of in Oregon, everything, but

MB Maura Roche, BRO 1:06:19

Oh.

TK Tabitha L. Koh 1:06:31

the name of marriage under state law, right?

MB Maura Roche, BRO 1:06:33

And I'm not sure, I mean, I don't know how much comedy domestic partnerships have across state law. I mean, that's always been the problem. That's why we always needed marriage equality is because of the comedy issue. And so I would prefer to stay

RP Robin Elizabeth Pope 1:06:47

Right.

Right.

MB Maura Roche, BRO 1:06:54

in the realm of the overtly legally recognized relationship, which I think is an Oregon registered domestic partnership or a marriage rather than inadvertently pulling in a notion that

I'm living with someone and therefore we're domestic partners and therefore all of these legal things apply. That's just me.

RP Robin Elizabeth Pope 1:07:21

Mhm.

TK Tabitha L. Koh 1:07:26

Absolutely. I second that.

PC Patterson Derrick C 1:07:26

Thank you.

Thank you. Yeah, go ahead, Robin.

RP Robin Elizabeth Pope 1:07:29

And.

And I want to chime in that I think whether or not you change your name, it doesn't matter as someone who kept their maiden name when I got married a long time ago. Okay, I'm sorry, but I don't think that has anything to do with this. I think what has to do with it is whether or not you are legally married or you are in a registered domestic partnership, and that's the policy decision to be made.

MB Maura Roche, BRO 1:07:38

Right.

RP Robin Elizabeth Pope 1:07:51

So whether or not you change your name, it doesn't matter.

PC Patterson Derrick C 1:07:55

Thank you.

RP Robin Elizabeth Pope 1:07:55

Respectfully disagree.

PC Patterson Derrick C 1:07:58

Jennifer.

WA Woodward Jennifer A 1:07:59

Yeah, this actually is a section, and I'm going to use a terminology that we no longer use. This is the legitimization process. So we're not, so the idea is that you are adding in, you're adding a parent into the voluntary, the notarized voluntary knowledge of maternity.

parentage, excuse me. And then you're also allowing them to change the child's name and also change the parent's name at the same time on the child's birth record and providing a marriage record. And we would clearly, and I'm following Maura's idea, it should clearly say entering a domestic partnership at

MB Maura Roche, BRO 1:08:33

The.

It.

WA Woodward Jennifer A 1:08:43

at the state. So anytime we were using registered domestic partnership, we want to use the language domestic partnership registered at the state. All of our other rules have that as well. But that's what this rule is. It's just, it's providing a little bit more clarity on how to do that.

Process.

PC Patterson Derrick C 1:09:04

Thank you. Anybody else? Anything else for Section 2?

Okay.

Section 3, a certified copy of the parent's marriage or domestic partnership record is

submitted with the acknowledgement of parents. Oh, I apologize. That was part of the previous one. Section 3, when a record of live birth is amended based on a court of competent jurisdictions 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 certified copy of the court determination 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.

Give feedback on Section Three.

Robin.

RP Robin Elizabeth Pope 1:10:08

After all our conversation before about certified coffees, so the court determination has to be certified, but the administrative order doesn't.

It seemed like, is there a way to certify an administrative order? I'm assuming there is.

PC Patterson Derrick C 1:10:24

Good question. Thank you.

Anything else for three?

OK, Section 4.

MB Maura Roche, BRO 1:10:44

Thank you.

PC Patterson Derrick C 1:10:48

Let's see. Section 4, for the purposes of this rule, a replacement for the record of live birth means that the state registrar shall recreate 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 the replacement record issued under ORS

MB Maura Roche, BRO 1:10:49

So.

PC Patterson Derrick C 1:11:12

432.2451 A or D, ORS 432.2353 B, big A or big B, or OAR 333-011-0276 shall not include any notations of amendment

MB Maura Roche, BRO 1:11:28

Yes.

PC Patterson Derrick C 1:11:31

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 432.2353 A Big A or Big B shall include the notation of the name change amendment as described in OAR 333. dash 011-273 section 3.

C is substituted for the original record of live birth.

Any questions or comments on Section Four?

OK.

Section 5, for the 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.

Anything for in Section 5?

Section 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.

statistics program, except A, documents or information related to voluntary acknowledgement of parentage, denial of parentage, or rescission of either may be released as provided in ORS 432.098, Section 2, to a party of any of the acknowledgement, denial, or rescission thereof,

MB Maura Roche, BRO 1:13:16

Yeah.

Yeah.

PC Patterson Derrick C 1:13:35

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 sign 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

MB Maura Roche, BRO 1:14:03

Yeah.

PC Patterson Derrick C 1:14:20

228.

Any questions or feedback on Section Six?

Okay.

Section 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 section 3, the state registrar must receive A, a certified court order changing the name of a parent listed on the record of live birth under ORS 33.430 or B, a certified court order changing the name of the registrant on the record of live birth. C, a complete amendment application and D, an amendment fee.

MB Maura Roche, BRO 1:15:10

Yeah.

Yeah.

PC Patterson Derrick C 1:15:15

B, for the purposes of this subsection, 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.

MB **Maura Roche, BRO** 1:15:52
Good.

PC **Patterson Derrick C** 1:15:53
C is substituted for the original record of live birth.

MB **Maura Roche, BRO** 1:15:55
Bing.

PC **Patterson Derrick C** 1:15:57
And small 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
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.
Any questions or comments on that section?
Okay. And section 7, any replacement record or new record prepared under this rule is subject to the fees in 333-011-0340 section 6.
All right.
So the next one is, well, I'm just going to skip down to, so this is an existing rule that's being amended just to remove citations and make some minor changes. So this is the existing rule, and I'm just going to scroll down to the section that was changed here. Things in bold have been added.
and in italics have been removed. So section 4, if the mother was not married either at the time of conception or birth or within 300 days prior to 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 on the delayed record of live birth for a minor child

MB **Maura Roche, BRO** 1:17:33

You.

PC **Patterson Derrick C** 1:17:51

except upon receipt of a voluntary acknowledgement of parentage as provided in OAR 333-011-0266, OAR 333-011-0267, or upon receipt of a court order establishing parentage. Tabitha.

We're not able to hear you if you're speaking.

Might be some technical issues.

Uh, let's go to Jen.

JW **Jen Wolfson** 1:18:36

This might have been what Tabitha was going to say, but it shouldn't say the name of the father. It should say the name of the other parent or something to that effect.

PC **Patterson Derrick C** 1:18:46

Thank you.

And our subject matters can correct me, but if I remember correctly, some of this existing language that's in this rule is consistent with our other rules. And so that's why some of that maybe hasn't been changed, but might be changed in the future for that consistency.

MB **Maura Roche, BRO** 1:18:56

Yeah.

PC **Patterson Derrick C** 1:19:06

just as a background.

Any other questions or comments on this section?

Okay.

So we just have a couple of minutes, but we do have an additional document that we need to look at, the statement of need and fiscal impact and equity. I want to keep people past time. So it looks like we are going to likely have one last RAC meeting. If you're available or you can put your availability in the chat, we did include a doodle poll.

to each of you, but if you didn't get a chance to participate in that poll regarding a time, we can put some options for time in the chat. And then if you could just let us know in the chat or e-mail us today with your preferred time or availability, we will try to schedule a fourth RAC meeting to look at just that.

statement of need and fiscal impact and equity statement. It talks about things like impact on small businesses and other things like that. It's part of the documentation that we'll submit as part of this rulemaking.

And we appreciate you all for being here, for spending time with us, and all the great feedback. Thank you all so much.

RP Robin Elizabeth Pope 1:20:35

Thanks, Derek. Thanks, Jennifer, and everybody. Bye.

JW Jen Wolfsong 1:20:35

Thank you.

PC Patterson Derrick C 1:20:36

Thank you. Bye.

CD Collins Johanna D 1:20:36

Yeah, great job.

WA Woodward Jennifer A 1:20:37

Thank you.

DJ Deas, Jenni 1:20:38

Thank you.

● **Kracker James** stopped transcription