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OREGON HEALTH AUTHORITY

PUBLIC HEALTH DIVISION

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FILING CAPTION: Application and Documentation in Support of Amending Original Record of Live Birth Prior to Adoption

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ADOPT: 333-011-0277

NOTICE FILED DATE: 10/25/2023

RULE SUMMARY: Adopt OAR 333-011-0277: The rule outlines who may request to amend an original record of live birth and the contents of the application to amend, along with what evidence, identification, and fees need to be provided. Information on how the record will be amended and what information will be added to the amended record is also included in the rule.

CHANGES TO RULE:

333-011-0277

Application and Documentation in Support of Amending an Original Record of Live Birth Prior to Adoption

(1) An applicant may request a biological parent name be added to or changed on an original record of birth prior to an adoption as specified in Oregon Laws 2023, chapter 157. The applicant must be:

(a) The person whose current record of live birth after adoption is filed with the Center for Health Statistics;

(b) The person who is listed as the child on the original record of live birth prior to adoption;

(c) Age 21 or older; and

(d) The person who has a court order to open the sealed file under ORS 432.250 to receive a copy of their original record of live birth prior to an adoption.

(2) A signed application to amend an original record of live birth as specified in Oregon Laws 2023, chapter 157 must be on a form prescribed by the state registrar, from the applicant, that:

(a) Identifies the full name of the person listed on the current record of live birth after adoption.

(b) Identifies the full name of the child and full name of the parent listed on the original record of live birth prior to adoption.

(c) Specifies the addition of or changes to the parent's name on the original record of live birth prior to adoption.

(3) The following documents are required to be submitted with the completed application:

(a) A copy of the court order used to open the sealed file under ORS 432.250.

(b) Evidence that the parent to be added is the biological parent, including but not limited to:

(A) A DNA test identifying that the person whose name is to be entered as the biological parent, is the biological parent of the applicant; or

(B) An order from a court of competent jurisdiction identifying that the person whose name is to be entered as the

biological parent is the biological parent of the applicant; or ¶

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

(c) The applicant's identification as described in ORS 432.380(2)(b)(A)(i-iii).¶

(d) If the person whose name is to be entered as a biological parent is living, an affidavit attesting that the person is a biological parent of the applicant and that the name to be entered is that of the biological parent that was omitted from the original record of live birth.¶

(e) If the person whose name is to be entered as a biological parent is deceased, an affidavit from the personal representative of the estate of the decedent or nominated in the decedent's will or a relative as defined in OAR 333-011-0300(1)(a)(A-G) of the person attesting that the person is a biological parent of the applicant and that the name to be entered is that of the biological parent that was omitted from the original record of live birth.¶

(f) Fees outlined in OAR 333-011-0340(17) to provide an uncertified copy of an original record of live birth from the sealed file.¶

(4) Upon receipt of a completed application and all the required documentation the original record of live birth will be amended to include: ¶

(a) The name of the biological parent as determined by the evidence provided in section (3) of this rule; ¶

(b) A notation identifying the affidavit and evidence used as proof of the added items, the date the amendment was made, and the initials of the person making the change; and¶

(c) The following language:¶

"THIS RECORD OF LIVE BIRTH MAY NOT BE USED FOR ANY LEGAL PURPOSE¶

AND DOES NOT CREATE ANY LEGAL RIGHTS FOR THE CHILD OR THE PARENTS¶

LISTED ON THE RECORD."¶

(5) Application, documentation and amended original record of live birth will be placed in the original sealed file opened under ORS 432.250. Such file shall not be subject to inspection except upon order of a court of competent jurisdiction as outlined under ORS 432.250. Copies of the amended original record of live birth may be requested under ORS 432.250 or ORS 432.228.

Statutory/Other Authority: OL 2023, ch. 157

Statutes/Other Implemented: OL 2023, ch. 157