

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL
ADMINISTRATION

June 17, 1993 Hearing Room 357 2:15 p.m. Tape 140

MEMBERS PRESENT: Rep. Tom Brian, Chair Rep. Ken Baker Rep. Jim Edmunson

MEMBERS EXCUSED: Rep. Tom Mason

STAFF PRESENT: Carole Souvenir, Committee Counsel Sarah May,
Committee Clerk

MEASURES CONSIDERED: SB 201 - Relating to adoption SB 286 -
Establishes Oregon Health Care Decisions Act SB 586 - Relating to
child-parent relationships

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These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in
quotation marks report a speaker's exact words. For complete contents
of the proceedings, please refer to the tapes. [--- Unable To Translate
Graphic ---]

TAPE 140, SIDE A

005 CHAIR BRIAN: Calls the meeting to order at 2:26 p.m.

WORK SESSION ON SB 201

015 CAROLE SOUVENIR, COMMITTEE COUNSEL: SB 201 provides that adoption
laws do not prevent adoption agreements allowing contact between birth
family and adoptive family. Discusses -1 amendments, Section 1 lines
9-11

would be deleted. (EXHIBITS A & B)

031 REP. BRIAN: Confirms that the -2 amendments would require
that the agreement be a sealed order, and amends the -1 amendments
provide they

be open to the public?

036 CHAIR BRIAN: If it's not sealed then the public would see the
name involved.

038 REP. BAKER: I'd rather it be a private document. If there
is a violation, a person can go back and register with the court and ask
the court for declaratory judgement and enforcement.

041 REP. EDMUNSON: Favors the -2 amendments.

045 REP. BAKER: It is a private agreement between the parties and

shouldn't be a part of the court record. 050 CAROLE SOUVENIR,
COMMITTEE COUNSEL: Asks Rep. Baker, if he favors the -1 amendments.

056 REP. BAKER: The -1 amendment does not make a requirement for it to
be a part of the court record?

057 CAROLE SOUVENIR, COMMITTEE COUNSEL: It would be approved by the
court but it would not be part of the adoption records.

058 REP. EDMUNSON: The court file would be public?

059 CAROLE SOUVENIR, COMMITTEE COUNSEL: No, the adoption file
would be sealed.

060 REP. EDMUNSON: So whatever the court has would be sealed, but
this agreement would not be a part of it officially, even though the
court

has to approve it? In the -2 amendments, the court would approve it and
it would become part of the record that would become sealed.

064 CAROLE SOUVENIR, COMMITTEE COUNSEL: But then it wouldn't be
enforced by a civil action, it would be enforced just like any other
court order.

070 REP. BRIAN: Concerned that a third party could see
unsealed information. Either way, is that protected?

075 CAROLE SOUVENIR, COMMITTEE COUNSEL: Anyone else can get a copy
of the agreement, even if it is a private agreement. But if it is part
of the

court file, a third party couldn't get it.

077 REP. BAKER: The danger of Section 1 in the -2 amendments is
that, if it's not part of the confidential record, anyone could look
at the

record.

083 REP. EDMUNSON: I doesn't protect the agreement. The -1
amendments don't make it part of the court file, and then it is up to
the parties

to disclose information.

093 MOTION: REP. EDMUNSON: Moves to ADOPT SB 201-1 AMENDMENTS.
With deletion of pg. 1, lines 9-11.

VOTE: Hearing no objections the amendments are ADOPTED. Rep.
Mason is excused.

097 MOTION: REP. EDMUNSON: Moves SB 201 AS AMENDED TO FULL COMMITTEE
with a DO PASS recommendation.

VOTE: 3-0 MOTION PASSES AYE: Baker, Edmunson, Mason, Brian NO:
None EXCUSED: Mason

WORK SESSION ON SB 286

103 CAROLE SOUVENIR, COMMITTEE COUNSEL: SB 286 establishes Oregon Health Care Decision Act, with -13 amendments. (EXHIBITS C & D)

111 REP. EDMUNSON: The -13 amendments conform with the subcommittee's intent.

119 MOTION: REP. EDMUNSON: Moves to ADOPT SB 286-13 AMENDMENTS.

VOTE: Hearing no objections the amendments are ADOPTED. Rep. Mason is excused.

122 MOTION: REP. EDMUNSON: Moves SB 286 AS AMENDED TO FULL COMMITTEE with a DO PASS recommendation.

VOTE: 3-0 MOTION PASSES AYE: Baker, Edmunson, Brian NO: None
EXCUSED: Mason

WORK SESSION ON SB 586

128 CAROLE SOUVENIR, COMMITTEE COUNSEL: Gives a brief discussion of bill. (EXHIBIT E)

132 MOTION: REP. EDMUNSON: Moves to ADOPT SB 586-2 AMENDMENTS.

VOTE: Hearing no objections the amendments are ADOPTED. Rep. Mason is excused.

135 MOTION: REP. EDMUNSON: Moves SB 586 AS AMENDED TO FULL COMMITTEE with a DO PASS recommendation.

VOTE: 3-0 MOTION PASSES AYE: Baker, Edmunson, Brian NO: None
EXCUSED: Mason

WORK SESSION ON SB 635

141 MOTION: REP. BAKER: Moves SB 635 TO FULL COMMITTEE with a DO PASS recommendation.

VOTE: Hearing no objections SB 635 IS REFERRED BACK TO FULL COMMITTEE.

143 CHAIR BRIAN: Adjourns meeting at 2:35 p.m.

Submitted by:

Reviewed by:

Sarah May
Committee Coordinator

Anne May Committee Clerk

EXHIBIT LOG:

A - Proposed Amendments to SB 201 - Committee Counsel - 2 pages B -
Proposed Amendments to SB 201 - Committee Counsel - 2 pages C -
Proposed Amendments to SB 286 - Committee Counsel - 8 pages D - Hand
Engrossed SB 286 - Committee Counsel - 30 pages E - Proposed Amendments
to SB 586 - Committee Counsel - 1 page