

## CHECKLIST FOR PROCESSING ADULT ADOPTIONS

### 1. Primary Statutes for Review

- a. Adult Adoptions are authorized by: ORS 109.329
- b. Intestate Succession and Inheritance: ORS 112.175 *et seq.*
- c. Petition: ORS 109.315
- d. Adoption Summary and Segregated Information Statement: ORS 109.317
- e. General Judgment of Adoption: ORS 109.329

Retainer Agreement and Client Information obtained.

*NOTE:* Identify, discuss and resolve any issues, including the effect of adoption on intestate succession and inheritance under ORS 112.175 *et. seq.*

### 2. Document Preparation

#### a. Petition for Adoption

See ORS 109.315; N.B., Section (6) of 109.329 lists the statutory provisions that do NOT apply to the adoption of an adult (ORS 109.315 specifically does *not* apply to adult adoptions but is useful as a guide for what to include to meet the requirements of ORS 109.329(5)).

Petitioners' full names and place (county and state) of residence (ORS 109.329(5) provides that the court may grant the petition *if satisfied as to the identity and relations of each petitioner and the person to be adopted.*)

Adult Adoptee's full name, date of birth and place of birth (ORS 109.329(5) provides that the court may grant the petition *if satisfied as to the identity and relations of each petitioner and the person to be adopted.*)

Jurisdiction Statement – at least one Petitioner or the Adult Adoptee must have resided continuously in the State of Oregon for the six months preceding filing of the Petition. (ORS 109.329(2)(a))

Venue Statement - adoption must be filed in county in which one Petitioner or person to be adopted resides. (ORS109.329(2)(a))

Birth parents' names and status re: Adult Adoptee (This is not required by ORS 109.329, but the court might want this information in order to be satisfied as to the identity and relations of the parties pursuant to ORS 109.329(5)).

Include relationship of Petitioner(s) to Adoptee and reason for adoption (*prima facie* allegations). (ORS 109.329(5))

*PRACTICE TIP:* If applicable, include a statement that the Adult Adoptee lived in the adopting parent's household as a minor child, to address potential future issues under ORS 112.195.

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- A statement that each petitioner understands the significance and ramifications of the adoption and is not acting under duress, coercion, or undue influence. (ORS 109.329(3))
- A statement that no petitioner is acting under duress, coercion, or undue influence. (ORS 109.329(3)(a))
- Adoptee's new name, to request a change in the adult adoptee's name.

*PRACTICE TIP:* Although ORS 109.329 does not specifically provide for the change of an adult adoptee's name, most Oregon courts will allow the last name to be changed to that of the adopting parent. If the court does not permit the name change, the adoptee can file a separate civil name change proceeding.

- Verified signatures of Petitioner(s).

### b. **Exhibits**

- Separate* written Consent from each Petitioner and the Adoptee, that includes statements of understanding of the significance and ramifications of adoption and that the consent is signed voluntarily without duress, coercion, or undue influence.

*NOTE:* Counties have various policies regarding whether a consent must be notarized. It is good practice to notarize a consent or include an ORCP 1E declaration to avoid rejection by the Court.

### c. **General Judgment of Adoption**

- Findings of Fact to Support Judgment - See ORS 109.329.
- Adoptee's name change, if any.
- Language terminating the parental status of the Adoptee's birth parent(s).
- Language making Petitioner(s) the legal parent(s) of the Adoptee.
- Directing that the court require preparation of and certify an Adoption Report as provided in ORS 432.223.
- Paragraph directing Oregon Health Division to issue new birth certificate for Adoptee if requested.

*NOTE:* ORS 109.329 **does not** provide that adult adoption records are sealed, because ORS 109.329(6) specifically provides that the provisions of ORS 109.319 do not apply to adult adoptions.

## 3. **Fees**

- a. \$263.00 check payable to State of Oregon for filing fee. This fee now includes one Certificate of Adoption, if Certificates are part of that county's general practice (See ORS 109.410).

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- b. Check payable to State of Oregon for number of court-certified copies of the Judgment you are requesting (\$5.00 + \$0.25/page), unless that county provides courtesy copies free of charge.

*PRACTICE TIP:* Most counties will provide you with at least one certified copy with the Certificate of Adoption. Request additional certified copies desired from the records department of the court.

- c. Adoption Report (Vital Records) - *Or. Health Division Form 45-24* – ORS 109.400. The court will generally provide you with a certified copy of the Adoption Report, for use in obtaining an amended birth certificate from the state of the adoptee's birth. Formerly the court collected a \$60.00 check made payable to OHA/Vital Records if the Adult Adoptee was born in Oregon. This procedure is no longer observed in Oregon courts due to the transition to an eFiling system. It is a good idea to confirm this process with the judge's staff in your particular adoption.

*NOTE:* Every document is subject to errors. Review all incoming and outgoing documents, including but not limited to certificates of adoption and birth certificates. Every court sets its own policies on processing adoptions. Be prepared for requests for additional documents or information.

#### 4. Client File Notes

Date File Opened: \_\_\_\_\_

Date of Client Meeting: \_\_\_\_\_

County for Filing: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Case Number: \_\_\_\_\_

Date Judgment Signed: \_\_\_\_\_

Date Judgment Sent to Client: \_\_\_\_\_

Date Birth Certificate Received: \_\_\_\_\_

Date Birth Certificate Sent to Client: \_\_\_\_\_

Date File Closed: \_\_\_\_\_

File Retention: See the PLF file retention and destruction guidelines, available on the PLF website, [www.osbplf.org](http://www.osbplf.org).

*NOTE:* BarBooks is a fantastic resource for finding information and sample forms regarding adoption. Go to the bar website at [www.osbar.org](http://www.osbar.org), log-in, and click on the link for BarBooks. You can find adoption information and sample forms in the "Family Law in Oregon" book, specifically Chapter 19 (Adoption; Assisted Reproduction).

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## IMPORTANT NOTICES

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