

CHECKLIST FOR PROCESSING ADULT ADOPTIONS

Primary Statutes for Review

Adult Adoptions are authorized by **ORS 109.329**.

Intestate Succession and Inheritance: **ORS 112.175 et seq.**

Petition: **ORS 109.315**

Adoption Summary and Segregated Information Statement: **ORS 109.317**

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.**

Document Preparation

1. 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 and Adoptee and reason for adoption (*prima facie* allegations) (ORS 109.329(5)).

Practice Tip: If applicable, include 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**.

- 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)).

Client Name(s): _____

- A statement that no petitioner is acting under duress, coercion, or undue influence (ORS 109.329(3)(a)).
- Adoptee's new name, if parties plan to change the name. (authorized by ORS 109.360)
- Verified signatures of Petitioner(s)

Client Name(s): _____

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 whether or not it is required by statute to avoid rejection by the Court.

2. 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. Adoption Report (Vital Records) - **Or. Health Division Form 45-24 - ORS 109.400**. Include \$60.00 fee made payable to OHA/Vital Records if Adult Adoptee was born in Oregon. Procedures for submitting the adoption report and payment to OHA/Vital Records under the eFiling system vary by county. Conform your process to specific county requirements.
- b. \$255.00 check payable to State of Oregon for filing fee. This fee now includes one Certificate of Adoption. (See **ORS 109.410**.)
- c. Check payable to State of Oregon for number of court-certified copies of the Judgment you are requesting (\$5.00 + \$0.25/page).
Practice Tip: Some counties will provide you with at least one certified with the Certificate of Adoption. Request additional certified copies desired from the records department of the court.

Client Name(s): _____

Notes:

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

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.*

Notes: _____

IMPORTANT NOTICES

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