

## **SAMPLE NOTICE OF RIGHT TO PAYMENT FOR ADOPTION-RELATED COUNSELING**

Pursuant to the provisions of ORS 109.346 notice is given to the consenting birth parent:

1. A birth parent consenting to an adoption shall have the right to payment for three pre-placement adoption-related counseling sessions and three post-consent adoption-related counseling sessions.
2. The prospective adoptive parent(s) will pay all uninsured costs of these adoption-related counseling sessions, provided the counseling is received within one year of the date of surrender or relinquishment of the child for adoption.
3. Adoption-related counseling under ORS 109.346, unless otherwise agreed to by the adoptive parent and the consenting birth parent, shall be provided by:
  - a) A social worker employed by an Oregon licensed adoption agency other than the social worker assigned to the prospective adoptive parent;
  - b) A social worker, counselor or therapist who is working under the supervision of a licensed clinical social worker or a licensed professional counselor and who is knowledgeable about birth parent, adoption and grief and loss issues; or
  - c) A social worker, counselor, or therapist who:
    - i. Has a graduate degree in social work, counseling or psychology; and
    - ii. Is knowledgeable about birth parent, adoption and grief and loss issues.
4. The requirements of ORS 109.346 do not apply to:
  - a) An adoption where a birth parent relinquishes parental rights to the State Office for Services to Children and Families;
  - b) An adoption where one parent retains parental rights;
  - c) An adoption where the child is born in a foreign country and adopted under the laws of that country or re-adopted in Oregon;
  - d) An adoption where the child is born in a foreign country and subsequently adopted in Oregon and where the identity or whereabouts of the child's birth parents are unknown; or
  - e) The adoption of an adult.
5. Failure to provide the notice required by this section is not grounds for setting aside an adoption decree or for revocation of a written consent to adoption or a certificate of irrevocability.

## **IMPORTANT NOTICES**

This material is provided for informational purposes only and does not establish, report, or create the standard of care for attorneys in Oregon, nor does it represent a complete analysis of the topics presented. Readers should conduct their own appropriate legal research. The information presented does not represent legal advice. This information may not be republished, sold, or used in any other form without the written consent of the Oregon State Bar Professional Liability Fund, except that permission is granted for Oregon lawyers to use and modify these materials for use in their own practices. © 2017 OSB Professional Liability Fund