

STEP-PARENT ADOPTIONS IN OREGON

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Many adoptions that occur in Oregon are adoptions where a child's current step-parent adopts the child. A step-parent adoption is defined as an adoption that includes (1) a birth parent of the child to be adopted, and (2) the legally married spouse of that birth parent. Oregon is the correct state for a Step-parent Petition for Adoption if the Petitioners, a birth parent, or the child has been an Oregon resident for at least six months prior to filing the Step-parent Petition for Adoption. ORS 109.309.

By adopting the child, the step-parent becomes a legal parent of that child, and has the same obligations and entitlements as a biological parent may have. If, after adopting the child, the step-parent divorces the biological parent, the step-parent will have legal standing to obtain or pay child support for the child, potentially have custody of the child, and to obtain regular parenting time with the child. If the step-parent does not ever adopt the child, the step-parent may have no standing to obtain future visitation with the child, and may not be ordered to pay or receive child support for the child. If the step-parent has established an "on-going relationship" with the child, the step-parent may have the right to seek visitation time even if the biological parent objects to such contact. However, it is much harder to get visitation time under these conditions than if someone has become the legal parent of the child.

A home study of prospective adoptive parents is usually required during Oregon adoption proceedings. Parties petitioning the Court for a step-parent adoption can request that the home study requirement be waived. These requests for waivers in step-parent adoptions are often granted.

If the child involved in the adoption proceeding is fourteen years of age or older, the child

must consent to the step-parent adoption. ORS 109.328. Adoption is allowed in situations where the child is already eighteen years of age or older, and may usually be fairly easily obtained in such situations, even without the written consent of both biological parents.