

ENGROSSED HOUSE
BILL NO. 1168

BY: HAMILTON (Jeff), LARASON
and THOMPSON of the
HOUSE

and

CAIN of the SENATE

AN ACT RELATING TO CHILDREN; AMENDING 10 O.S. 1991,
SECTIONS 60.5A, 60.12, 60.13 AND 60.15, WHICH
RELATE TO ADOPTIONS; CLARIFYING LANGUAGE;
ELIMINATING REQUIREMENT FOR CERTAIN COURT ORDERS,
WITH EXCEPTION; REQUIRING CERTAIN DISCLOSURE OF
ADOPTION COSTS; AUTHORIZING COURT TO NOT ENTER
CERTAIN FINAL DECREES IN CERTAIN CIRCUMSTANCES;
REQUIRING THE COURT TO FORWARD COPIES OF CERTAIN
RULINGS TO CERTAIN ENTITIES; PROVIDING FOR CERTAIN
HOME STUDIES RATHER THAN INVESTIGATIONS; SETTING
OUT QUALIFICATIONS THAT MAY BE CONSIDERED BY THE
COURT FOR CERTAIN INVESTIGATORS; PROVIDING CONTENT
OF HOME STUDIES; REQUIRING CERTAIN VERIFICATIONS;
AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10 O.S. 1991, Section 60.5A, is
amended to read as follows:

Section 60.5A. A. ~~When ordered by the court, any~~ Any person
required to consent to the adoption of a child pursuant to the
provisions of Section 60.5 of ~~Title 10 of the Oklahoma Statutes~~ this

title shall complete a medical history form which shall remain confidential pursuant to the provisions of Section 60.17 of ~~Title 10 of the Oklahoma Statutes~~ this title containing, as far as is ascertainable, the medical history of the child to be adopted, the medical history of the natural parents of the child, and the medical history of the natural grandparents of the child.

Specifically, the form shall only contain information concerning:

1. ~~the~~ The child, which shall include:

- a. any medical or psychological evaluations, and
- b. diseases, illnesses, accidents, allergies, and congenital defects; and

2. ~~parents~~ Parents of the child, which shall include:

- a. allergies, diseases, and illnesses, including but not limited to diabetes, high blood pressure, alcoholism, heart disease, venereal disease, and epilepsy, and
- b. drugs taken and consumption of alcohol during the pregnancy of the mother; and

3. ~~grandparents~~ Grandparents of the child, which shall include allergies, diseases, and illnesses including but not limited to high blood pressure, diabetes, heart disease, and epilepsy.

B. A copy of the medical history form shall be attached to the consent for adoption, or may be filed after the filing of the petition with the consent of the court.

C. The provisions of this section shall not apply to children who are placed for adoption prior to July 1, 1984.

D. The provisions of this section shall apply to children who are placed for adoption on or after July 1, 1984, and prior to September 1, 1992, only if ordered by the court.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 60.12, is amended to read as follows:

Section 60.12 ~~(1)~~ A. A petition for adoption shall be filed in duplicate, verified by the petitioners, and shall specify:

~~(a)~~ 1. The full names, ages and places of residence of the petitioners and, if married, the place and date of the marriage~~;~~;

2. That the petitioner or petitioners are not homosexual or lesbian;

~~(b)~~ 3. When the petitioners acquired or intend to acquire custody of the child and from what person or agency~~;~~;

~~(c)~~ 4. The date and place of birth of the child and sex and race~~;~~;

~~(d)~~ 5. The name used for the child in the proceeding and, if a change in name is desired, the new name~~;~~;

~~(e)~~ 6. That it is the desire of the petitioners that the relationship of parent and child be established between them and the child~~;~~;

~~(f)~~ 7. A full description and statement of value of all property owned or possessed by the child, if any~~;~~; and

~~(g)~~ 8. Facts, if any, which excuse consent on the part of the parents, or either of them, to the adoption.

~~(2)~~ B. Any written consent required by this act may be attached to the petition, or may be filed, after the filing of the petition, with the consent of the court.

C. A written report shall be attached to the petition, or may be filed after the filing of the petition, but prior to the final decree of adoption, with the consent of the court, which discloses to the court all of the costs, funds, monies, or other compensation or anything of value, expended by the adoptive family or expected to be expended in connection with the adoption of the child. Said disclosure shall include but not be limited to the costs of adoption agency fees, advertising, home study fees, physician fees, attorney fees, medical costs paid for birth mother and child, any living expenses paid for mother and child, including shelter, clothing,

education, transportation, and other expenses. No final decree of adoption shall be entered until the court is satisfied that all costs and expenses have been disclosed, and that the costs and expenses are reasonable and do not violate provisions of, and are allowable expenses under, the act relating to trafficking in children, Section 865 et seq. of Title 21 of the Oklahoma Statutes.

If the court denies or delays its final decree on such grounds, the court shall forward a copy of its ruling or rulings to the local district attorney, the Oklahoma Bar Association, and the Department of Human Services.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 60.13, is amended to read as follows:

Section 60.13 A. Upon the filing of a petition for adoption, the court shall order or receive a preplacement ~~investigation~~ home study and report to be made by:

1. The agency having custody or legal guardianship of the child; or
2. The State Department of Human Services; or
3. A licensed child-placing agency or certified adoption agency; or
4. A person qualified by training or experience, designated by the court. The court, when making the designation, may consider the following qualifications:

- a. a master's degree in social work and one (1) year of experience in children's services,
- b. a member of the Academy of Certified Social Workers (ACSW) and one (1) year of experience in children's services,
- c. a master's degree in a behavioral or social science and two (2) years of experience in children's services, or

d. a doctorate in a behavioral or social science and one (1) year of experience in children's services.

5. A person who is supervised by a person meeting the qualifications in paragraph 4 of this subsection, as long as such person meets one of the following qualifications:

a. a bachelor's degree in social work, or

b. a bachelor's degree in behavioral or social science and one (1) year of experience in children's or family services.

B. The court shall order that a report of such preplacement ~~investigation~~ home study be filed with the court by the designated investigator within the time fixed by the court and in no event more than sixty (60) days from the issuance of the order for preplacement ~~investigation~~ home study, unless time therefor is extended by the court.

C. The preplacement ~~investigation~~ home study shall include an appropriate inquiry to determine whether the proposed home is a suitable one for the child; and any other circumstances and conditions which may have a bearing on the adoption and of which the court should have knowledge; and, in this entire matter of ~~investigation~~ home study, the court is specifically authorized to exercise judicial knowledge and discretion.

Said home study shall consist of documentation of at least one individual interview with each parent, each school-age child and any other household member, one joint interview, a home visit and three written references.

The home study shall also include verification that the home is a healthy, safe environment in which to raise a child, as well as verification of marital status, employment, income, access to medical care, physical health and history, and a criminal background check.

D. A supplemental report including a determination as to the legal availability or status of the child for adoption shall be filed prior to the final adoption petition.

E. The court may order agencies named in subsection A of this section located in one or more counties to make separate ~~investigations~~ home studies on separate parts of the inquiry, as may be appropriate.

F. The report of such preplacement ~~investigation~~ home study shall become a part of the files in the case and shall contain a definite recommendation for or against the proposed adoption and the reasons therefor.

Provided, that if the child petitioned to be adopted shall be the natural or adopted child of either of the petitioners then no ~~investigation~~ home study shall be made.

SECTION 4. AMENDATORY 10 O.S. 1991, Section 60.15, is amended to read as follows:

Section 60.15 Upon examination of the report required in Section ~~13~~ 60.13 of this title, and after hearing, the court may issue an interlocutory decree giving the care and custody of the child to the petitioners, pending the further order of the court. Thereafter the investigator, who shall meet the qualifications specified in subsection A of Section 60.13 of this title, shall observe the child in his proposed adoptive home and report in writing to the court on any circumstances or conditions which may have a bearing on the granting of a final adoption decree. After six (6) months from the date of the interlocutory decree the petitioners may apply to the court for a final decree of adoption. The court shall thereupon set a time and place for final hearing. Notice of the time and date of the hearing shall be served on the State Department of Public Welfare, in those cases where said Department has original custody, or the investigator. The investigator shall file with the court a written report of its

findings and recommendations and certify that the required examination has been made since the granting of the interlocutory decree. After hearing on said application, at which the petitioners and the child shall appear unless the presence of the child is waived by the court, the court may enter a final decree of adoption, if satisfied that the adoption is for the best interests of the child.

SECTION 5. This act shall become effective September 1, 1992.

Passed the House of Representatives the 9th day of March, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate