

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1168

BY: HAMILTON (Jeff), LARASON
and THOMPSON

AS INTRODUCED

AN ACT RELATING TO CHILDREN; PROVIDING CERTAIN

CONDITIONS FOR THE ADOPTION OF A CHILD; PROHIBITING
PLACEMENT OR RECEIVING OF CERTAIN CHILDREN WITH
CERTAIN PERSONS; PROVIDING FOR CONSTRUCTION OF
SECTION; PROVIDING EXCEPTIONS; SPECIFYING PURPOSES;
PROVIDING PENALTIES; PROVIDING FOR CODIFICATION;
AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 60.4A of Title 10, unless there
is created a duplication in numbering, reads as follows:

A. No decree of adoption shall be entered for the adoption of a
child until one of the following conditions has been met:

1. The child sought to be adopted has been placed with the
petitioners for adoption by the Department of Human Services or by a
licensed child placement agency; or

2. The petitioner is related to the child by blood or marriage
within the third degree; or

3. The petitioner is a step-parent of the child sought to be adopted; or

4. The petitioner was nominated in the will of a deceased parent of the child as a guardian or an adoptive parent; or

5. The child has been lawfully placed under the laws of another state while the child and petitioner resided in that other state; or

6. The child, who is an Indian child, as defined by the federal Indian Child Welfare Act (25 U.S.C. Section 1903) and Section 40.2 of Title 10 of the Oklahoma Statutes, was placed by the child's Indian tribe with petitioners; or

7. In the case of a child who is over the age of fourteen (14), the petition for adoption has been approved in writing by the Department of Human Services or by an adoption agency licensed by said Department. Any petitioner aggrieved by the refusal of the Department or of an agency to approve such petition after being requested to do so, may appeal such refusal within thirty (30) days of the refusal to the district court in which the petition for adoption is pending, which court shall make final determination as to the allowance or dismissal of the petition.

B. 1. No person shall place or knowingly facilitate the placement of any child in the care or control of any other person not related to such child by blood or marriage, or in the care or control of any organization other than the Department of Human Services or a licensed child placement agency, for purposes of adoption.

2. No person unrelated to such a child by blood or marriage, and no organization other than the Department of Human Services or a licensed child placement agency, shall receive such a child for purposes of adoption, except from the Department of Human Services or a licensed placement agency.

C. 1. This section shall not apply to placement of any child made prior to the effective date of this act.

2. Nothing in this section shall prevent the placement of a child who is not a citizen of the United States when a home study of the prospective parent or parents prior to the placement of the child is performed by a licensed placement agency.

D. For the purpose of this section:

1. the spouse of the parent of a child shall be deemed to be related by marriage to said child.

2. facilitation of the placement of a child shall include advertising for placement of a child or advertising to acquire a child to place by a person or agency not authorized or licensed to place children.

E. Willful violation of the provisions of this section shall be deemed to be trafficking in children, and shall, upon conviction, be punishable as otherwise provided by Section 867 of Title 21 of the Oklahoma Statutes.

SECTION 2. This act shall become effective September 1, 1991.

43-1-5127

KSM