

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1169

By: Seikel

AS INTRODUCED

An Act relating to children; amending 10 O.S. 1991, Sections 60.26, 60.31, 60.32, 60.33 and 60.34, which relate to adoption; modifying definitions; making certain Indian tribes subject to Oklahoma Children's Adoption Resource Exchange; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 60.26, is amended to read as follows:

Section 60.26 As used in this act:

"Child" means a minor, ~~as defined by statute,~~ who is:

~~(a) in~~ 1. In the court-ordered custody of a public or licensed private nonprofit child-placing agency and certified adoption agency, ~~or federally recognized Indian tribe, as defined by the~~ federal Indian Child Welfare Act;

~~(b) legally~~ 2. Legally free for adoption, ~~and~~

~~(c) in~~ 3. In special circumstances because he is not likely to be adopted by reason of one or more conditions, such as:

- a. physical or mental disability,
- b. emotional disturbance,

- c. recognized high risk of physical or mental disease,
- d. age,
- e. sibling relationship,
- f. racial or ethnic factors, or
- g. any combination of these conditions.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 60.31, is amended to read as follows:

Section 60.31 The Department of Human Services, all certified adoption agencies ~~and~~, all licensed child-placing agencies and Indian tribes pursuant to the Oklahoma Indian Child Welfare Act shall be required to provide certain information to the "Oklahoma Children's Adoption Resource Exchange". This shall include, but not be limited to a book, updated monthly, which will contain a photograph and description of each child whose parental rights have been terminated and is legally available for adoption. The "Oklahoma Children's Adoption Resource Exchange" is a private nonprofit corporation incorporated in the State of Oklahoma whose membership is composed of certified adoption agencies and licensed child-placing agencies which operates under the direction of a board of directors selected in accordance with the bylaws of the Corporation.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 60.32, is amended to read as follows:

Section 60.32 The Department of Human Services, all certified adoption agencies ~~and~~, all licensed child-placing agencies and Indian tribes pursuant to the Oklahoma Indian Child Welfare Act shall be required to provide to the "Oklahoma Children's Adoption Resource Exchange", a recent photograph and description of each child in its care whose parental rights have been terminated, is legally available for adoption and for whom no adoptive home has been found. Requirements of this section must be completed within ninety (90) days of the date a child has his parental rights

terminated and becomes legally available for adoption. After the required information pertaining to the child has been listed with the "Oklahoma Children's Adoption Resource Exchange" for thirty (30) days, then the "Oklahoma Children's Adoption Resource Exchange" shall make the information pertaining to that child available to the Southwest Regional Adoption Exchange ~~and,~~ the National Adoption Exchange and any other state or national adoption exchange specified by the Department for the express public purpose of assisting in the adoption of certain children.

SECTION 4. AMENDATORY 10 O.S. 1991, Section 60.33, is amended to read as follows:

Section 60.33 The following persons are hereby exempt from the provisions of this act:

1. Children age twelve (12) years or older who do not choose to be adopted pursuant to Section 60.11 of Title 10 of the Oklahoma Statutes;

2. Children for whom permanent placement plans have been made that do not include adoption; for example, permanent placement with relatives or long-term foster care;

~~3. Children under the purview of the Oklahoma Indian Child Welfare Act as defined in Sections 40.1 et seq. of Title 10 of the Oklahoma Statutes;~~

~~4. Children under the purview of the Federal Indian Child Welfare Act as defined by 25 U.S.C.A. 1901 et seq.;~~

~~5.~~ Children who, because of medical or psychological reasons as determined by a licensed psychiatrist, psychologist or physician, are not ready for adoption;

~~6.~~ 4. Children who are runaways and whose present location is unknown; and

~~7.~~ 5. Children who are currently in an adoptive placement, pursuant to Section 60.14 of Title 10 of the Oklahoma Statutes.

SECTION 5. AMENDATORY 10 O.S. 1991, Section 60.34, is amended to read as follows:

Section 60.34 Any change in the status of a child listed by the "Oklahoma Children's Adoption Resource Exchange" shall be reported by the Department of Human Services, certified adoption agencies ~~or~~, licensed child-placing agency or Indian tribes pursuant to the Oklahoma Indian Child Welfare Act having legal custody of that child to the "Oklahoma Children's Adoption Resource Exchange". This report shall be completed within twenty (20) working days after the change occurs.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-1-5677

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