

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1429

By: Vaughn (Ray)

AS INTRODUCED

An Act relating to children; amending 10 O.S. 1991, Section 60.17, which relates to adoption; providing for waiver of confidentiality; providing for informed consent; providing for certain forms; providing for content and procedures; providing for certain conditions and requirements; authorizing certain release; authorizing withholding of certain information; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 60.17, is amended to read as follows:

Section 60.17 A. ~~Unless~~ Except as otherwise provided by subsection E of this section, or as otherwise ordered by the court, all hearings held in proceedings pursuant to the Uniform Adoption Act shall be confidential and shall be held in closed court without admittance of any person other than interested parties and their counsel.

B. All papers and records including the original medical history forms pertaining to the adoption shall be kept as a permanent record of the court and withheld from inspection except as otherwise provided by this section. No person shall have access to

such records except upon order of the judge of the court in which the decree of adoption was entered, for good cause shown or as otherwise authorized by subsection E of this section.

C. All files and records pertaining to said adoption proceedings shall be confidential and withheld from inspection except upon order of the court for good cause shown or as otherwise authorized by subsection E of this section.

D. 1. The Department of Human Services, any certified adoption agency or any licensed child-placing agency having custody of a child who is legally available for adoption is authorized to release the medical history, available to the Department or such agency, of the child, of the natural parents of the child and of the grandparents of the child to prospective parents of the adoptive child.

2. The release of any medical history of the natural parents of the child or the natural grandparents of the child shall be released in such a way that no person can be identified.

3. The medical history may include the information received pursuant to Section 60.5A of this title or any other medical information or records regarding the child obtained by the Department or agency during the custody of the child.

E. 1. Confidentiality may be waived by any person required to consent to the adoption of a child pursuant to the provisions of Section 60.5 of this title for the purpose of providing the child with such person's name and such other information relating to the person if so requested by the child.

2. The court shall inform any person required to consent to the adoption of a child pursuant to the provisions of Section 60.5 of this title that such person may complete a waiver of confidentiality in substantially the following form at the time of adoption or at any time thereafter:

WAIVER OF CONFIDENTIALITY

(Natural Parent)

I, _____, the natural mother/father of a child born on the
_____ day of _____, hereby waive my right to confidentiality. This
waiver of confidentiality is for the limited purpose of providing my
natural child with my name, address and telephone number and all
other information contained in the adoption file with respect to
myself if the same be first requested in writing by said child.

I understand that pursuant to subsection B of Section 60.17 of
Title 10 of the Oklahoma Statutes that:

All papers and records including the original medical
history forms pertaining to the adoption shall be kept as a
permanent record of the court and withheld from inspection.
No person shall have access to such records except upon
order of the judge of the court in which the decree of
adoption was entered, for good cause shown.

I further understand that my right to confidentiality under
subsection B of Section 60.17 of Title 10 of the Oklahoma Statutes
cannot be abridged unless good cause first be shown or I waive my
right to confidentiality pursuant to _____ . Additionally, that
if the court finds that it is not in the best interest of the child
that the information to which I waive confidentiality be released to
said child, that for good cause shown the court can decline to
release the same.

By executing this instrument I, _____, the natural
mother/father of the child born on the _____ day of _____, _____ and
known then as _____, hereby waive my right to confidentiality
with respect to all information contained in the adoption file and
on this form relating to myself if the information first be
requested by said child.

Dated this _____ day of _____, _____.

Natural Mother/Father

Address:

Telephone:

Judge

3. The court may require the person waiving confidentiality to provide the court taking the waiver with photographic identification and further identification if requested by the court which should be attached to the waiver.

4. The court shall require that adoptions be indexed by the name originally given the child, as reflected on the certificate of live birth, and the adoptive name.

5. Any person eighteen (18) years of age or older, or any child younger than eighteen (18) years of age with the consent of custodian, guardian, or a parent of the child, may complete a waiver of confidentiality for the purpose of providing to the natural parent or parents of such child the name of the child and such other information as specified in the waiver. A waiver may be filed in any district court in this state and shall be substantially in the following form:

WAIVER OF CONFIDENTIALITY

(Adopted Child)

I, _____, a child born on the _____ day of _____, _____, and now known as _____ (full name as reflected on certificate of live birth) hereby waive my right to confidentiality. This waiver of confidentiality is for the limited purpose of providing my natural parent(s), mother/father/both with my adoptive name, address and telephone number as listed below and all other information contained in the adoption file with respect to myself if the same be first requested by said parent, mother/father/both.

I understand that pursuant to subsection B of Section 60.17 of Title 10 of the Oklahoma Statutes that:

All papers and records including the original medical history forms pertaining to the adoption shall be kept as a permanent record of the court and withheld from inspection. No person shall have access to such records except upon order of the judge of the court in which the decree of adoption was entered, for good cause shown.

I further understand that my right to confidentiality under subsection B of Section 60.17 of Title 10 of the Oklahoma Statutes cannot be abridged unless good cause first be shown or I waive my right to confidentiality pursuant to _____ . Additionally, that if the court finds that it is not in my best interest that the information to which I waive confidentiality be released, that for good cause shown the court can decline to release the same.

By executing this instrument I, _____ , an adopted child born on the _____ day of _____ , and now known as _____ , hereby waive my right to confidentiality with respect to all information contained in the adoption file and on this form relating to myself if the information first be requested in writing by my natural mother/father/both.

Dated this _____ day of _____ , _____ .

Adopted Child

Address:

Telephone:

Judge

6. The court may withhold compliance with the waivers of confidentiality if the court for good cause finds it would not be in the best interest of the adopted child.

7. The court shall upon the waiver of confidentiality and upon a finding that the compliance with the waiver is in the best

interest of the adopted child release the information to which
confidentiality was waived.

SECTION 2. This act shall become effective September 1, 1993.

44-1-5981

KSM