

ENROLLED HOUSE
BILL NO. 2975

By: Roach and Breckinridge
of the House

and

Henry of the Senate

An Act relating to adoption; amending 10 O.S. 1991, Sections 58, as amended by Section 25, Chapter 340, O.S.L. 1995, 60.1, 60.5, as amended by Section 1, Chapter 122, O.S.L. 1994, 60.16, 60.17, as amended by Section 3, Chapter 253, O.S.L. 1993, 60.19, 60.20, 60.23, 60.26, 60.27, 60.28, 60.31, 60.32, 60.33, 60.34 and 60.35 (10 O.S. Supp. 1995, Sections 58, 60.5 and 60.17), which relate to adoptions; changing name of act to Oklahoma Adoption Act; modifying and adding terms; authorizing certain designees for executive heads of licensed child-placing agencies to appear and represent the executive head at certain proceeding; limiting certain authority of designee; requiring notarized written statement; prohibiting certain actions; providing for the compiling of certain medical and social history reports on children to be adopted; specifying contents; specifying responsibility for compiling the report; requiring the Department of Health to prescribe medical history and social history forms; providing for contents of forms; requiring certain information and procedures; providing for certain assistance in form completion; providing for additional information; providing for statutory interpretation; requiring certain persons to supply certain records or information; prohibiting certain use of the information; providing exceptions; authorizing certain disclosure of certain medical and social histories; providing for and requiring certain release; prohibiting certain petitions until release to certain persons; providing for proceeding with action; providing for filing additional information; prohibiting charging of certain filing fees; providing notice of receipt of additional information; requiring maintenance of certain additional information; requiring certain duties of certain persons and agencies; specifying certain persons entitled to receive additional information; providing for release of additional information; specifying certain procedures for release of certain information by the clerk of the district court; requiring participation of certain persons and agencies; requiring confidentiality; providing for statutory interpretation; making certain actions unlawful; providing for priority of certain petitions; providing for certain appeals and direct or collateral attacks for certain

adoption actions; providing for time periods for appeals; prohibiting suspensions of certain orders; providing exception; requiring priority of certain actions; requiring expedited processes; clarifying language; removing certified adoption agencies; modifying definitions; making certain Indian tribes subject to Subsidized Adoption Act; providing for adoption exchanges; providing increasing adoption of children through instate or out-of-state or national adoption exchanges as funds become available for such purpose; removing certain requirements; amending 10 O.S. 1991, Section 5, which relates to grandparent visitation; restricting right to visitation orders after certain adoptions; amending 10 O.S. 1991, Section 29.1, which relates to relinquishments; providing for appeals; requiring certain time periods for filing of appeals; requiring priority of certain cases; requiring expediting of certain cases; amending 10 O.S. 1991, Section 1125.1, as last amended by Section 58, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7005-1.2), and Section 3, Chapter 306, O.S.L. 1993, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 19 of Enrolled House Bill No. 2053 of the 2nd Session of the 45th Oklahoma Legislature, which relate to confidential records; providing for statutory interpretation of certain sections relating to adoption information; amending 10 O.S. 1991, Section 1133, as amended by Section 68, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7006-1.4), which relates to termination of parental rights; deleting certain language relating to certain challenges; amending 63 O.S. 1991, Section 1-311, as last amended by Section 3, Chapter 273, O.S.L. 1995, Section 9, Chapter 356, O.S.L. 1994, as amended by Section 4, Chapter 273, O.S.L. 1995, and 1-316 (63 O.S. Supp. 1995, Sections 1-311 and 1-311.3), which relate to birth certificates and paternity affidavits; prohibiting requirement for filing of paternity affidavit when consent to adoption has been given; conforming and updating language; providing for supplementary birth certificates upon receipt of adoption decree regardless of receipt of affidavit acknowledging paternity; repealing 10 O.S. 1991, Sections 57 and 60.5A, as amended by Section 1, Chapter 253, O.S.L. 1993 (10 O.S. Supp. 1995, Section 60.5A), which relate to medical history information; providing for codification; providing for recodification; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 60.23, is amended to read as follows:

Section 60.23 ~~This act~~ Chapter 2A of Title 10 of the Oklahoma Statutes shall be known and may be cited as the Uniform "Oklahoma Adoption Act".

SECTION 2. AMENDATORY 10 O.S. 1991, Section 60.1, is amended to read as follows:

Section 60.1 As used in ~~this Act, unless the context otherwise requires,~~ "child" the Oklahoma Adoption Act:

1. "Child" or "minor" means any ~~minor~~ unmarried or unemancipated person, and "agency" who has not attained the age of eighteen (18);

2. "Child-placing agency" means any ~~person, authority or child welfare agency legally empowered~~ licensed pursuant to the Oklahoma Child Care Facilities Licensing Act and authorized to place children for adoption. Singular words may extend and be applied to several persons or things, as well as to one person or thing. Plural words may extend and be applied to one person or thing as well as to several persons or things;

3. "Department" means the Department of Human Services; and

4. "Direct placement adoption" means any adoption in which the child is not placed for adoption by the Department of Human Services or a licensed child-placing agency.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 60.5, as amended by Section 1, Chapter 122, O.S.L. 1994 (10 O.S. Supp. 1995, Section 60.5), is amended to read as follows:

Section 60.5 A. Unless consent is not required by Section 60.6 of this title, an adoption of a child may be decreed when there has been filed written consent to adoption executed by:

1. Both parents, if living, or the surviving parent if one parent be deceased. Consent shall not be required from one whose parental rights have been judicially terminated.

a. If the child is born out of wedlock, its parents, if sixteen (16) years of age or older, shall be deemed capable of giving consent.

b. If the mother or father be below the age of sixteen (16), consent to the adoption shall be deemed sufficient if given by such mother or father before a judge of the district court, in writing, and if accompanied by the written consent of the legal guardian of the person of such parent. If such underage mother or father has no such guardian, the consent shall be accompanied by the written consent of his or her parents, but if one parent be deceased or the parents be divorced, then the written consent of the parent having the custody shall be deemed sufficient; if both parents of the underage mother or father be deceased, then the written consent of the person having his or her physical custody shall be deemed sufficient. If in any case consent cannot be secured from the person, other than the underage mother or father, authorized herein to give consent, notice by mailing shall be given by the court, unless notice is waived by personal appearance, to such person or persons authorized herein to give consent, directing such person to show cause, at a time appointed by the court, which shall be not less than ten (10) days from the date of mailing, why adoption should not be granted without that person's consent. If such person shall not appear to contest the

adoption or if the court should find that consent of such person is unreasonably withheld, the adoption may be granted without the consent of that person; ~~or~~

2. The legal guardian of the person of the child or the guardian ad litem of the child if both parents are dead, or if the rights of the parents have been terminated by judicial proceedings, and such guardian or guardian ad litem has authority by order of the court appointing him to consent to the adoption; ~~or~~

3. The executive head of ~~an~~ a licensed child-placing agency ~~if both parents are dead, or~~ if the child has been permanently relinquished for adoption to such agency, or if the rights of the parents have been judicially terminated and custody of the child has been legally vested in such agency with authority to consent to adoption of the child; or

4. Any person having legal custody of a child by court order if the parental rights of the parents have been judicially terminated, but in such case the court having jurisdiction of the custody of the child must consent to adoption, and a certified copy of its order shall be attached to the petition.

The B. Except as otherwise provided by this subsection, the consent required by paragraphs 1, 2 and 3 of subsection A of this section, including the consent required by the parent, guardian or party having physical custody as required for mothers or fathers under sixteen (16) years of age in paragraph 1 of subsection A of this section, shall be acknowledged before a judge of the district court or the judge of any specially created court having jurisdiction in adoption proceedings. Provided, that when:

1. If the person whose consent is necessary does not reside in the county having jurisdiction of the adoption proceedings such person may execute such consent before a district judge of this state or probate judge or judge having adoption jurisdiction of any other state of the county of his residence. ~~Provided, further, that when such;~~

2. If the consent for adoption is necessary for children in custody of the Department of Human Services, the Director of the Department of Human Services or the designee of the Director may designate, authorize, and direct in writing an employee of the Department to appear in the court of the county in which said adoption proceedings are to be completed and to give written consent for the adoption of such child by the family whose application for adoption has been approved by the Department of Human Services. ~~This provision shall apply to consents heretofore given as well as to those given after the approval of this act;~~

3. The executive head of a licensed child-placing agency whose consent is required for the adoption of a child who is in the custody of the licensed child-placing agency may designate in a signed written statement properly notarized by a notary public, or other person authorized by law to administer oaths, an employee of the agency to appear in the district court of the county in which said adoption proceedings are to be completed, and to represent the executive head of the agency regarding submission of the written consent signed by the executive head pursuant to this section. The executive head of the agency shall not designate or authorize the employee to sign the written consent so required; or

~~5.~~ 4. In the event:

a. the person having the legal custody or the parents of a child desired to be adopted in this state reside in a country or place other than the United States of America, except as provided in subparagraph b of this paragraph, the consent of such person to the adoption

may be obtained by a written instrument signed by such person and acknowledged before an officer of the legal subdivision of government of the place of ~~his, her or their~~ such person's residence who is authorized to administer oaths under the laws of such country or place, ~~or, when~~

- b. the party seeking to give such consent is a member of the United States Armed Services stationed in a country or place other than the United States, then such consent may be acknowledged before an officer of the Judge Advocate General's Office or other legal officer possessing the authority to administer oaths.

Where consent is so obtained, it shall not be necessary for such person to appear before the district court having jurisdiction of the adoption proceedings. If the written instrument containing such consent is written in any language other than the English language, the person adopting the child must have it translated into the English language by a person qualified so to do, and must file the original instrument together with the translation with the court, and the translation must be sworn to as being a true and correct translation by the translator.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 60.5B of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. Before placing a child for adoption, the Department or a child-placing agency shall compile a written medical and social history report of the child to be adopted, containing:

- a. all of the information required in subsections B and C of this section that is reasonably available from each biological parent, from any person who has had legal or physical custody of the child, and from any other relative, or other person or entity who can provide information that cannot otherwise reasonably be obtained from the biological parents or a person who has had legal or physical custody of the child,
- b. a copy of all medical, dental and psychological records of the child obtained from anyone who has provided medical, dental or psychological services to the child, and
- c. a copy of all educational records of the child.

2. If a child is not being placed for adoption through the Department or a child-placing agency, the attorney representing the adoptive parent in the adoption proceedings shall compile this report. If the adoptive parent is not represented by an attorney in a direct placement adoption, the person placing the child for adoption shall compile this report.

B. 1. The Department of Health shall prescribe the form to be used to record the medical history of the child and the child's biological relatives. The Department of Health shall furnish the forms to any child-placing agency, to the Department of Human Services and to any person who is authorized to place a child for adoption or who provides services with respect to placements for adoption.

2. The medical history form shall include, but is not limited to:

- a. a current medical and psychological history of the child, including information concerning:
 - (1) any prenatal, neonatal, medical, dental, psychiatric or psychological diagnoses, examinations or reports,

- (2) any diseases, illnesses, accidents, allergies, and congenital or birth defects,
 - (3) a record of any immunization and other health care received,
 - (4) the child's developmental history, including the age at which the child developed basic gross motor, fine motor, language and cognitive skills,
 - (5) any behavioral problems the child has exhibited,
 - (6) any physical, sexual or emotional abuse suffered by the child, and
 - (7) any other information necessary to determine the child's eligibility for state or federal benefits, including subsidies for adoption and other financial, medical, or similar assistance, and
- b. relevant information concerning the medical and psychological history of the child's biological parents and relatives, including information concerning:
- (1) the gynecologic and obstetric history of the biological mother,
 - (2) the health of the biological mother during her pregnancy with this child,
 - (3) the consumption of drugs, medication or alcohol by the biological father or the biological mother at the time of conception and by the biological mother during her pregnancy with this child,
 - (4) the exposure of the biological mother to toxic substances, fumes or occupational hazards during her pregnancy that could affect the health of the child,
 - (5) whether the child's biological mother and biological father are related to each other and to what degree,
 - (6) any history of venereal disease afflicting either biological parent,
 - (7) physical characteristics of the biological parents, other children of either biological parent, and the biological grandparents, including age at the time of the child's birth, height, weight, color of eyes, hair, skin and other information of a similar nature,
 - (8) unusual physical characteristics of any biological parent, other children of either biological parent, biological grandparents and other biological relatives,
 - (9) potentially inheritable genetic, psychological, or physical diseases, disorders, traits, or tendencies of the biological parents, other children of either biological parent, the biological grandparents or other biological relatives,
 - (10) allergies, diseases, illnesses, and other medical history of biological parents, other children of either biological parent, biological grandparents and other biological relatives, including but not limited to diabetes, high blood pressure, alcoholism, heart disease, cancer, and epilepsy or predisposition thereto,

- (11) any addiction or predisposition to addiction to drugs or alcohol by the biological parents, other children of either biological parent, biological grandparents or other biological relatives,
- (12) if the death of either biological parent, other children of either biological parent, or a biological grandparent has occurred, the fact of the death, the age of the decedent at the time of death, and the cause, if known,
- (13) the psychological history of the biological parents, other children of either biological parent, biological grandparents and other biological relatives, including any psychiatric or psychological evaluations, the date of the evaluation, any diagnoses, and a summary of any psychiatric or psychological findings or treatment, and
- (14) any other useful or unusual health-related information that the biological parents or relatives are willing to provide.

C. The social history report regarding the child to be adopted, the biological parents, other children of either biological parent and other biological relatives shall include, but is not limited to:

1. The educational history of the child including, but not limited to, the child's enrollment and performance in school, the results of educational testing, special educational needs of the child, if any, and the number of years of school completed at the time of the adoption;
2. The age of the child, the biological parents, other children of either biological parent, and the biological grandparents at the time of the adoption, and the gender of the other children of either biological parent;
3. The circumstances leading to the adoption;
4. The heritage of the child including, but not limited to, the child's nationality, ethnic background, tribal affiliation, if any, and race;
5. The occupation of the biological parents and the biological grandparents, but not specific titles or places of employment;
6. The talents, hobbies and special interests of the child, the biological parents, and the biological grandparents;
7. Nonidentifying information about the extended family of the biological parents and biological grandparents;
8. The level of educational and vocational achievement of the child's biological parents and relatives and any noteworthy accomplishments;
9. An account of the child's past and existing relationship with any individual with whom the child has regularly lived or visited;
10. A criminal conviction, judicial order terminating parental rights, or other proceeding in which a biological parent of the child was alleged to have abused, neglected, abandoned or otherwise mistreated the child to be adopted, a sibling of the child to be adopted, or the other biological parent; and
11. A criminal conviction or delinquency adjudication of the child.

D. A report prepared pursuant to this section must indicate who prepared the report.

E. 1. Whenever it is feasible, biological parents, legal or physical custodians of the child and other biological relatives should be assisted in providing information for the medical and

social history report by trained professionals employed by the Department or the licensed child-placing agency, by the attorney for the adoptive parents or by trained professionals employed by the attorney for the adoptive parent.

2. The Department or agency, attorney for the adoptive parent, or person who prepares the medical and social history report shall advise the biological parents, any other persons who submitted information for the report and the adoptive parent that additional information about the adopted person, the biological parents, and the adopted person's genetic history that becomes available may be submitted to the Department, agency, attorney, or person who prepared the report or if the location is known to them, to the clerk of the court that issues the decree of adoption. Nothing in this section shall require that the location of the court in which the adoption action is filed be revealed to the biological parents, biological relatives or other persons who submitted information for the report, if the location is not otherwise known to them.

F. The court may request that a biological parent, a present or former legal or physical custodian of the child, a biological relative, a school, or a medical, dental or psychological care provider for the child supply the information or records required by this section.

G. Information contained in a medical and social history report compiled pursuant to this section shall not be used as evidence in any criminal proceeding against the individual who furnished the information. This is a use immunity and not a transactional immunity.

H. If the petitioner for the adoption of a child is a stepparent of the child and the child will remain in the custody of one biological parent and the stepparent following the adoption, only the medical and social history of the parent whose parental rights are sought to be terminated and that parent's biological relatives must be compiled in the medical and social history report.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 60.5C of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Whenever the disclosure of medical and social history is permitted under this section, all identifying information shall be deleted from the copy of the report or record that is disclosed, unless the court, Department, agency, attorney, or person authorized to disclose information by this section has been informed in writing by both a biological parent and an adoptive parent or prospective adoptive parent of their mutual agreement to share identifying information. When such an agreement has been made, identifying information shall be released only to the extent specifically permitted by the written agreement.

B. As early as practicable before the first meeting of the prospective adoptive parent with a child and before the prospective adoptive parent accepts physical custody of the child, the Department or child-placing agency that is placing the child for adoption, or the attorney for the adoptive parent in a direct placement adoption, or the person who is placing the child for adoption in a direct placement adoption in which the adoptive parent is not represented by an attorney, shall furnish to the prospective adoptive parent a copy of the medical and social history report, containing all of the medical and social history information and records regarding the child reasonably available at that time. If placement of the child with the prospective adoptive parent does not subsequently occur, the prospective adoptive parent shall return the medical and social history report to the Department, agency,

attorney or other person who furnished it to the prospective adoptive parent.

C. Before a hearing on the petition for adoption, the Department or child-placing agency that placed the child for adoption, or the attorney for the adoptive parent in a direct placement adoption, or the person who placed the child for adoption in a direct placement adoption in which the adoptive parent is unrepresented, shall furnish to the adoptive parent a supplemental written report containing information or records required by Section 4 of this act, which was unavailable before the child was placed for adoption, but which becomes reasonably available to the Department, agency, attorney, or person who placed the child after the placement.

D. A petition for adoption may not be granted until a copy of the medical and social history report is filed with the court. If the court finds that information or records required by Section 4 of this act cannot be obtained by the reasonable efforts of the Department or child-placing agency placing the child, or by the attorney for the adoptive parent in a direct placement adoption, or by the person who placed the child for adoption in a direct placement adoption in which the adopted parent is unrepresented, the court may accept the report and proceed with the adoption.

E. 1. Any additional information about an adopted person, the adopted person's biological parents, or the adopted person's genetic history that is submitted to the clerk of the district court that issues the final decree of adoption, before or after the final decree of adoption is issued, shall be made a part of the court's permanent record of the adoption, pursuant to Section 60.17 of Title 10 of the Oklahoma Statutes. No filing fee shall be charged for filing this supplemental information with the court clerk.

2. An adoptive parent, a biological parent, or an adult adopted person may file with the clerk of the district court that issued the final decree of adoption a notice of the individual's current mailing address. A legal guardian of an adopted child may file with the clerk of the district court that issued the final decree of adoption a notice of the guardian's current mailing address and proof of legal guardianship. No filing fee shall be charged for filing this notification of address or guardianship with the court clerk.

3. Upon receipt by the court clerk of supplemental information concerning the biological parents or the adopted person's genetic history, the court clerk shall send notice by ordinary mail, at the most recent address, if any, listed in the court records, to the adoptive parent or legal guardian of a minor adopted person or to the adult adopted person. The notice shall state that supplemental information has been received and is available from the court clerk upon request.

4. Upon receipt by the court clerk of supplemental information concerning the adopted person that may be genetically significant for a biological parent or biological relative, the court clerk shall send notice by ordinary mail, at the most recent address, if any, listed in the court records, to the biological parent. The notice shall state that supplemental information has been received and is available from the court clerk upon request.

F. If any additional information about an adopted person, the adopted person's biological parents, or the adopted person's genetic history is submitted to the Department, agency, attorney, or person who prepared the original report, the Department, agency, attorney, or person shall:

1. Retain this supplemental information with their other records of the adoption for as long as these records are maintained;

2. File a copy of the supplemental information with the clerk of the court that issued the decree of adoption, to be made a part of the court's permanent record of the adoption pursuant to subsection E of this section; and

3. Furnish a copy of the supplemental information to:

- a. the adoptive parent or current legal guardian of the child, if the adopted person is under the age of eighteen (18), or the adult adopted person, if the location of the adoptive parent, guardian or adult adopted person is known to the Department, agency, attorney, or person, or
- b. the biological parents, if the supplemental information is submitted by an adoptive parent or adopted person and concerns genetically significant information about the adopted person that is relevant to the health or childbearing decisions of the biological parents or other biological relatives, if the location of the biological parents is known to the Department, agency, attorney, or person.

G. 1. The clerk of the district court that issues the final adoption decree or the Department, agency, attorney, or person who prepared the medical and social history report shall provide a copy of the medical and social history report and any additional medical and social history information in its possession to the following persons upon request:

- a. the adoptive parent or legal guardian of a minor adopted person,
- b. an adopted person who has attained eighteen (18) years of age, and
- c. an adult whose biological mother's and biological father's parental rights were terminated and who was never adopted.

2. The clerk of the district court that issues the final adoption decree or the Department, agency, attorney, or person who prepared the medical and social history report shall provide a copy of the medical report and any additional medical information in its possession to the following persons upon request:

- a. an adult direct descendant of a deceased adopted person or of a deceased person whose biological mother's and biological father's parental rights were terminated and who was never adopted, and
- b. the parent or guardian of a minor direct descendant of a deceased adopted person or of a deceased person whose biological mother's and biological father's rights were terminated and who was never adopted.

3. The clerk of the district court that issues the final adoption decree or the Department, agency, attorney, or person who prepared the medical and social history report shall provide a copy of genetically significant information about an adopted person, or about a person whose parents' parental rights were terminated, to the following persons upon request:

- a. a biological parent or biological relative of an adopted person, and
- b. a biological parent or biological relative of a person whose biological mother's and biological father's rights were terminated and who was never adopted.

4. The clerk of the district court that issues the final adoption decree shall provide a copy of any medical and social

history information contained in the court records to the Department, or child-placing agency that placed the child for adoption or to the attorney representing the adoptive parent upon request.

5. A copy of the report and supplemental medical and social history information may not be furnished under this subsection to a person who cannot furnish satisfactory proof of identity and legal entitlement to receive a copy.

6. A person requesting a copy of a report or other medical and social history information under this subsection shall pay only the actual and reasonable costs of providing the copy.

H. The Department, a child-placing agency, or an attorney for an adoptive parent who facilitated or participated in an adoption proceeding prior to the effective date of this act shall be subject to the same requirements and duties set forth in subsections F and G of this section that are required in those subsections for the Department, agency, or attorney who prepared the medical or social history.

SECTION 6. AMENDATORY 10 O.S. 1991, Section 60.16, is amended to read as follows:

Section 60.16 A. After the final decree of adoption is entered, the relation of parent and child and all the rights, duties, and other legal consequences of the natural relation of child and parent shall thereafter exist between the adopted child and the adoptive parents of the child and the kindred of the adoptive parents. From the date of the final decree of adoption, the child shall be entitled to inherit real and personal property from and through the adoptive parents in accordance with the statutes of descent and distribution, and the adoptive parents shall be entitled to inherit real and personal property from and through the child in accordance with said statutes.

B. After a final decree of adoption is entered, the ~~natural~~ biological parents of the adopted child, unless they are the adoptive parents or the spouse of an adoptive parent, shall be relieved of all parental responsibilities for said child and shall have no rights over the adopted child or to ~~his~~ the property of the child by descent and distribution.

C. A grandparent, who is the parent of the child's natural parents, may be given reasonable rights of visitation to the child, pursuant to the provisions of Section 5 of this title.

SECTION 7. AMENDATORY 10 O.S. 1991, Section 60.17, as amended by Section 3, Chapter 253, O.S.L. 1993 (10 O.S. Supp. 1995, Section 60.17), is amended to read as follows:

Section 60.17 A. Unless otherwise ordered by the district court exercising jurisdiction over the adoption proceeding, all hearings held in proceedings pursuant to the ~~Uniform~~ Oklahoma 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~~, and books of proceedings in adoption cases and any papers, records, and books relating to such proceedings:

1. 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, maintained in a separate file by the court clerk; and

2. Shall be confidential and shall not be open to inspection or copy except as authorized in Section 5 of this act or upon order of a court of record for good cause shown.

~~C. Except as otherwise authorized by this section, 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~~ Upon application and for good cause being shown, any court of record may, by written order reciting its findings, permit the necessary information to be released, or may restrict the purposes for which it shall be used.

D. The provisions of this section shall not prohibit:

~~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.~~ Persons employed by the court, the Department of Human Services or other agencies of the state or federal agencies from obtaining the information necessary to conduct investigations or perform any other duties concerning the child or the biological parents of the child; and

~~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~~ Persons employed by the court, the Department of Human Services, a child-placing agency, an attorney participating or assisting in a direct placement adoption or any physician, minister or other person or entity assisting or participating in an adoption from providing partial or complete identifying information between a biological parent and prospective adoptive or adoptive parent if a biological parent and a prospective adoptive or adoptive parent mutually agree to share specific identifying information and each gives written, signed notice of their agreement to the court, the Department of Human Services, the child-placing agency, or any attorney participating or assisting in the direct placement adoption pursuant to the Oklahoma Adoption Act.

~~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. The medical history form completed pursuant to Section 60.5A of this title shall be released by the court upon request of and to the Department of Human Services, any certified adoption agency or licensed child-placing agency having custody of a child who is legally available for adoption, prospective adoptive parents, adoptive parents, or the child if over eighteen (18) years of age~~ Any person in charge of adoption records or having access to adoption records or information who discloses any information pertaining to an adoption proceeding, contrary to the provisions of this section, upon conviction thereof, shall be guilty of a misdemeanor.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 60.18a of Title 10, unless there is created a duplication in numbering, reads as follows:

Any petitions filed with the court pursuant to the Oklahoma Adoption Act when docketed shall have priority over all cases pending on said docket. Any other proceedings concerning the adoption of a child shall be expedited by the court.

SECTION 9. AMENDATORY 10 O.S. 1991, Section 58, as amended by Section 25, Chapter 340, O.S.L. 1995 (10 O.S. Supp. 1995, Section 58), is amended to read as follows:

Section 58. A. When an interlocutory or final decree of adoption has been rendered, a decree terminating parental rights cannot be challenged on any ground, either by a direct or a collateral attack, more than three (3) months after its rendition. The minority of the natural parent shall not operate to prevent this time limit from running.

B. No adoption may be challenged on any ground either by a direct or collateral attack more than one (1) year after the entry of the final adoption decree regardless of whether the decree is void or voidable, and the minority or incompetence of the natural parent shall not operate to prevent this time limit from running.

C. The pendency of an appeal shall not suspend the order of the district court regarding a child, nor shall it remove the child from the custody of that court or of the person, institution, or agency to whose care such child has been committed, unless the Supreme Court shall so order.

~~B.~~ D. In any challenge on any ground either by a direct or collateral attack, the court shall not enter a decision which is contrary to the best interests of the adopted child.

SECTION 10. AMENDATORY 10 O.S. 1991, Section 60.19, is amended to read as follows:

Section 60.19 A. An appeal may be taken from any final order, judgment or decree rendered ~~hereunder~~ pursuant to the Oklahoma Adoption Act to the Supreme Court by any person aggrieved thereby, in the manner provided for appeals from ~~said the court in civil matters~~ as provided in this section.

B. 1. All appeals of cases concerning the adoption of a child or the termination of parental rights for adoption purposes shall be initiated by filing a petition in error in the Supreme Court within thirty (30) days of the filing of the order, judgment, or decree appealed from. The record on appeal shall be completed within thirty (30) days from the filing of the petition in error. Any response to the petition in error shall be filed within twenty (20) days from the filing of the petition in error.

2. The briefing schedule is established as follows:

- a. appellant's brief in chief shall be filed twenty (20) days after the trial court clerk notifies all parties that the record is complete and such notice has been filed in the office of the Clerk of the Supreme Court,
- b. appellee's answer brief shall be filed fifteen (15) days after the appellant's brief in chief is filed,
and
- c. appellant's reply brief may be filed within ten (10) days after the appellee's answer brief is filed.

C. Any appeal when docketed shall have priority over all cases pending on said docket. Adjudication of the appeals and in any other proceedings concerning the adoption of the child described in this section shall be expedited by the Supreme Court.

SECTION 11. AMENDATORY 10 O.S. 1991, Section 60.20, is amended to read as follows:

Section 60.20 When the relationship of parent and child has been created by a decree of adoption of a court of any other state or nation, the rights and obligations of the parties as to matters within the jurisdiction of this state shall be determined by ~~Section 16 of this act~~ the Oklahoma Adoption Act.

SECTION 12. AMENDATORY 10 O.S. 1991, Section 60.26, is amended to read as follows:

Section 60.26 As used in ~~this act~~ the Subsidized Adoption 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, (b) legally or federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act;

2. Legally free for adoption; and ~~(c) in~~

3. In special circumstances because ~~he~~ the child is not likely to be adopted by reason of one or more of the following 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 13. AMENDATORY 10 O.S. 1991, Section 60.27, is amended to read as follows:

Section 60.27 A. The Department of Human Services shall establish and administer an ongoing program of subsidized adoption. Subsidies and services for children who are in the permanent custody of the Department of Human Services under this program shall be provided out of funds appropriated to the Department of Human Services for the maintenance of children in foster care or made available to it from other sources.

B. Children who are in the court-ordered custody of a licensed private nonprofit child-placing agency ~~and certified adoption agency~~ or federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, shall receive subsidies and services from funds appropriated by the Legislature.

C. The Department of Human Services will set as a goal for each fiscal year commencing with the fiscal year which begins on October 1, 1983, that there will be a maximum of forty-five percent (45%) of all children in foster care who will remain in foster care for a period in excess of twenty-four (24) months.

D. The Department of Human Services shall participate in adoption subsidies, foster care review boards, reunification services and protective services to achieve this goal.

SECTION 14. AMENDATORY 10 O.S. 1991, Section 60.28, is amended to read as follows:

Section 60.28 A. Whenever significant emotional ties have been established between a child and his foster parent or parents, and the foster parent or parents seek to adopt the child, the child may be certified as eligible for an adoption maintenance subsidy conditioned upon ~~his~~ adoption of the child under applicable adoption procedures by the foster parent or parents.

B. In all other cases, after reasonable efforts have been made and no appropriate adoptive family without the use of subsidy has been found for a child, the Department of Human Services shall certify the child as eligible for a subsidy in the event of adoption.

C. If the child is in the court-ordered custody of a ~~licensed private nonprofit child-placing agency and certified adoption agency~~ or federally recognized Indian tribe as defined by the federal Indian Child Welfare Act, that agency or tribe shall present to the Department of Human Services ~~(1) evidence:~~

1. Evidence of significant emotional ties between the child and ~~his~~ the foster parent or parents of the child; or ~~(2) evidence~~

2. Evidence of inability to place the child for adoption due to any of the conditions specified in Section ~~2~~ 60.26 of this ~~act~~ title. ~~In the latter case, the~~ The agency or tribe shall present evidence that reasonable efforts have been made to place the child without subsidy, such as recruitment of a potential parent or parents, use of adoption resource exchanges, referral to appropriate specialized adoption agencies and efforts to place the child in a Department of Human Services nonsubsidy adoptive home.

SECTION 15. AMENDATORY 10 O.S. 1991, Section 60.31, is amended to read as follows:

Section 60.31 A. The Department of Human Services, as funds become available for such purposes, shall contract with or join the Oklahoma Children's Adoption Resources Exchange or any other instate or out-of-state or national adoption exchange for purposes of increasing and promoting the placement and adoption of children who are in the custody of the Department of Human Services and in child-placing agencies.

B. Upon contracting with or joining the Oklahoma Children's Adoption Resources Exchange or any instate or out-of-state or national adoption exchange, the Department of Human Services, all certified adoption agencies and all licensed child-placing agencies shall be required to provide certain information to the "Oklahoma Children's Adoption Resource Exchange" or any other instate, out-of-state or national adoption exchange specified by the Department. This shall include, but not be limited to

C. For purposes of the Subsidized Adoption Act:

1. "Adoption exchange" shall include only those exchanges which provide at a minimum a book, updated monthly, which will contain containing a photograph and description of each child whose parental rights have been terminated and is legally available for adoption. The; and

2. "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 16. AMENDATORY 10 O.S. 1991, Section 60.32, is amended to read as follows:

Section 60.32 The Pursuant to the provisions of Section 60.31 of this title, the Department of Human Services, all certified adoption agencies and all licensed child-placing agencies shall be required to provide to the "Oklahoma Children's Adoption Resource Exchange" or any other instate, out-of-state or national adoption exchange specified by the Department, a recent photograph and description of each child in its care whose parental rights have been terminated, who 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 become 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 for the express public purpose of assisting in the adoption of certain children or as otherwise required by the adoption exchange.

SECTION 17. 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~~ Sections 60.31 through 60.35 of this title:

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;~~ this title;

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~~ this title.

SECTION 18. 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" or any other instate, out-of-state or national adoption exchange specified by the Department shall be reported by the Department of Human Services, ~~certified adoption agencies~~ or licensed child-placing agency having legal custody of that child to the "Oklahoma Children's Adoption Resource Exchange" or any other instate, out-of-state or national adoption exchange specified by the Department. ~~This~~ The report shall be completed within twenty (20) working days after the change occurs.

SECTION 19. AMENDATORY 10 O.S. 1991, Section 60.35, is amended to read as follows:

Section 60.35 A child registered with the "Oklahoma Children's Adoption Resource Exchange" or any other instate, out-of-state or national adoption exchange as legally adoptable shall be withdrawn from the register when the exchange receives written notification from the agency having legal custody that the child has been placed in an adoptive home.

SECTION 20. AMENDATORY 10 O.S. 1991, Section 5, is amended to read as follows:

Section 5. A. 1. Pursuant to the provisions of this section, any grandparent of an unmarried minor child shall have reasonable rights of visitation to the child if the district court deems it to be in the best interest of the child. The right of visitation to any grandparent of an unmarried minor child shall be granted only so far as that right is authorized and provided by order of the district court.

2. Except as otherwise provided by paragraphs 5 and 6 of this subsection, if a child is born out of wedlock, the parents of the father of such child shall not have the right of visitation authorized by this section unless such father has been judicially determined to be the father of the child.

3. If one natural parent is deceased and the surviving natural parent remarries, any subsequent adoption proceedings shall not terminate any court-granted grandparental rights belonging to the parents of the deceased natural parent unless said termination of visitation rights is ordered by the court after opportunity to be

heard, and the district court determines it to be in the best interest of the child.

4. Except as otherwise provided by paragraphs 5 ~~and~~, 6 and 7 of this subsection, if the parental rights of one or both parents have been terminated, any person who is the parent of the person whose parental rights have been terminated may be given reasonable rights of visitation if the court determines that a previous grandparental relationship has existed between the grandparents and the child and the district court determines it to be in the best interest of the child.

5. If the child has been born out of wedlock and the parental rights of the father of the child have been terminated, the parents of the father of such child shall not have a right of visitation authorized by this section to such child unless:

- a. the father of such child has been judicially determined to be the father of the child~~+~~ and
- b. the court determines that a previous grandparental relationship existed between the grandparents and the child~~+~~ and
- c. the court determines such visitation rights to be in the best interest of the child.

6. If the child is born out of wedlock and the parental rights of the mother of the child have been terminated, the parents of the mother of such child shall not have a right of visitation authorized by this section to such child unless:

- a. the court determines that a previous grandparental relationship existed between the grandparents and the child~~+~~ and
- b. the court determines such visitation rights to be in the best interest of the child.

7. For the purposes of paragraphs 4, 5 and 6 of this section, the district court shall not grant to the grandparents of an unmarried minor child, visitation rights to that child:

- a. subsequent to the final order of adoption of the child, provided however, any subsequent adoption proceedings shall not terminate any prior court-granted grandparental visitation rights unless said termination of visitation rights is ordered by the court after opportunity to be heard and the district court determines it to be in the best interest of the child, or
- b. if the child had been placed for adoption prior to attaining six (6) months of age.

B. The district courts are vested with jurisdiction to issue orders granting grandparental visitation rights and enforce such visitation rights, upon the filing of a verified application for such visitation rights or enforcement thereof. Notice as ordered by the court shall be given to the person or parent having custody of said child and the venue of such action shall be in the county of the residence of such person or parent.

C. Any transportation costs or other costs arising from any visitation ordered pursuant to this section shall be paid by the grandparent or grandparents requesting such visitation.

SECTION 21. AMENDATORY 10 O.S. 1991, Section 29.1, is amended to read as follows:

Section 29.1 A. Whenever the mother of a child born out of wedlock who has custody of the child executes a relinquishment for the purpose of adoption pursuant to the provisions of Section 28 of ~~Title 10 of the Oklahoma Statutes~~ this title, the person or agency to whom such relinquishment is made shall file a petition with the

district court of the county in which the relinquishment was executed for the termination of the parental rights of the persons entitled to notice pursuant to subsection B of this section unless such rights have been previously terminated or relinquished.

B. Persons entitled to notice, pursuant to this section, shall include:

1. Any person adjudicated by a court in this state to be the father of the child;

2. Any person who is recorded on the child's birth certificate as the child's father;

3. Any person who is openly living with the child and the child's mother at the time the proceeding is initiated or at the time the child was placed in the care of an authorized agency, and who is holding himself out to be the child's father;

4. Any person who has been identified as the child's father by the mother in a sworn statement;

5. Any person who was married to the child's mother within ten (10) months prior or subsequent to the birth of the child; and

6. Any person who has filed with the paternity registry an instrument acknowledging paternity of the child, pursuant to Section ~~6~~ 55.1 of this ~~act~~ title.

C. The court, as necessary, shall order the Department to provide the person or agency filing the petition with the name and address of any person on the registry established pursuant to Section ~~6~~ 55.1 of this ~~act~~ title who must be notified pursuant to the provisions of this section.

D. Notice and hearing pursuant to this section shall comply with the provisions of Section ~~1131~~ 7006-1.2 of ~~Title 10 of the Oklahoma Statutes~~ this title. The notice shall also ~~appraise~~ appraise such person of his legal rights and shall include a clear statement that failure to appear at the hearing shall constitute a denial of interest in the child which denial may result, without further notice of this proceeding or any subsequent proceeding, in the termination of his parental rights and the transfer of the child's care, custody, or guardianship or in the child's adoption.

E. A person may waive ~~his~~ their right to notice under this section. ~~Such~~ The waiver, signed by such person, shall include a statement affirming that the person signing ~~such~~ the waiver understands that ~~said~~ the waiver shall constitute grounds for the termination of ~~his~~ the parental rights of such person pursuant to the provisions of this section and Section 60.6 of this title.

F. 1. At the hearing the court may, if it is in the best interest of the child:

a. accept a relinquishment or consent to adoption executed by the father or putative father of the child~~+~~, or

b. determine that the consent of the father or putative father to the adoption of the child is not required and may terminate any parental rights which ~~such~~ the father or putative father may have~~+~~, or

c. terminate the parental rights of the father or putative father, pursuant to the provisions of this section or Section 1130 of this title~~+~~, or

d. grant custody of the child to the father or putative father, if the court determines ~~such~~ the person to be the father of the child.

2. The court shall terminate the rights of a father or putative father if he fails to appear at the hearing or has waived notice under this section.

G. No order of the court shall be vacated, annulled, or reversed upon the application of any person who was properly served with notice in accordance with this section but failed to appear or who waived notice pursuant to subsection E of this section.

H. An appeal may be taken from any final order, judgment, or decree rendered pursuant to this section to the Supreme Court by any person aggrieved thereby, in the manner provided for appeals from the court as provided in this subsection.

1. All appeals of cases concerning the relinquishment of a child or the termination of parental rights pursuant to this section shall be initiated by filing a petition in error in the Supreme Court within thirty (30) days of the filing of the order, judgment, or decree appealed from. The record on appeal shall be completed within thirty (30) days from the filing of the petition in error. Any response to the petition in error shall be filed within twenty (20) days from the filing of the petition in error.

2. The briefing schedule is established as follows:

- a. appellant's brief in chief shall be filed twenty (20) days after the trial court clerk notifies all parties that the record is complete and such notice has been filed in the office of the Clerk of the Supreme Court,
- b. appellee's answer brief shall be filed fifteen (15) days after the appellant's brief in chief is filed, and
- c. appellant's reply brief may be filed within ten (10) days after the appellee's answer brief is filed.

I. Any appeal when docketed shall have priority over all cases pending on said docket. Adjudication of the appeals and in any other proceedings concerning the relinquishment of the child or the termination of parental rights pursuant to this section shall be expedited by the Supreme Court.

SECTION 22. AMENDATORY 10 O.S. 1991, Section 1125.1, as last amended by Section 58, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7005-1.2), is amended to read as follows:

Section 7005-1.2 A. Except as provided by this section and except as otherwise specifically provided by state and federal laws, the following records are confidential and shall not be open to the general public or inspected or their contents disclosed:

1. Juvenile court records;
2. Agency records;
3. District attorney's records;
4. Law enforcement records;
5. Nondirectory education records;
6. Social records.

B. The limitation of subsection A of this section shall not apply to statistical information and other abstract information obtained pursuant to the provisions of this Code.

C. Except as authorized by Section 620.6 of this title and this article and except as otherwise specifically provided by state and federal laws pertaining to the confidentiality of records and information and the inspection, release, disclosure, correction or expungement of such information, including but not limited to state and federal laws pertaining to education records, medical records, drug or alcohol treatment records, law enforcement, or social service records, the records listed in subsection A of this section shall be confidential and shall be inspected, released, disclosed, corrected or expunged only pursuant to an order of the court. Except as otherwise provided in Section 601.6 of this title, no

subpoena or subpoena duces tecum purporting to compel disclosure of such information or record shall be valid.

D. An order of the court authorizing the inspection, release, disclosure, correction or expungement of confidential records shall be entered by the court only after a review of the records by the court and a determination by the court, with due regard for the confidentiality of the records and the privacy of persons identified in the records, that a compelling reason exists and such inspection, release or disclosure is necessary for the protection of a legitimate public or private interest.

1. Except for district ~~attorney~~ attorney's records, any order authorizing the disclosure, release or inspection of said records pursuant to this subsection may be conditioned on such terms and restrictions as the court deems necessary and appropriate.

2. Upon the filing of a petition for an order of the court pursuant to this section, the court shall set a date for a hearing and shall provide for reasonable notice to the agency holding the records and the person who is the subject of the record if said person is eighteen (18) years of age or older or to the parents of a child less than age eighteen (18) who is the subject of the record, to the attorneys, if any, of such person, child or parents and any other interested party as ordered by the court. The hearing may be closed at the court's discretion.

E. Any agency or person may seek an order from the juvenile court prohibiting the release of information subject to disclosure without an order of the court pursuant to Section 620.6 of this title and this article. The court may, for good cause shown, prohibit the release of such information or authorize release of the information upon such conditions as the court deems necessary and appropriate.

F. The court may authorize a designated person to review juvenile court confidential reports and records and collect statistical information and other abstract information for research purposes. Such authorization shall be in writing and state specifically the type of information which may be reviewed.

Each person granted permission to inspect confidential reports and records for research purposes shall present a notarized statement to the court stating that the names of ~~juveniles~~ children, parents and such other persons required by the court to be confidential will remain confidential.

G. Nothing in Section 620.6 of this title and this article shall be construed as:

1. Authorizing the inspection of records or the disclosure of information contained in records relating to the provision of benefits or services funded, in whole or in part, with federal funds, except in accord with federal statutes and regulations governing the receipt or use of such funds;

2. Authorizing the disclosure of papers, records, books or other information relating to the adoption of a child required to be kept confidential. The disclosure of such information shall be governed by Sections 55.1, 60.17 or 60.29 of this title the Oklahoma Adoption Act;

3. Abrogating any privilege, including the attorney-client privilege, or affecting any limitation on such privilege found in any other statutes;

4. Limiting or otherwise affecting access of parties to a deprived proceeding to records filed with or submitted to the court;

5. Limiting or otherwise affecting access of agencies to information subject to disclosure, review, or inspection by contract

or as a condition for the receipt of public funds or participation in any program administered by the agency; and

6. Prohibiting the Department of Human Services from summarizing the outcome of an investigation to the person who reported a known or suspected instance of child abuse or neglect.

SECTION 23. AMENDATORY Section 3, Chapter 306, O.S.L. 1993, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 19 of Enrolled House Bill No. 2053 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 7005-1.4 A. Department of Human Services agency records pertaining to a child may be inspected and their contents disclosed without a court order to the following persons upon showing of proper credentials and pursuant to their lawful duties:

1. The court having the child currently before it in any proceeding pursuant to this title, any district court or tribal court to which such proceedings may be transferred, employees and officers of the court in the performance of their duties, including but not limited to guardians ad litem appointed by the court, postadjudicatory review boards, court-appointed special advocates, and members of the Child Death Review Board;

2. A district attorney and the employees of an office of a district attorney in the course of their official duties pursuant to this title or the prosecution of crimes against children;

3. The attorney representing a child who is the subject of a proceeding pursuant to the provisions of this title or representing a child pursuant to the laws relating to child abuse and neglect. Said attorney may also access other records listed in subsection A of Section 7005-1.2 of this title for use in the legal representation of the child;

4. Employees of juvenile bureaus in the course of their official duties;

5. Employees of a law enforcement agency of this or another state and employees of a child protective service of another state or federally recognized Indian tribe in the course of their official duties pertaining to investigations of a report of known or suspected child abuse or neglect or crimes against children or for the purpose of determining whether to place a child in protective custody;

6. The Oklahoma Commission on Children and Youth as provided by Sections 601.2 and 601.6 of this title;

7. The Office of Juvenile Affairs;

8. Persons and agencies authorized by Section 7005-1.7 of this title;

9. Members of multidisciplinary teams or multidisciplinary personnel designated by the Department of Human Services, investigating a report of known or suspected child abuse or neglect or providing services to a child or family which is the subject of the report;

10. A physician who has before him a child whom the physician reasonably suspects may be abused or neglected or any health care or mental health professionals involved in the evaluation or treatment of the child, the child's parents, guardian, custodian or other family members;

11. Any public or private agency or person authorized by the Department to diagnose, or provide care, treatment, supervision or other services to a child who is the subject of a report or record of child abuse or neglect, provided the Department may limit such disclosure to summaries or to information directly necessary for the purpose of such disclosure;

12. Any federally recognized Indian tribe or state or county child protective services or child welfare agency providing for or supervising the diagnosis, care, treatment, supervision or other services provided such child;

13. A parent or guardian of the child who is the subject of such records; provided that records pertaining to any alleged or adjudicated abuse or neglect of said child shall not be inspected or disclosed pursuant to this paragraph;

14. Any person or agency for research purposes, if all of the following conditions are met:

- a. the person or agency conducting such research is employed by the State of Oklahoma or is under contract with this state and is authorized by the Department of Human Services to conduct such research, and
- b. the person or agency conducting the research ensures that all documents containing identifying information are maintained in secure locations and access to such documents by unauthorized persons is prohibited; that no identifying information is included in documents generated from the research conducted; and that all identifying information is deleted from documents used in the research when the research is completed;

15. A foster parent, with regard to records concerning the social, medical, psychological or educational needs of a child currently placed with that foster parent or of a child being considered for placement with that foster parent;

16. The Governor or to any person the Governor designates, in writing, and any federal official of the United States Department of Health and Human Services;

17. The Oklahoma Health Care Authority; ~~and~~

18. Any member of the Legislature approved by the Speaker of the House of Representatives or the President Pro Tempore of the Senate; and

19. Any person or agency authorized to receive any paper, record, book or other information pursuant to the Oklahoma Adoption Act pertaining to a child who is the subject of an adoption proceeding or the parents, grandparents or relatives of such child.

B. In accordance with the rules adopted for such purpose pursuant to Section 620.6 of this title, records may be inspected and their contents disclosed without a court order to participating agencies.

C. Nothing in this section shall be construed as prohibiting the Department from disclosing such confidential information as may be necessary to secure appropriate care, treatment, protection or supervision of a child alleged to be abused or neglected.

D. Records and their contents disclosed pursuant to this section shall remain confidential. The use of such information shall be limited to the purposes for which disclosure is authorized. It shall be unlawful and a misdemeanor for any person to furnish any record or disclose any information contained therein for any unauthorized purpose.

E. In cases involving the death of a child when a person responsible for the child has been charged by information or indictment with committing a crime resulting in the child's death, there shall be a presumption that the best interest of the public will be served by public disclosure of certain information concerning the circumstances of the investigation of the death of the child and any other investigations concerning the child.

At any time subsequent to seven (7) days of the date the person responsible for the child has been criminally charged the Department

of Human Services, the Oklahoma Commission on Children and Youth, or the district attorney may release the following information to the public:

1. A confirmation that a report has been made concerning the alleged victim and whether an investigation has begun;

2. Confirmation as to whether previous reports have been made and the dates thereof, the dates and outcome of any investigations or actions taken by the Department of Human Services in response to any report of child abuse or neglect, and any actions taken by the district attorney after submission of any investigative report;

3. The dates of any judicial proceedings prior to the child's death, a summary of each participant's recommendations made at the judicial proceedings, and the rulings of the court.

Any disclosure of information pursuant to this section shall not identify or provide an identifying description of any complainant or reporter of child abuse or neglect, and shall not identify the name of the child victim's siblings, the parent or other person responsible for the child or any other member of the household, other than the person criminally charged.

SECTION 24. AMENDATORY 10 O.S. 1991, Section 1133, as amended by Section 68, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7006-1.4), is amended to read as follows:

Section 7006-1.4 ~~A.~~ After parental rights have been terminated, a court may award custody of the child to any qualified person or agency with authority to consent to the adoption of the child, or the court, in its discretion, may reserve the authority to consent to the adoption of the child. A court shall not consent to or authorize any person or agency to consent to the adoption of a child unless the rights of the parents have been terminated in accordance with the provisions of this act.

~~B. When an interlocutory or final decree of adoption has been rendered, a decree terminating parental rights cannot be challenged on any ground either by a direct or a collateral attack, more than three (3) months after its rendition. The minority of the natural parent shall not operate to prevent this time limit from running.~~

SECTION 25. AMENDATORY 63 O.S. 1991, Section 1-311, as last amended by Section 3, Chapter 273, O.S.L. 1995 (63 O.S. Supp. 1995, Section 1-311), is amended to read as follows:

Section 1-311. A. A certificate of birth for each live birth which occurs in this state shall be filed with the local registrar of the district in which the birth occurs, within seven (7) days after ~~such~~ the birth. ~~Provided; provided,~~ that when a birth occurs on a moving conveyance, a birth certificate shall be filed in the district in which the child was first removed from the conveyance.

B. When a birth occurs in an institution, the person in charge of the institution or ~~his~~ a designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate and file ~~it~~ the certificate with the local registrar. The physician in attendance shall certify to the facts of birth and provide the medical information required by the certificate within five (5) days after the birth.

C. When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

1. The physician in attendance at or immediately after the birth;

2. Any other person in attendance at or immediately after the birth; or

3. The father, the mother, or, in the absence or inability of the father ~~and the inability of the~~ or mother, the person in charge of the premises where the birth occurred and present at the birth.

D. 1. If the mother was married at the time of conception and birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered.

2. If the mother was not married at the time of conception and birth, the name of the father shall be entered on the certificate of birth if:

- a. a determination of paternity has been made by an administrative action through the Department of Human Services or a court of competent jurisdiction, in which case the name of the father shall be entered, or
- b. the mother and father have signed an affidavit acknowledging paternity pursuant to Section 1-311.3 of this title and filed it with the State Registrar of Vital Statistics.

E. Either of the parents of the child shall sign the certificate of live birth to attest to the accuracy of the personal data entered thereon, in time to permit its filing within the seven (7) days prescribed in this section.

SECTION 26. AMENDATORY Section 9, Chapter 356, O.S.L. 1994, as amended by Section 4, Chapter 273, O.S.L. 1995 (63 O.S. Supp. 1995, Section 1-311.3), is amended to read as follows:

Section 1-311.3 A. ~~Upon~~ Unless an adoption decree has been presented, and consent to adoption has been given as otherwise provided by law, upon the birth of a child to an unmarried woman, the person required by Section 1-311 of ~~Title 63 of the Oklahoma Statutes~~ this title to prepare and file a birth certificate shall:

1. Provide written materials to the child's mother and/or natural father including an affidavit acknowledging paternity on a form prescribed by the Department of Human Services. The completed affidavit shall be filed with the local registrar. The affidavit shall contain:

- a. a statement by the mother consenting to the assertion of paternity and stating ~~that this is~~ the name of the father,
- b. a statement by the father that he is the natural father of the child, and
- c. the social security numbers of both parents;

2. Provide written information, furnished by the Department of Human Services, to the mother:

- a. explaining that the completed, notarized affidavit shall be filed with the local registrar,
- b. regarding the benefits of having her child's paternity established and of the availability of paternity establishment services, including a request for support enforcement services, and
- c. explaining the implications of signing, including parental rights and responsibilities; and

3. Provide the original affidavit acknowledging paternity to the Office of the State Registrar of Vital Statistics ~~and copies.~~ Copies of the original affidavit acknowledging paternity shall be provided to the Department of Human Services Child Support Enforcement Division and to the mother and acknowledged father of the child. The Department of Human Services shall provide access to the affidavits acknowledging paternity via electronic means to the

paternity registry created pursuant to Section 55.1 of Title 10 of the Oklahoma Statutes.

B. The Department of Human Services shall make ~~such the~~ affidavits acknowledging paternity available at each county office of the Department and at the Office of the State Registrar of Vital Statistics and at the office of each local registrar.

C. Upon receipt by the State Registrar of Vital Statistics of a certified copy of an order or decree of adoption, the State Registrar shall prepare a supplementary birth certificate as directed by Section 60.18 of Title 10 of the Oklahoma Statutes regardless of whether an affidavit acknowledging paternity has been prepared or filed with the Office of the State Registrar of Vital Statistics pursuant to this section.

SECTION 27. AMENDATORY 63 O.S. 1991, Section 1-316, is amended to read as follows:

Section 1-316. ~~(a)~~ A. The State Commissioner of Health shall establish a new certificate of birth for a person born in this state, when ~~he~~ the Commissioner receives the following:

~~(1) an~~ 1. An adoption certificate as provided in the ~~Uniform Oklahoma~~ Adoption Act, or a certified copy of the decree of adoption together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person; ~~and~~

~~(2) a~~ 2. A request that a new certificate be established and such evidence as required by regulation proving that such person has been legitimated, or that a court of competent jurisdiction has determined the paternity of such a person.

~~(b)~~ B. When a new certificate of birth is established, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth:

~~(1)~~ 1. Thereafter, the original certificate and the evidence of adoption, paternity, or legitimation shall not be subject to inspection except upon order of a court of competent jurisdiction ~~or as otherwise specifically provided by law; and~~

~~(2)~~ 2. Upon receipt of notice of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of a court of competent jurisdiction.

SECTION 28. RECODIFICATION 10 O.S. 1991, Section 58, as last amended by Section 9 of this act, shall be recodified as Section 60.18b of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 60.23, as amended by Section 1 of this act, shall be recodified as Section 60 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 29. REPEALER 10 O.S. 1991, Sections 57 and 60.5A, as amended by Section 1, Chapter 253, O.S.L. 1993 (10 O.S. Supp. 1995, Section 60.5A), are hereby repealed.

SECTION 30. 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.

Passed the House of Representatives the 28th day of May, 1996.

Speaker of the House of
Representatives

Passed the Senate the 29th day of May, 1996.

President of the Senate