

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2983

By: Roach

AS INTRODUCED

An Act relating to children; amending 10 O.S. 1991, Sections 57, 60.5A, as amended by Section 1, Chapter 253, O.S.L. 1993, and 60.17, as amended by Section 3, Chapter 253, O.S.L. 1993 (10 O.S. Supp. 1995, Sections 60.5A and 60.17), which relate to medical history and social history forms; authorizing access to certain persons; adding to medical history and social history forms; providing for release of 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 57, is amended to read as follows:

Section 57. A. ~~Except as otherwise provided by this section,~~  
~~all~~ 1. All records of proceedings in adoption cases and all papers and books relating to such proceedings, including but not limited to the medical history and social history forms required by Section 60.5A of this title and any other medical or social information obtained in the adoption proceeding, shall be kept as a permanent record of the court and maintained in a separate ~~confidential~~ file ~~in the court clerks vault~~ by the court clerk, ~~and.~~

2. Except for medical and social history forms and any other medical and social history information obtained as a result of proceedings in adoption cases:

a. all records, papers and books relating to such proceedings shall be confidential and shall not be open to inspection or copy except upon order of a court of record for good cause shown.

~~B.~~ b. 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 restrict the purposes for which it shall be used.

~~C. No person in charge of adoption records in the district court shall disclose the names of the natural or adoptive parents of a child unless ordered to do so by a court of record~~

3. The provisions of paragraph 1 of subsection B of this section shall apply to medical history and social history forms, and any other medical or social history information obtained as a result of an adoption proceeding.

~~D.~~ B. 1. The district court having jurisdiction over the adoption proceedings, 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 or any attorney participating or assisting in a direct placement adoption pursuant to the Uniform Adoption Act shall release a copy of the medical history, and social history forms as defined by Section 60.5A of this title and any other medical and social history information available to the district court, the Department of, such agency, or such attorney concerning the child, the natural biological parents of the child and the biological grandparents of the child to the prospective adoptive parents or adoptive parent of the adoptive child.

2. The release of any medical history ~~of~~ or social history information concerning the child, the ~~natural~~ biological parents of the child or ~~and~~ the ~~natural~~ biological grandparents of the child shall be released in such a way manner that no person other than the child can be identified.

3. The medical history ~~may~~ or social history shall include but is not limited to the information received pursuant to ~~Section~~ Sections 60.5A and 60.17 of this title or any other medical or social history information or records regarding the child obtained by the district court, the Department or licensed child-placing agency during the custody of the child or obtained by any attorney participating or assisting in the direct placement adoption pursuant to the Uniform Adoption Act.

C. The provisions of this section concerning the release of any confidential records, papers and books or any medical and social histories obtained in any adoption proceeding including identifying information shall not prohibit:

1. Persons employed by the court, the Department of Human Services or other agencies of the state or federal agencies, or a licensed child-placing agency from obtaining such information when conducting investigations or performing other duties concerning the child or the biological parents of the child; and

2. Persons employed by the court, the Department of Human Services, an attorney participating or assisting in a direct placement adoption pursuant to the Uniform Adoption Act or a licensed child-placing agency from providing partial or complete identifying information between a biological parent and prospective adoptive or adoptive parent when the parties mutually agree to share specific identifying information and make a written request to, as applicable, the court, the Department of Human Services, the licensed child-placing agency or any attorney participating or

assisting in the direct placement adoption pursuant to the Uniform Adoption Act.

~~E.~~ D. 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 2. AMENDATORY 10 O.S. 1991, Section 60.5A, as amended by Section 1, Chapter 253, O.S.L. 1993 (10 O.S. Supp. 1995, Section 60.5A), is amended to read as follows:

Section 60.5A A. Any person required to consent to the adoption of a child pursuant to the provisions of Section 60.5 of this title shall complete a medical history and a social history form containing, as far as is ascertainable, the medical history and social history of the child to be adopted, the medical history and social history of the ~~natural~~ biological parents of the child, and the medical history and social history of the ~~natural~~ biological grandparents of the child.

B. Specifically, the medical history form shall ~~only contain~~ include, but is not limited to, information concerning:

1. The child, which shall include:

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

2. Parents of the child, which shall include:

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

- c. physical characteristics of the biological parents, including age at the time of the child's birth, height, weight, and color of eyes, hair and skin or other information of a similar nature,
- d. a gynecologic and obstetric history of the biological mother,
- e. a record of potentially inheritable genetic or physical traits or tendencies of the biological parents and other children of the biological parents, and
- f. any other useful or unusual biological information that the biological parents are willing to provide; and

3. ~~Grandparents~~ The grandparents of the child, which shall include ~~allergies~~ but is not limited to:

- a. allergies, diseases, and illnesses including but not limited to high blood pressure, diabetes, heart disease, and epilepsy.

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

- b. general physical appearance, including height, weight, color of hair, eyes, and skin, or other information of a similar nature, of the biological grandparents, and
- c. a record of potentially inheritable genetic or physical traits or tendencies of the biological grandparents or of extended families.

C. Specifically, the social history form shall include, but is not limited to, the following social history information concerning the biological parents and biological grandparents, and the child:

- 1. Age in years at the time of adoption;
- 2. Circumstances leading to the adoption;

3. Heritage, including but not limited to nationality, ethnic background, and race;

4. Education history of the child, including number of years of school completed at the time of adoption, but not name or location of school;

5. Religion of the child and of the biological parents and biological grandparents;

6. Occupation of the biological parents and grandparents, but not specific titles or places of employment;

7. Talents, hobbies, and special interests of the child and of the biological parents and biological grandparents;

8. Other children of the biological parents by age, sex, and medical history;

9. Extended family of the biological parents and biological grandparents; and

10. If a death has occurred, the fact of the death, and age and cause, if known, of the biological parents and biological grandparents.

~~C.—Such~~ D. A copy of such medical history form and social history form shall be released by the district court having jurisdiction over the adoption proceedings, the Department of Human Services, the licensed child-placing agency or any attorney participating or assisting in the direct placement adoption pursuant to the Uniform Adoption Act or a child-placing agency upon request of and to, as applicable, 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, any attorney participating or assisting in the direct placement adoption pursuant to the Uniform Adoption Act, or the prospective adoptive parents, adoptive parents, or the child if over eighteen (18) years of age.

~~D.~~ E. Any medical or social information authorized to be released pursuant to this section ~~and Section 60.17 of this title~~ shall be released in such a way that no person, except the child, can be identified.

F. The provisions of this subsection shall not prohibit:

1. Persons employed by the court, the Department of Human Services or other agencies of the state or federal agencies, or a licensed child-placing agency from obtaining identifying medical and social history information necessary to conduct investigations or perform other duties related to the child or the biological parents or grandparents of the child; and

2. Persons employed by the court, the Department of Human Services, an attorney participating or assisting in a direct placement adoption pursuant to the Uniform Adoption Act or a licensed child-placing agency from providing partial or complete identifying information between a biological parent and adoptive parent when the parties mutually agree to share specific identifying information and make a written request to, as applicable, the court, the Department of Human Services, the licensed child-placing agency or any attorney participating or assisting in the direct placement adoption pursuant to the Uniform Adoption Act or a child-placing agency.

SECTION 3. 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 which has jurisdiction over the adoption proceeding, 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 including all medical and social history information obtained in the adoption proceeding:

1. Shall be kept as a permanent record of the court and ~~withheld from~~ maintained in a separate file by the court clerk; and

2. Except for medical and social history forms authorized to be released pursuant to this section and Sections 57 and 60.5A of this title, all such papers and records shall not be open to inspection except as otherwise provided by this section. No person shall have access to such records except upon order of the judge of the a court in which the decree of adoption was entered of record, for good cause shown or as otherwise authorized by this section.

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.~~

~~D.~~ 1. The district court having jurisdiction over the adoption proceeding, or 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 or any attorney participating or assisting in the direct placement adoption pursuant to the Uniform Adoption Act shall:

1. Give a copy of the medical history, and social history forms as defined by Section 60.5A of this title and other medical and social history information available to, as applicable, the district court, the Department of, such agency, or such attorney concerning the child, of the natural biological parents of the child and of the biological grandparents of the child to prospective adoptive parents or adoptive parents of the adoptive child;

2. Release, upon request of and to, as applicable, the district court, the Department of Human Services, licensed child-placing agency having custody of a child who is legally available for

adoption, any attorney participating or assisting in the direct placement adoption pursuant to the Uniform Adoption Act or the child if over eighteen (18) years of age;

3. The release of any medical and social history of the ~~natural~~ biological parents of the child or ~~the natural~~ grandparents of the child shall be released in such a way manner that no person other than the child can be identified; and

~~3.~~ 4. The medical and social history may shall include but not be limited to the information received pursuant to ~~Section~~ Sections 60.5A and 57 of this title or any other medical and social information or records regarding the child obtained by the district court, the Department or agency during the custody of the child or obtained by any attorney participating or assisting in the direct placement adoption pursuant to the Uniform Adoption Act or a child-placing agency.

~~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.~~

D. The provisions of this section shall not prohibit:

1. Persons employed by the court, the Department of Human Services or other agencies of the state or federal agencies, or a licensed child-placing agency 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. Persons employed by the court, the Department of Human Services, an attorney participating or assisting in a direct placement adoption pursuant to the Uniform Adoption Act or a licensed child-placing agency from providing partial or complete identifying information between a biological parent and prospective

adoptive or adoptive parent when the parties mutually agree to share specific identifying information and make a written request to the court, the Department of Human Services, the licensed child-placing agency or any attorney participating or assisting in the direct placement adoption pursuant to the Uniform Adoption Act.

SECTION 4. This act shall become effective November 1, 1996.

45-2-8065

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