

ENROLLED HOUSE
BILL NO. 1241

By: Roach, Tyler and
Braddock of the House

and

Henry of the Senate

An Act relating to adoption; amending 10 O.S. 1991, Sections 60.23, as amended by Section 1, Chapter 297, O.S.L. 1996, and as renumbered by Section 28, Chapter 297, O.S.L. 1996, 60.22, 60.1, as amended by Section 2, Chapter 297, O.S.L. 1996, 60.4, 60.20, as amended by Section 11, Chapter 297, O.S.L. 1996, 60.3, 60.5, as last amended by Section 3, Chapter 297, O.S.L. 1996, 60.10, Section 4, Chapter 297, O.S.L. 1996, Section 5, Chapter 297, O.S.L. 1996, 60.17, as last amended by Section 7, Chapter 297, O.S.L. 1996, 60.7a, Section 8, Chapter 297, O.S.L. 1996, 60.12, as amended by Section 2, Chapter 122, O.S.L. 1994, 60.6, as amended by Section 2, Chapter 253, O.S.L. 1993, 60.13, as amended by Section 3, Chapter 122, O.S.L. 1994, 60.15, as amended by Section 4, Chapter 122, O.S.L. 1994, 60.14, 60.16, as amended by Section 6, Chapter 297, O.S.L. 1996, 60.18, 60.19, as amended by Section 10, Chapter 297, O.S.L. 1996, 58, as last amended by Section 9, Chapter 297, O.S.L. 1996, and as renumbered by Section 28, Chapter 297, O.S.L. 1996, 55.1 and 60.21 (10 O.S. Supp. 1996, Sections 60, 60.1, 60.20, 60.5, 60.5B, 60.5C, 60.17, 60.18a, 60.12, 60.6, 60.13, 60.15, 60.16, 60.19 and 60.18b), which relate to the Oklahoma Adoption Act; renaming the Oklahoma Adoption Act to the Oklahoma Adoption Code; providing for composition of Code; providing for legislative beliefs and legislative intents; modifying and adding definitions; providing for jurisdiction of the court; specifying certain conditions; providing for situation when court does not have jurisdiction; providing exceptions; providing where adoptions may be brought; providing for venue for certain proceedings; requiring recognition of certain decrees, judgments and final orders; providing for rights and obligations of the parties; making certain residency requirements; authorizing certain readoption proceedings; providing for foreign adoptions; providing certain conditions, requirements and procedures; authorizing certain waivers; providing for placement; specifying persons who are eligible to adopt; specifying certain written consents for adoption or permanent relationships by certain persons; specifying certain persons, relationships, conditions and restrictions; authorizing out-of-wedlock and juvenile consents; authorizing certain

consents and conditions; requiring certain court procedures; providing for certain written instruments; providing for designation of certain persons to consent for certain child-placing agencies; providing for certain translations; providing for who and when certain persons may execute valid consents to the adoption of minors; providing for execution of permanent relinquishments; specifying procedures; limiting who may take permanent relinquishments; requiring recordation; providing for contents and other information; providing for appointment of counsel; requiring filings with the court; providing for verification form; providing for consents to adoption; providing procedures; providing for contents; requiring recordation; providing for consents for certain minors; requiring informed consents; requiring certain explanations of availabilities of certain information; providing for counsel; requiring assumption of certain duties by county indigent defenders; providing for contents of verifications; providing for affidavits of nondisclosure; requiring judges to advise certain persons of documents and other information relating to disclosure documents; providing for availability of forms; requiring certain processes and procedures; providing for revocations; making failure to follow certain procedures not grounds for certain challenges; providing for extrajudicial consents; requiring procedures; providing for executions of consents; specifying and providing for effects; providing for contents; providing for revocations; providing for procedures; requiring certain notices; making unrevoked extrajudicial consents certain waivers of certain rights; providing for preservation of certain responsibilities; making certain consents and relinquishments irrevocable; authorizing certain revocations; providing for burdens of proof; setting certain time periods; requiring certain notices; specifying persons to be provided notice; authorizing certain orders; providing for Notice of Plan for Adoption; providing for service; making certain services not sufficient; providing for contents; providing certain choices; providing time period; providing for affect of failure to file; providing for right to notice; providing for preservation of certain rights; specifying effect of filing; providing for support; providing for effect of failure if adoption fails; prohibiting certain grounds; requiring notification of filings by putative father; providing for certain actions; clarifying and updating language relating to medical and social history forms and information; making completion of medical and social histories not required in certain situations; providing for certain copies; removing authorization for use of certain information by certain person; clarifying language relating to disclosure of confidential information; requiring appointment of attorney for

child in contested cases; authorizing appointment of attorney in noncontested cases; requiring appointment of guardian ad litem; providing for qualifications and duties; providing for access to certain records and information; providing for immunity; providing for preadoption termination of parental rights; providing for notice and hearing; providing for certain filings; providing for procedures and processes; providing for contents; providing for certain types of notice in certain cases; providing for publication; specifying certain conditions and restrictions; providing for waiver of notice; providing for construction of waivers; providing for appointment of counsel; providing for hearing; providing for certain court actions, decisions and determinations; requiring separate hearings for determination of custody; providing certain time periods; providing for termination in certain situations; providing for certain evidence; prohibiting certain vacations, annulments and set asides; providing for appeals; providing for filings; specifying time periods; establishing briefing schedule; providing for priority; providing for petition for adoptions; providing for contents; requiring certain information; providing for disclosure of court costs; requiring review and approval or disapproval; making certain payments if made in compliance not certain violations; specifying certain authorized payments; providing for certain considerations and comparisons for determining proper other fees; providing for application of subsection; authorizing certain extensions; directing payment to certain third parties; providing for certain processes and procedures; authorizing certain initial amount without first obtaining court approval; providing for adoption without consent and termination of parental rights; providing for filing of application for determination that certain consent requirements are not necessary; specifying certain grounds; providing certain time periods; providing for contents; providing for purpose; requiring certain publication and notice; authorizing waiver; requiring certain affirmations; providing for method and procedures; authorizing appointment of counsel; providing for certain determinations; providing for hearing; authorizing termination of parental rights; prohibiting certain determinations; providing time periods; providing for appeals; providing for procedures; requiring certain petitions; establishing a briefing schedule; providing for persons whose consent is not required for adoptions; specifying persons and entities; specifying conditions; qualifying language; limiting scope of section; requiring certain support; requiring certain responsibility; requiring certain inquiries relating to parentage of the father; specifying contents; requiring certain notice; providing for penalty for

nondisclosure of name of father; providing for preplacement home studies; authorizing waivers; providing for exemptions; specifying certain time periods; requiring certain determinations for waivers; requiring certain findings; specifying contents of home studies; requiring certain reports; requiring reports to be made part of files; providing for conduct of home studies and preparation of reports; listing certain persons and entities; providing qualifications for person conducting home study; authorizing separate investigations; providing for issuance of interlocutory decrees; requiring certain filings; requiring certain documents and certifications; providing for absent documents; providing for the filing of issuance of final adoption decrees; providing for hearing; setting certain time periods; providing for service and other notice; providing for appearances; providing for certain orders and determinations; providing for denial of certain petitions for adoption; requiring issuance of orders for legal and physical custody of child; providing for effect of adoption on minor, adoptive parents, and biological parents; clarifying effect on certain vested rights; providing procedures for filing supplementary birth certificates or other birth certificates; requiring sealing of records with certain documents; providing for restoration of original certificates; authorizing certain persons to obtain original copy of birth certificate; specifying certain conditions; limiting certain releases; requiring nondisclosure of certain documents; providing for appeals; providing for filings; setting time periods; modifying and adding to the Paternity Registry of the Department of Human Services; specifying purpose; authorizing who may file; authorizing who has access to registry; requiring maintenance of certain information; specifying contents; providing for accessibility of information; authorizing certain designations; providing for service of notice; providing for revocations to claim paternity; providing for adult adoptions and adult adoptee services; requiring maintenance of certain records; providing for transfer of records to the Department of Human Services; providing for the establishment of a Mutual Consent Voluntary Registry; specifying persons who may register; prohibiting certain uses of registry; providing for procedures; requiring certain investigations; requiring certain information and statements; requiring forms; requiring certain designations; providing for certain matches; prohibiting certain solicitations; providing for penalties for certain disclosures; providing for establishment of a search program through use of a confidential intermediary; providing for qualifications; prohibiting certain uses; providing for certain investigations; providing for administration of the program; providing for promulgation of rules;

requiring certain training; requiring an oath of confidentiality; requiring certain affirmations; requiring certain documentary proof for certification; providing for certain record searches; requiring certain contracts and inquiries; providing for obtaining certain historic information; requiring certain transmissions; requiring procedures; requiring certain disclosures; providing for retention of records; authorizing certain charges; making certain actions related to conditions for discharges of infants; requiring certain releases; providing for liability; providing penalties; amending 10 O.S. 1991, Sections 60.25, 60.31, as amended by Section 15, Chapter 297, O.S.L. 1996 and 61 (10 O.S. Supp. 1996, Section 60.31), which relate to subsidized adoptions; amending Section 2, Chapter 92, O.S.L. 1995, as renumbered by Section 21, Chapter 353, O.S.L. 1995, Section 3, Chapter 92, O.S.L. 1995, as renumbered by Section 21, Chapter 353, O.S.L. 1995, and Section 4, Chapter 92, O.S.L. 1995, as renumbered by Section 21, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1996, Sections 60.52, 60.53 and 60.54), which relate to the Adoption Law Reform Committee; amending 28 O.S. 1991, Section 152, as last amended by Section 5 of Enrolled Senate Bill No. 441 of the 1st Session of the 46th Oklahoma Legislature, which relates to certain fees; increasing certain adoption fees; directing use of increased funds; amending 10 O.S. 1991, Sections 1109, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 6, Chapter 200, O.S.L. 1996, and 1130, as last amended by Section 65, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1996, Sections 7003-3.7 and 7006-1.1), which relate to certain appointments and termination of parental rights subject to the Oklahoma Children's Code; providing for application of act; amending 21 O.S. 1991, Section 866, which relates to the crime of trafficking in children; clarifying and updating language; adding to list of acts constituting the crime of trafficking in children; providing for failure to file certain reports; modifying termination date; repealing 10 O.S. 1991, Sections 29.1, as amended by Section 21, Chapter 297, O.S.L. 1996, and 60.2, 60.7, 60.9, 60.11 and Section 5, Chapter 92, O.S.L. 1995, as renumbered by Section 2, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1996, Sections 29.1 and 60.55), which relate to permanent relinquishments, notice and hearings, and adoption proceedings; providing for codification; providing for recodification; providing effective dates; and declaring an emergency.

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

Chapter 75

Oklahoma Adoption Code

Article 1. State Policy and General Definitions

SECTION 1. AMENDATORY 10 O.S. 1991, Section 60.23, as amended by Section 1, Chapter 297, O.S.L. 1996, and as renumbered by Section 28, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, Section 60), is amended to read as follows:

Section 60. A. Chapter 2A 75 of Title 10 of the Oklahoma Statutes this title shall be known and may be cited as the "Oklahoma Adoption Act Code".

B. The Oklahoma Adoption Code shall be composed of eleven articles:

Article 1. State Policy and General Definitions.

Article 2. Jurisdiction, Venue and Choice of Law.

Article 3. Adoption of Minors.

Article 4. Medical and Social Histories.

Article 5. Adoption Proceedings.

Article 6. Paternity Registry.

Article 7. Adult Adoptions.

Article 8. Adult Adoptee Services.

Article 9. General Prohibitions.

Article 10. Subsidized Adoption Programs.

Article 11. Studies and Committees.

C. All statutes hereinafter enacted and codified in Chapter 75 of this title shall be considered and deemed part of the Oklahoma Adoption Code.

D. The provisions of the Oklahoma Adoption Code shall not invalidate any adoption heretofore granted by any court.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 60.22, is amended to read as follows:

Section 60.22 ~~This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of these states which enact it; provided that nothing in this act shall affect the validity of any order or decree of adoption heretofore made~~

A. The Legislature of this state believes that every child should be raised in a secure, loving home and finds that adoption is the best way to provide a permanent family for a child whose biological parents are not able or willing to provide for the child's care or whose parents believe the child's best interest will be best served through adoption. The purpose of the Oklahoma Adoption Code is to:

1. Ensure and promote the best interests of the child in adoptions and to establish an orderly and expeditious process for movement of adoption matters through the courts;

2. Affirm that the parent-child relationship is fundamental and that all adoption laws should be fair to the child and to each parent of the child;

3. Affirm the duty of the biological parents to provide appropriately for the care of the child unless custody of the child has been transferred either voluntarily or involuntarily;

4. Affirm the duty of a noncustodial parent to:

a. provide financial support for the parent's biological child, and otherwise exercise parental responsibilities,

b. maintain a parent-child relationship, regardless of the absence of any court order to that effect, and

c. provide for the appropriate financial support of the mother of the child during her term of pregnancy;

5. Affirm the duty of a male person who has sexual relations with a female person outside of marriage to be aware that a pregnancy might occur;

6. Affirm the duty of the biological father of a child who is to be born or who is born outside of marriage to exercise his parental responsibilities for the child. This includes the duty to inform himself about the existence and needs of any such child and to exercise parental responsibilities toward that child even before birth;

7. Encourage prebirth planning for adoption as a means of facilitating adoption of a child into a permanent family as soon as possible. To that end, the Oklahoma Adoption Code provides for a prebirth notice of a plan for adoption and for procedures by which a putative father may give his consent or otherwise respond to the notice;

8. Ensure that children placed for adoption will be raised in stable, permanent loving families whose qualifications for adoption have been properly evaluated in light of the child's needs;

9. Promote and strengthen the integrity and finality of adoptions by limiting the time and circumstances for a consent to be withdrawn or a challenge to the adoption filed; and

10. Recognize the right of all children who have been adopted to have access to information about their social and medical history.

B. It is the intent of the Legislature to balance the privacy rights of all parties to an adoption while clarifying when and to whom information may be released. The Legislature seeks to promote voluntary reunions, provide for confidential intermediaries, and collect and maintain social and medical information relating to the adoption in the recognition that all children should have access to knowledge about their heritage.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 60.1, as amended by Section 2, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, Section 60.1), is amended to read as follows:

Section 60.1 As used in the Oklahoma Adoption Act Code:

1. "Adoptee" means an individual who is adopted or is to be adopted;

2. "Adult" means an individual who has attained eighteen (18) years of age;

3. "Child" or "minor Minor" means any ~~unmarried or unemancipated~~ person who has not attained the age of eighteen (18) years;

~~2-~~ 4. "Child-placing agency" means any child welfare agency licensed pursuant to the Oklahoma Child Care Facilities Licensing Act and authorized to place ~~children~~ minors for adoption;

~~3-~~ 5. "Contested proceeding" means any proceeding pursuant to the Oklahoma Adoption Code in which an interested party enters an appearance to contest the petition;

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

~~4-~~ 7. "Direct placement adoption" means any adoption in which the ~~child~~ minor is not placed for adoption by the Department of Human Services or a ~~licensed~~ child-placing agency;

8. "Guardian" means an individual, other than a parent, appointed by a court to be the guardian of the person of a minor;

9. "Parent" means an individual who is the biological or adoptive parent of a child or who is legally recognized as a mother or father of a child. The term "parent" does not include an individual whose parental relationship to a child has been terminated;

10. "Permanent relinquishment" means the voluntary surrender of the rights of the parent or guardian with respect to a minor, including legal and physical custody of the minor, to a child-placing agency, Department of Human Services or any person with the assent of the court, by a minor's parent or guardian, for purposes of the minor's adoption;

11. "Putative father" means the father of a minor born out of wedlock or a minor whose mother was married to another person at the time of the birth of the minor or within the ten (10) months prior to the birth of the minor and includes, but is not limited to, a man who has acknowledged or claims paternity of a minor, a man named by the mother of the minor to be the father of the minor, or any man who is alleged to have engaged in sexual intercourse with a woman during a possible time of conception;

12. "State" means any state, territory, or possession of the United States, the commonwealth of Puerto Rico, and the District of Columbia; and

13. "Stepparent" means an individual who is the spouse or surviving spouse of a parent of a minor, but who is not a legal parent of the minor.

Article 2. Jurisdiction, Venue and Choice of Law

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7502-1.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in this section, a court of this state has jurisdiction over proceedings to terminate parental rights and proceedings for the adoption of a minor commenced pursuant to the Oklahoma Adoption Code if:

1. a. immediately preceding commencement of the proceeding, the minor lived in this state with a parent, a guardian, a prospective adoptive parent, or another person acting as parent, for at least six (6) consecutive months, excluding periods of temporary absence, or
- b. in the case of a minor under six (6) months of age, lived in this state from soon after birth with any of those individuals and there is available in this state substantial evidence concerning the minor's present or future care;

2. Immediately preceding commencement of the proceeding, the prospective adoptive parent lived in this state for at least six (6) consecutive months, excluding periods of temporary absence, and there is available in this state substantial evidence concerning the minor's present or future care;

3. The child-placing agency that placed the minor for adoption is located in this state and it is in the best interest of the minor that a court of this state, assume jurisdiction because:

- a. the minor and the minor's parents, or the minor and the prospective adoptive parent, have a significant connection with this state, and
- b. there is available in this state substantial evidence concerning the minor's present or future care;

4. The minor and the prospective adoptive parent are physically present in this state, and the minor has been abandoned or it is necessary in an emergency to protect the minor because the minor has been subjected to or threatened with mistreatment or abuse or is otherwise neglected; or

5. It appears that no other state would have jurisdiction under prerequisites substantially in accordance with paragraphs 1 through 4 of this subsection, or another state has declined to exercise

jurisdiction on the ground that this state is the more appropriate forum to hear a petition for adoption of the minor, and it is in the best interest of the minor that a court of this state assume jurisdiction.

B. A court of this state shall not exercise jurisdiction over a proceeding for adoption of a minor if, at the time the petition for adoption is filed, a proceeding concerning the custody or adoption of the minor is pending in a court of another state exercising jurisdiction substantially in conformity with the Uniform Child Custody Jurisdiction Act or the Oklahoma Adoption Code, unless the proceeding is stayed by the court of the other state because this state is a more appropriate forum or for another reason.

C. If a court of another state has issued a decree or order concerning the custody of a minor who may be the subject of a proceeding for adoption in this state, a court of this state shall not exercise jurisdiction over a proceeding for adoption of the minor unless:

1. The court of this state finds that the court of the state which issued the decree or order:
 - a. does not have continuing jurisdiction to modify the decree or order under jurisdictional prerequisites substantially in accordance with the Uniform Child Custody Jurisdiction Act or has declined to assume jurisdiction to modify the decree or order, or
 - b. does not have jurisdiction over a proceeding for adoption substantially in conformity with paragraphs 1 through 4 of subsection A of this section or has declined to assume jurisdiction over a proceeding for adoption; and

2. The court of this state has jurisdiction pursuant to this section over the proceeding for adoption.

SECTION 5. AMENDATORY 10 O.S. 1991, Section 60.4, is amended to read as follows:

Section 60.4 Proceedings for adoption may be brought in the district court, ~~or any specially created court having jurisdiction~~ in the county where the petitioners or the child to be adopted reside.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7502-1.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided by this section, a proceeding to terminate parental rights pursuant to Article 5 of the Oklahoma Adoption Code or an adoption in this state of a minor born in this state or brought into this state from another state by a prospective adoptive parent, or by a person who places the minor for adoption in this state, is governed by the laws of this state, including but not limited to, the Oklahoma Adoption Code and the Interstate Compact on the Placement of Children.

B. In a proceeding to terminate parental rights pursuant to Article 5 of the Oklahoma Adoption Code or in an adoption proceeding, an application to terminate parental rights or application for adoption without consent, the court shall apply the law of the state of residence of the mother at the time of the acts or omissions which are alleged in support of the motion or application.

SECTION 7. AMENDATORY 10 O.S. 1991, Section 60.20, as amended by Section 11, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, 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 the Oklahoma Adoption Act~~

A. The courts of this state shall recognize a decree, judgment, or final order creating the relationship of parent and child by adoption, issued by a court or other governmental authority with appropriate jurisdiction in a foreign country or in another state or territory of the United States. The rights and obligations of the parties as to matters within the jurisdiction of this state shall be determined as though the decree, judgment, or final order were issued by a court of this state.

B. A minor born outside of the United States may be adopted in Oklahoma if one or both of the petitioners for adoption are citizens of Oklahoma and the minor is residing in Oklahoma at the time the petition for adoption is filed.

C. An adoptive parent of a minor adopted outside of the United States may petition to readopt the minor under Oklahoma law, if one or both of the petitioners are citizens of Oklahoma and the minor is residing in Oklahoma at the time the petition for adoption is filed.

D. A proceeding to adopt or readopt a minor born outside of the United States shall proceed pursuant to the Oklahoma Adoption Code, with the following provisions:

1. The court may grant a decree of adoption without requiring notice to the biological parent and without requiring the consent of the biological parent, if the petitioner files with the petition for adoption a copy of the decree of adoption or termination of parental rights granted by a judicial, administrative, or executive body of the country of origin, or a document or documents from such a governmental body stating that the biological parent has consented to the adoption, or stating that the parental rights of the biological parent of the minor have been terminated, or stating that the minor to be adopted has been relinquished by the biological parent or stating that the minor has been abandoned. Any document in a foreign language shall be translated into English by the Department of State or by a translator who shall certify the accuracy of the translation, and a copy of the translation and certification shall be filed with the court along with a copy of the original documents;

2. If a minor born outside of the United States is in the legal custody of a child-placing agency at the time that the petition for adoption is filed, notice of the proceedings shall be given to the child-placing agency prior to the hearing on the petition, and the consent of the child-placing agency to the adoption shall be obtained pursuant to Section 9 of this act prior to the granting of the decree of adoption; and

3. In a proceeding to readopt a minor previously adopted by a petitioner in a foreign country, the court may waive the issuance of an interlocutory decree of adoption and the waiting period of six (6) months provided in Sections 33 and 35 of this act, and grant a final decree of adoption, if:

- a. the minor has been in the home of petitioner for at least six (6) months prior to the filing of the petition for adoption, and
- b. a postplacement report has been submitted to the court.

Article 3. Adoption of Minors

Part 1. Eligibility to Adopt

SECTION 8. AMENDATORY 10 O.S. 1991, Section 60.3, is amended to read as follows:

Section 60.3 The following persons are eligible to adopt a child:

~~(1)~~ 1. A husband and wife jointly, or either the husband or wife if the other spouse is a parent of the child;

~~(2)~~ 2. An unmarried person who is at least twenty-one (21) years old; and

~~(3)~~ 3. A married person at least twenty-one (21) years old who is legally separated from the other spouse.

~~(4)~~ In the case of a child born out of wedlock, its unmarried father or mother.

Part 2. Consent to and Relinquishment for Adoption

SECTION 9. AMENDATORY 10 O.S. 1991, Section 60.5, as last amended by Section 3, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, 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~~ A minor may be decreed adopted when there has been filed written consent to adoption or a permanent relinquishment for 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.~~ of the minor;

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~~

2. One parent of the minor, alone, if:

a. the other parent is dead,

b. the parental rights of the other parent have been terminated, or

c. the consent of the other parent is otherwise not required pursuant to Section 27 of this act;

3. The legal guardian of the person of the ~~child~~ minor or the guardian ad litem of the ~~child~~ minor if both parents are dead, or if

the rights of the parents have been terminated by judicial proceedings, or the consent of both parents is otherwise not required pursuant to Section 27 of this act, and such guardian or guardian ad litem has authority by order of the court appointing ~~him~~ the guardian to consent to the adoption;

~~3.~~ 4. The executive head of a licensed child-placing agency if:

- a. the ~~child~~ minor has been permanently relinquished to such agency, by:
 - (1) both parents, or
 - (2) one parent alone if the other parent is dead, the parental rights of the other parent have been terminated, or the consent of the other parent is otherwise not required pursuant to Section 27 of this act, or if
- b. the rights of ~~the~~ both parents have been judicially terminated and custody of the ~~child~~ minor has been legally vested in such agency with authority to consent to adoption of the ~~child~~ minor; ~~or~~

~~4.~~ 5. Any person having legal custody of a ~~child~~ minor by court order if:

- a. the parental rights of ~~the~~ both 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, and~~
- b. the court that issued the custody order for the minor has consented to adoption and a certified copy of its order containing its consent is filed before the final decree.

B. ~~Except as otherwise provided by this subsection, the consent~~

1. A parent of a minor born in wedlock or a parent who is sixteen (16) years of age or older shall be deemed capable of giving consent to the adoption of a minor.

2. If the parent of a minor born out of wedlock is under sixteen (16) years of age, that parent's consent to the adoption shall be deemed sufficient when:

- a. given by such minor parent before a judge of the district court, and
- b. accompanied by the written consent of:
 - (1) the legal guardian of the minor parent,
 - (2) the parents of the minor parent,
 - (3) the parent having custody of the minor parent, if the other parent of the minor parent is deceased or the parents of the minor parent are divorced, or
 - (4) the person having physical custody of the minor parent, if both parents of the minor parent are deceased, and
- c. accompanied by a finding of the court issuing the decree of adoption, if consent cannot be secured from any individual whose consent is required by subparagraph b of this paragraph, that:
 - (1) either notice was given by mail by the court to such person directing the 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 the adoption should not be granted without the individual's consent, or that notice was waived by the personal appearance of the individual, and

(2) the individual did not appear to contest the adoption, or the consent of the individual is unreasonably withheld.

C. If a minor to be adopted is twelve (12) years of age or older, the consent of the minor to the adoption is required in addition to the consents required by subsections A and B of this section before a decree of adoption may be granted, unless the court makes a finding that it is not in the best interest of the minor to require the minor's consent. The consent of the minor must be given before the court in such form as the court shall direct.

D. The consents required by paragraphs 1, 2 and 3 of subsection subsections A, B and C 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 issuing the decree of adoption with the following exceptions:

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

2. a. If the an individual whose consent is necessary resides in a country or place other than the United States of America, other than a member of the United States Armed Services stationed abroad, the consent of the individual to the adoption may be obtained by a written instrument signed by such person and acknowledged before an officer of the legal subdivision of the government of the place of such person's residence who is authorized to administer oaths under the laws of such country or place.

b. If the foreign country's government does not involve itself in adoption matters, the consent may be executed before an officer of the Judge Advocate General's Office of the United States Armed Services or before an officer of the United States Embassy located in that country, provided the execution of such consent is not a violation of the laws of the foreign country, or a violation of international law or treaty between the foreign country's government and the United States. The consent shall reflect that the consent is not given or accepted in violation of the laws of the foreign country or in violation of international law or treaty between such foreign country's government and the United States;

3. If an individual whose consent is necessary is a member of the United States Armed Services stationed in a country or place other than the United States, the individual's consent may be acknowledged before an officer of the Judge Advocate General's Office or other legal officer possessing the authority to administer oaths;

4. When consent for adoption is necessary for children minors in the 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~~ minor by the family whose application for adoption has been approved by the Department of Human Services; or

~~3.~~ 5. The executive head of a licensed child-placing agency whose consent is required for the adoption of a ~~child~~ minor 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,~~ authorize and direct in writing an employee of the agency to appear in the district court of the county in which ~~said~~ the adoption proceedings are to be completed, and to ~~represent the executive head of the agency regarding submission of the~~ give 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~~

~~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 such person's residence who is authorized to administer oaths under the laws of such country or place, or~~
- ~~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 for the adoption of the minor.~~

E. If the written instrument containing ~~such a~~ such a consent to adoption is written in ~~any a~~ any a language other than the English language, the ~~person adopting the child~~ petitioner for adoption must have it translated into the English language by a person qualified ~~so~~ to do so, and must file the original instrument together with the translation with the court, ~~and the.~~ The translation must be sworn to as being a true and correct translation by the ~~translator~~ person translating the document.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7503-2.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The mother of a minor shall not execute a valid consent to the adoption of the minor or a permanent relinquishment of the minor prior to the birth of the minor.

B. The father of a minor born in wedlock shall not execute a valid consent to the adoption of the minor or a permanent relinquishment of the minor prior to the birth of the minor.

C. A putative father of a minor may execute a consent to the adoption of the minor, a permanent relinquishment of the minor, or an extrajudicial consent to the adoption of the minor before or after the birth of the minor.

D. A guardian may execute a consent to the adoption of a minor or a permanent relinquishment at any time after being authorized by a court to do so.

E. A child-placing agency that places a child for adoption may execute its consent at any time at or before the hearing on the petition for adoption.

F. A minor twelve (12) years of age or older whose consent is required pursuant to Section 9 of this act may execute a consent to adoption at any time at or before the hearing on the petition for adoption.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7503-2.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. A permanent relinquishment may be executed by a person whose consent to the adoption of a minor is required by Section 9 of this act. The permanent relinquishment shall be in writing and shall relinquish all of that individual's rights with respect to the minor, including legal and physical custody and the right to consent to the minor's adoption.

2. When the person whose consent is or may be required by Section 9 of this act resides outside of Oklahoma, the permanent relinquishment by such person may be executed in that state in the manner set forth in the Oklahoma Adoption Code or in the manner prescribed by the laws of the state of such person's residence.

B. Permanent relinquishments may be made only to:

1. The Department of Human Services;
2. A child-placing agency; or
3. Any other person, with the written consent of the Department or court.

C. A permanent relinquishment shall be in writing, executed before a judge of the district court in this state, recorded by a court reporter and contain:

1. The date, place, and time of the execution of the permanent relinquishment;

2. The name and date of birth of the person executing the permanent relinquishment;

3. The current mailing address, telephone number and social security number of the person executing the permanent relinquishment; and

4. Instructions that the permanent relinquishment is irrevocable, except upon the specific grounds specified in Section 15 of this act, upon which the permanent relinquishment can be revoked and the manner in which a motion to set aside the permanent relinquishment must be filed.

D. A permanent relinquishment must state:

1. That the person executing the document is voluntarily and unequivocally consenting to the adoption of the minor;

2. An understanding that after the permanent relinquishment is executed, it is final and, except for fraud or duress, may not be revoked or set aside for any reason except as otherwise authorized by the Oklahoma Adoption Code;

3. That the person executing the permanent relinquishment is represented by counsel or has waived any right to counsel;

4. That the execution of the permanent relinquishment does not terminate any duty of the person executing the permanent relinquishment to support the minor until the adoption is completed;

5. That the person executing the permanent relinquishment has not received or been promised any money or anything of value for the permanent relinquishment, except for payments authorized by law;

6. Whether the individual executing the permanent relinquishment is a member of an Indian tribe and whether the minor is eligible for membership or the minor is a member of an Indian tribe;

7. That the person believes the adoption of the minor is in the minor's best interest; and

8. That the person executing the permanent relinquishment has been advised that an adult adopted person born in Oklahoma, whose decree of adoption is finalized after November 1, 1997, may obtain a copy of such person's original certificate of birth unless affidavits of nondisclosure have been filed pursuant to Section 13 of this act and that the relinquishing parent may sign an affidavit of nondisclosure.

E. When it appears to the court that the parent or guardian executing a permanent relinquishment desires counsel but is indigent and cannot for that reason employ counsel, the court shall appoint counsel. In all counties having county indigent defenders, the county indigent defenders shall assume the duties of representation in such proceedings.

F. The transcript of the court proceedings pursuant to this section shall be placed in the court record.

G. The verification of the court shall be in substantially the following form:

I, _____, Judge of the District Court in and for _____ County, State of Oklahoma, a Court having original adoption jurisdiction, do hereby certify, that upon this day, _____ personally appeared in open Court, before me, and orally and in writing executed the above and foregoing permanent relinquishment for adoption.

In executing this acknowledgement, I further certify that the said _____ acknowledged that the person executed said relinquishment to adoption freely and voluntarily, and that it was explained to such person by me, the undersigned Judge of the District Court, that in executing the relinquishment, the person was surrendering all parental authority whatsoever over the minor; and that with such explanation made to the person relinquishing the minor by me, the undersigned Judge of the District Court, the person executed the relinquishment, freely, voluntarily and intelligently for all uses and purposes therein set forth.

I further certify that it was explained to the relinquishing person that this relinquishment is irrevocable and final except for fraud or duress and may not be revoked or set aside except and unless no Petition to Adopt is filed within nine (9) months after placement of the minor or if this or some other court decides not to terminate the rights of the other parent of the minor. I further certify that I am satisfied that the relinquishing person understands the consequences of an adoption; the relinquishing person has represented that such person has not received or been promised any money or anything of value for the giving of consent except for those payments authorized by law; the relinquishing person has represented that such person is not under the influence of alcohol or medication or any other substance that affects the person's competence; the person fully understood the English language and communicated in the English language at all times during said hearing, or all information was translated into the relinquishing person's language, and was fully understood by the person; and if the relinquishing person was the biological parent, such parent was advised regarding the affidavit of nondisclosure.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7503-2.4 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. A consent to an adoption of a minor shall be in writing, recorded by a court reporter, and executed before a judge of the district court in this state and contain:

1. The date, place, and time of the execution of the consent;
2. The name and date of birth of the person executing the consent;
3. The current mailing address, telephone number, and social security number of the person executing the consent; and
4. Instructions that the consent is irrevocable, except upon the specific grounds specified in Section 15 of this act, upon which the consent can be revoked and the manner in which a motion to set aside the consent must be filed.

B. A consent must state:

1. That the person executing the document is voluntarily and unequivocally consenting to the adoption of the minor;
2. An understanding that after the consent is executed, it is final and, except for fraud or duress, may not be revoked or set aside for any reason except as otherwise authorized by the Oklahoma Adoption Code;
3. That the person executing the consent is represented by counsel or has waived any right to counsel;
4. That the execution of the consent does not terminate any duty of the person executing the consent to support the minor until the adoption is completed;
5. That the person executing the consent has not received or been promised any money or anything of value for the consent, except for payments authorized by law;
6. Whether the individual executing the consent is a member of an Indian tribe and whether the minor is eligible for membership or the child is a member of an Indian tribe;
7. That the person believes the adoption of the minor is in the minor's best interest; and
8. That the person executing the consent has been advised that an adult adopted person born in Oklahoma, whose decree of adoption is finalized after November 1, 1997, may obtain a copy of such person's original certificate of birth unless affidavits of nondisclosure have been filed pursuant to Section 13 of this act and that the consenting parent may file an affidavit of nondisclosure.

C. Before executing a consent, a minor twelve (12) years of age or older must have been informed by the court of the meaning and consequences of the adoption and the availability of social and medical history information, pursuant to Section 18 of this act, when the minor turns eighteen (18) years of age.

D. When it appears to the court that the parent or guardian executing a consent desires counsel but is indigent and cannot for that reason employ counsel, the court shall appoint counsel. In all counties having county indigent defenders, the county indigent defenders shall assume the duties of representation in such proceedings.

E. The transcript of the court proceedings pursuant to this section shall be placed in the court record.

F. The verification of the court shall be in substantially the following form:

I, _____, Judge of the District Court in and for _____ County, State of Oklahoma, a Court having original adoption jurisdiction, do hereby certify, that upon this day, _____ personally appeared in open Court, before me, and orally and in writing executed the above and foregoing Appearance and Consent to Adoption.

In executing this acknowledgement, I further certify that the said _____ acknowledged that the person executed said consent to adoption freely and voluntarily, and that it was explained to such person by me, the undersigned Judge of the District Court, that

in executing the consent the person was surrendering all parental authority whatsoever over the minor; and that with such explanation made to the consenting person by me, the undersigned Judge of the District Court, the person executed the consent, freely, voluntarily and intelligently for all uses and purposes therein set forth.

I further certify that it was explained to the consenting person that this consent is irrevocable and final except for fraud or duress and may not be revoked or set aside except and unless no Petition to Adopt is filed within nine (9) months after placement of the minor or if this or some other court decides not to terminate the rights of the other parent of the minor. I further certify that I am satisfied that the consenting person understands the consequences of an adoption; the consenting person has represented that such person has not received or been promised any money or anything of value for the giving of consent except for those payments authorized by law; the consenting person has represented that such person is not under the influence of alcohol or medication or other substance that affects the person's competence; the parent fully understood the English language and communicated in the English language at all times during said hearing, or all information was translated into the consenting person's language, and was fully understood by the person; and if the consenting person was the the biological parent, such parent was advised regarding the affidavit of nondisclosure.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7503-2.5 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. At the time that a written consent to adoption or permanent relinquishment is acknowledged by a biological parent before a judge of a court of this state, the judge shall advise the biological parent:

1. That an adult adopted person born in the State of Oklahoma whose decree of adoption is finalized after November 1, 1997, may obtain such person's original certificate of birth;

2. That, if affidavits of nondisclosure have been filed by both biological parents and have not been revoked by either biological parent at the time that the request for the original birth certificate is made by the adult adopted person, the original birth certificate will not be released to the adult adopted person; and

3. That if an unrevoked affidavit of nondisclosure by only one biological parent is on file with the State Registrar of Vital Statistics at the time that the request for the original birth certificate is made by the adult adopted person, identifying information regarding the parent who filed the unrevoked affidavit of nondisclosure will be deleted from the original birth certificate before it is provided to the adult adopted person. The identity of the parent who does not have an unrevoked affidavit of nondisclosure on file, if it is contained in the original birth certificate, will be disclosed.

B. 1. The judge shall ascertain whether the biological parent wishes to execute an affidavit of nondisclosure. If so, an affidavit of nondisclosure form shall be made available to the biological parent by the court and may be executed in the presence of the judge at the time the written consent to adoption or relinquishment for adoption is acknowledged.

2. An affidavit of nondisclosure signed at the time a consent or relinquishment is acknowledged shall be filed in the adoption action with the consent or relinquishment for adoption.

3. Affidavit of nondisclosure forms shall also be available in each district court clerk's office and may be executed and filed by

a biological parent in the court in which an adoption action is pending.

4. An affidavit of nondisclosure may be filed after a final decree of adoption has been entered.

C. A biological parent who has executed an affidavit of nondisclosure may revoke the affidavit of nondisclosure at any time by filing a revocation with the State Registrar of Vital Statistics. Upon receipt of a revocation of an affidavit of nondisclosure, the State Registrar shall attach the revocation to the affidavit of nondisclosure and file it with the original certificate of birth and other records of the adoption.

D. The failure to follow any provisions of this section shall not be grounds to challenge a decree of adoption.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7503-2.6 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. A putative father of a minor born out of wedlock who is not an Indian child, as defined by the Oklahoma Indian Child Welfare Act, may execute an extrajudicial consent before a notary public in which the putative father waives any legal interest in the minor, disclaims any legal rights with respect to the minor, and consents to the adoption of the minor. An extrajudicial consent may be executed by a putative father before or after the birth of the minor.

B. The extrajudicial consent shall contain:

1. The date, place, and time of the execution of the consent;
2. The name, current mailing address, telephone number, date of birth, and social security number of the putative father executing the consent;

3. Instructions that the consent is revocable for any reason for fifteen (15) days after the execution of the consent, the manner in which it may be revoked, and that thereafter the consent is irrevocable, except upon the specific grounds specified in Section 15 of this act;

4. A statement that the putative father is executing the document voluntarily and is unequivocally consenting to the adoption of the minor, and that the putative father understands that the consent is final, and except for fraud or duress or the other grounds set forth in Section 15 of this act, may not be revoked for any reason more than fifteen (15) days after execution of the document;

5. A statement that the putative father executing consent is represented by counsel or has waived the right to counsel;

6. A statement that the putative father understands that the execution of the extrajudicial consent does not terminate any duty on his part to support the mother or the minor until the adoption is completed;

7. A statement that the putative father executing the consent is not a member of an Indian tribe and that the minor is not, through him, eligible for membership in an Indian tribe;

8. A statement that the putative father believes that the adoption of the minor is in the minor's best interests;

9. A statement that the putative father has been advised that an adult adopted person born in Oklahoma, whose decree of adoption is finalized after November 1, 1997, may obtain a copy of such person's original certificate of birth unless affidavits of nondisclosure have been filed pursuant to Section 13 of this act and that the consenting putative father may file an affidavit of nondisclosure;

10. A statement that the putative father has not received or been promised any money or any thing of value for the extrajudicial consent, except for payments authorized by law; and

11. A statement that the putative father is not under the influence of alcohol or medication or other substance that affects his competence at the time of the signing of the extrajudicial consent.

C. An extrajudicial consent shall be revocable for any reason for fifteen (15) calendar days after the execution of the consent before the notary public. To revoke the extrajudicial consent, the putative father must file a notice of revocation and an intent to claim paternity, an acknowledgement of paternity, or a notice of his desire to receive notice of adoption proceedings or proceedings to terminate his parental rights, with the Paternity Registry of the Department of Human Services pursuant to Section 41 of this act, and must provide a copy of this notice to the birth mother at the time of filing the notice with the Paternity Registry of the Department of Human Services.

D. An unrevoked extrajudicial consent shall constitute:

1. A waiver of the right to receive notice of any adoption proceedings or any proceedings to terminate parental rights regarding the minor; and

2. A disclaimer of legal interest in the minor, which disclaimer will result in the court's termination of the putative father's parental rights, if any, to the minor, and the approval of an adoption without further consent, if an adoption proceeding is filed regarding the minor.

E. The execution of an extrajudicial consent does not extinguish a putative father's duty to support the mother or the minor during the pregnancy or prior to the entry of the decree severing parental rights.

SECTION 15. AMENDATORY 10 O.S. 1991, Section 60.10, is amended to read as follows:

~~Section 60.10 A. Withdrawal of any consent for adoption of a child pursuant to Section 60.5 of this title shall not be permitted, except that the court pursuant to the provisions of this section may, if it finds that the best interest of the child will be furthered thereby, issue a written order permitting the withdrawal of such consent if a petition for leave to withdraw consent is submitted in writing not later than thirty (30) days after consent was executed~~ Except as otherwise provided in subsection B of this section and in Section 14 of this act, a permanent relinquishment or consent to adoption executed pursuant to the Oklahoma Adoption Code shall be irrevocable.

B. The court shall set aside a permanent relinquishment or consent to adoption only if it would be in the best interests of the minor and if the individual who executed the permanent relinquishment or consent establishes:

1. By a preponderance of the evidence that without good cause shown, a petition to adopt was not filed within nine (9) months after the minor was placed for adoption;

2. By a preponderance of the evidence, that another consent or permanent relinquishment was not executed or that a court decided not to terminate another individual's parental relationship to the minor; or

3. By clear and convincing evidence, before a decree of adoption is issued, or within three (3) months of the discovery of the fraud, that the consent was obtained by fraud or duress.

C. Notice of the ~~petition motion to withdraw~~ set aside the consent or permanent relinquishment and hearing on the ~~petition to withdraw consent to the adoption motion~~ shall be provided to:

1. The person who filed for adoption of the ~~child minor~~;
2. The Department of Human Services or any child-placing agency participating in the adoption; and
3. To any person or agency in whose favor the consent was given.

D. The court shall provide an opportunity to be heard to the person who has filed for adoption and to any agency participating in the adoption as to why the withdrawal of consent would not be in the best interest of the ~~child minor~~.

~~C. The entry of the interlocutory or final decree of adoption renders any consent irrevocable.~~

E. The court may enter such orders as justice requires regarding the costs and legal fees of the person who filed for adoption, the agency, the Department and the person seeking that the consent or permanent relinquishment be set aside.

Part 3. Notice of Plan for Adoption

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7503-3.1 of Title 10 unless there is created a duplication in numbering, reads as follows:

A. Before or after the birth of a minor born out of wedlock, the Department of Human Services, a licensed child-placing agency, or an attorney representing prospective adoptive parents of the minor may, by in-hand service to the putative father or certified mail to the putative father, to be signed by the putative father only, notify or cause to be notified a putative father of the minor that the mother of the child is considering an adoptive placement for the minor through a Notice of Plan for Adoption. Residence service delivered to or signed by a person residing in the home of the putative father or any other forms of substitute service shall not be sufficient service pursuant to this subsection.

B. The Notice of Plan for Adoption shall include the following:

1. The identity of the mother, that she is pregnant and the estimated date of birth, that the notified person may be the father of the minor, and that a plan for the adoption of the minor is being considered by the mother;

2. A preaddressed form for filing by mail or in person with the Paternity Registry of the Department of Human Services and a copy to be returned to the attorney or agency who sent it. On this form, the recipient shall sign the form and indicate one of the following choices:

- a. "I do not know if I am the father of this minor. I desire to receive notice of the adoption proceedings or the proceeding to terminate parental rights. I understand that this creates no evidence that could be introduced in court to prove paternity. Its only legal effect is to entitle me to notice, at the address listed on the form, of an adoption proceeding that may be filed after the birth of the minor."
- b. "I hereby file my notice of intent to claim paternity. I understand that a notice of intent to claim paternity may be revoked at any time by filing a notice to disclaim with the Paternity Registry of the Department of Human Services. I also understand that an unrevoked notice of intent to claim paternity may be used as evidence in any future court proceeding in which it may be relevant, including a minor support proceeding. I desire to receive notice of the

adoption proceeding or the proceeding to terminate parental rights."

- c. "I acknowledge paternity. I understand that this acknowledgement of paternity cannot be revoked and may be used as evidence in any future court proceeding in which it may be relevant, including a child support proceeding. I desire to receive notice of the adoption proceeding or the proceeding to terminate parental rights."
- d. "I deny paternity. I am not the father of the minor and I do not want to receive notice of any adoption proceeding, or proceeding to terminate my parental rights regarding the minor. I understand that I am waiving and surrendering any parental rights in relation to the minor in connection with the adoption of the minor. I understand that my consent to the adoption will not be required."
- e. "I may or may not be the father of the minor. I do not want to receive notice of any adoption proceeding, or proceeding to terminate my parental rights regarding the minor. I understand that I am waiving and surrendering any parental rights in relation to the minor in connection with the adoption of the minor. I understand that my consent to the adoption will not be required."

3. In addition, the Notice of Plan for Adoption shall inform the putative father that:

- a. if the form is not received by the Department of Human Services or the attorney or child-placing agency sending it within thirty (30) days from the date that the Notice of Plan for Adoption is served, the failure to file the form shall constitute:
 - (1) a waiver of the right to receive further notice of any adoption proceedings or proceedings to terminate parental rights, if any, that may be filed regarding the minor,
 - (2) a denial of interest in the minor, which denial shall result in the court's termination of the notified party's parental rights to the minor and approval of an adoption without his consent if an adoption proceeding is filed regarding the minor and the adoption is approved by the court,
- b. if the form is received by the Paternity Registry of the Department of Human Services or the attorney or child-placing agency sending it within thirty (30) days of the date of service of the Notice of Plan for Adoption, and it indicates that any of the options specified in subparagraphs a, b and c of paragraph 2 of this subsection have been chosen, the notified person shall have a right to receive notice of any adoption proceedings or any termination of parental rights proceedings that may be filed regarding the minor, at the address given by the putative father on the form, or at an address later provided to the Paternity Registry of the Department of Human Services. The return of the form to the Paternity Registry of the Department of Human Services or the attorney or child-placing agency sending the form is the only action by which the notified person will retain the right, if any, to notice of adoption or

termination of parental rights proceedings regarding the minor,

- c. the filing of the enclosed form shall not, by itself, constitute the bearing of parental responsibilities, and shall not, by itself, establish parental rights,
- d. the filing of the enclosed form or the failure to file the enclosed form shall not affect the duty to support the mother or child during the pregnancy or after the delivery of the minor,
- e. if a petition to adopt the minor is not filed within twelve (12) months of the placement of the minor for adoption, failure to mail the enclosed notice form shall not affect the notified person's parental rights and responsibilities,
- f. the failure to give such notice shall not be grounds available to the father to establish that he was denied knowledge of the pregnancy, and
- g. receipt by a putative father of a Notice of Plan for Adoption or return of the form does not obligate the mother of the minor to proceed with an adoptive placement of the minor.

C. If the form is not received by the Paternity Registry of the Department of Human Services, the attorney or child-placing agency within thirty (30) days from the date that the Notice of Plan for Adoption is served, the failure to file the form shall constitute:

1. A waiver of the right to receive further notice of any adoption proceedings or proceedings to terminate parental rights, if any, that may be filed regarding the minor; and

2. A denial of interest in the minor, which denial shall result in the court's termination of the notified party's parental rights to this minor and approval of an adoption without his consent if an adoption proceeding is filed regarding this minor and the adoption is approved by the court.

D. If the form is received by the Paternity Registry of the Department of Human Services, or the attorney or child-placing agency within thirty (30) days of the date of service of the Notice of Plan for Adoption, and it indicates that any of the options specified in subparagraphs a, b and c of paragraph 2 of subsection B of this section have been chosen, the putative father shall have a right to receive notice of any adoption proceedings or any termination of parental rights proceedings that may be filed regarding the minor, at the address of the putative father given on the form, or at an address later provided to the Paternity Registry of the Department of Human Services. The return of the form to the Paternity Registry of the Department of Human Services, or the attorney or child-placing agency sending the form within thirty (30) days is the only action by which the notified person will retain the right, if any, to notice of adoption or termination of parental rights proceedings regarding the minor.

E. The filing of the enclosed form shall not, by itself, constitute the bearing of parental responsibilities, and shall not, by itself, establish parental rights.

F. The filing of the enclosed form or the failure to file the enclosed form shall not affect the duty to support the mother or minor during the pregnancy or after the delivery of the minor.

G. If a petition to adopt the minor has not been filed within twelve (12) months of placement of the minor for adoption, failure to mail the enclosed notice form shall not affect the notified person's parental rights and responsibilities.

H. The failure to give such notice shall not be grounds available to the father to establish that he was denied knowledge of the pregnancy.

I. Receipt by a putative father of a Notice of Plan for Adoption or return of the form does not obligate the mother of the minor to proceed with an adoptive placement of the minor.

J. If a putative father files a paternity action after receiving notice of a potential adoption from the Department, an attorney or child-placing agency pursuant to this subsection, the putative father shall notify the attorney, the Paternity Registry of the Department of Human Services, or the child-placing agency that the paternity action has been filed, including:

1. The name of the court;
2. The case number; and
3. The date of filing.

K. Upon a motion of the prospective adoptive parent, the court having jurisdiction over the paternity action shall allow the prospective adoptive parent to intervene in the paternity action where custody or visitation is an issue.

Article IV

Medical and Social Histories

SECTION 17. AMENDATORY Section 4, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, Section 60.5B), is amended to read as follows:

Section 60.5B A. 1. ~~Before~~ Except as otherwise provided by the Oklahoma Adoption Code, before placing a ~~child~~ minor for adoption, the Department or a child-placing agency shall compile a written medical and social history report of the ~~child~~ minor 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~~ minor, 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~~ minor,
- b. a copy of all medical, dental and psychological records of the ~~child~~ minor obtained from anyone who has provided medical, dental or psychological services to the ~~child~~ minor, and
- c. a copy of all educational records of the ~~child~~ minor.

2. If a ~~child~~ minor 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~~ the report. If the adoptive parent is not represented by an attorney in a direct placement adoption, the person placing the ~~child~~ minor for adoption shall compile ~~this~~ the report.

B. 1. The Department of Health shall prescribe the form to be used to record the medical history of the ~~child~~ minor and the ~~child's~~ minor'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~~ minor 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~~ minor, 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~~ minor's developmental history, including the age at which the ~~child~~ minor developed basic gross motor, fine motor, language and cognitive skills,
 - (5) any behavioral problems the ~~child~~ minor has exhibited,
 - (6) any physical, sexual or emotional abuse suffered by the ~~child~~ minor, 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~~ minor'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~~ the minor,
 - (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~~ the minor,
 - (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~~ minor,
 - (5) whether the ~~child's~~ minor'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~~ minor'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 minor 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 minor including, but not limited to, the child's minor's enrollment and performance in school, the results of educational testing, special educational needs of the child minor, if any, and the number of years of school completed at the time of the adoption;
2. The age of the child minor, 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 minor including, but not limited to, the child's minor'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 minor, 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 minor's biological parents and relatives and any noteworthy accomplishments;
9. An account of the child's minor's past and existing relationship with any individual with whom the child minor 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 minor was alleged to have abused, neglected, abandoned or otherwise mistreated the child minor to be adopted, a sibling of the child minor to be adopted, or the other biological parent; and

11. A criminal conviction or delinquency adjudication of the child minor.

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 minor 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 minor, 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. 1. If the petitioner for the adoption of a child minor is a stepparent of the child minor and the child minor 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.

2. If the petitioner for the adoption of a minor is related to the child, only the medical and social history of the parent who is not related to the petitioner and the biological relatives of such parent must be completed in the medical and social history report.

SECTION 18. AMENDATORY Section 5, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, Section 60.5C), is amended to read as follows:

Section 60.5C 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 minor and before the

prospective adoptive parent accepts physical custody of the ~~child~~ minor, the Department or child-placing agency that is placing the ~~child~~ minor for adoption, or the attorney for the adoptive parent in a direct placement adoption, or the person who is placing the ~~child~~ minor 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~~ minor reasonably available at that time. If placement of the ~~child~~ minor 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~~ minor for adoption, or the attorney for the adoptive parent in a direct placement adoption, or the person who placed the ~~child~~ minor 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 19 of this act, which was unavailable before the ~~child~~ minor was placed for adoption, but which becomes reasonably available to the Department, agency, attorney, or person who placed the ~~child~~ minor 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 19 of this act cannot be obtained by the reasonable efforts of the Department or child-placing agency placing the ~~child~~ minor, or by the attorney for the adoptive parent in a direct placement adoption, or by the person who placed the ~~child~~ minor 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~~ 19 of ~~Title 10 of the Oklahoma Statutes~~ this act. 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~~ minor 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~~ filing with 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~~ filing with 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, child-placing agency, attorney, or person who prepared the medical and social history report shall provide to the following persons upon request, a copy of genetically significant supplemental information about an adopted person, or about a person whose parents' parental rights were terminated, ~~to the following persons upon request~~ which became available subsequent to the issuance of the decree of adoption or termination order:

- 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~~ minor 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.

Article 5. Adoption Proceedings

Part 1. General Requirements

SECTION 19. AMENDATORY 10 O.S. 1991, Section 60.17, as last amended by Section 7, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, 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 Oklahoma Adoption ~~Act~~ Code 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, records, 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 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~~ Sections 18, 38, 45 and 46 of this act or upon order of a court of record for good cause shown.

C. 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. ~~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. Persons~~ 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~~ Code.

E. Any person in charge of adoption records or having access to adoption records or information who discloses any information, including, but not limited to, all records and reports relevant to the case and any records and reports of examination of the minor's parent or other custodian pertaining to an adoption proceeding, contrary to the provisions of this section, upon conviction thereof, shall be guilty of a misdemeanor.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7505-1.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. In a proceeding pursuant to the Oklahoma Adoption Code, the court shall appoint an attorney for a minor in a contested proceeding pursuant to the Oklahoma Adoption Code and may appoint an attorney for a child in an uncontested proceeding.

B. 1. The court may appoint a separate guardian ad litem for the minor in a contested proceeding and shall appoint a separate guardian ad litem upon the request of the minor or the attorney of the minor.

2. The guardian ad litem shall not be a district attorney, an employee of the office of the district attorney, an employee of the court, an employee of a juvenile bureau, or an employee of any public agency having duties or responsibilities towards the minor.

3. The guardian ad litem shall be given access to the court file and access to all records and reports relevant to the case and to any records and reports of examination of the minor's parent or other custodian, as specified by the court, subject to such protective orders regarding identifying information as the court deems advisable.

4. Any person participating in a judicial proceeding as a guardian ad litem shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any civil liability that otherwise might be incurred or imposed.

SECTION 21. AMENDATORY 10 O.S. 1991, Section 60.7a, is amended to read as follows:

Section 60.7a Whenever the ~~Uniform~~ Oklahoma Adoption ~~Act~~ Code requires that an order setting the date of hearing and giving notice thereof be signed by a judge, the chief judge in the county may, by judicial order, provide that such order or notice may be signed by the court clerk or ~~his~~ the deputy of the court clerk affixing ~~his~~ the signature of the court clerk or deputy beneath the place where the judge's name appears followed with the word "by:" and then followed with the signing officer's title.

SECTION 22. AMENDATORY Section 8, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, Section 60.18a), is amended to read as follows:

Section 60.18a Any petitions filed with the court pursuant to the Oklahoma Adoption ~~Act~~ Code 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.

Part 2

Preadoption Termination of Parental Rights

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7505-2.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Prior to the filing of a petition for adoption, an agency, attorney, or prospective adoptive parent to whom a mother has permanently relinquished a minor born out of wedlock may file a petition for the termination of the parental rights of a putative father of the child. The petition shall be filed with the district court of the county in which the relinquishment was executed or in the county in which the putative father, the petitioner, or the minor resides at the time of the filing of the petition.

B. 1. Notice of the hearing on the petition to terminate parental rights and a copy of the petition shall be served upon the putative father in the same manner as summons is served in civil cases, not less than fifteen (15) days prior to the hearing.

2. The notice shall contain the name of the putative father, or if unknown, the name of the minor, the date of birth of the minor, the date of the hearing, and the ground or grounds for which termination of parental rights is sought. The notice shall apprise the putative father 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 minor 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 minor's care, custody or guardianship or in the minor's adoption.

3. If the identity or whereabouts of a putative father is unknown, the court must determine whether the putative father can be identified or located. Following an inquiry pursuant to Section 28 of this act, if the court finds that the identity or whereabouts of the putative father cannot be ascertained, and this fact is attested to by affidavit of the permanently relinquishing mother or the legal custodian or guardian of the child, it shall order that notice be given by publication and, if the identity is known, that a copy be mailed to the last-known address of the putative father. The notice shall be published once pursuant to the laws relating to service of notice by publication, in the county in which the action to terminate parental rights is brought, and the hearing shall not be held for at least fifteen (15) days after publication of the notice. When notice is given by publication, the order terminating parental rights shall not become final for a period of fifteen (15) days from the date of the order.

4. A putative father may waive his right to notice pursuant to this section. The waiver signed by the putative father shall include a statement affirming that the putative father signing the waiver understands that the waiver shall constitute grounds for the termination of the parental rights of such putative father pursuant to the provisions of this section and Section 27 of this act. A putative father may also waive his right to notice pursuant to this section, by signing an extrajudicial consent pursuant to Section 14 of this act, or by waiving notice on a form filed with the Paternity Registry of the Department of Human Services, or by failing to register with the Paternity Registry of the Department of Human Services after receiving a Notice of Plan for Adoption pursuant to Section 16 of this act.

C. When a putative father appears at the hearing and desires counsel but is indigent and cannot for that reason employ counsel, the court shall appoint counsel. In all counties having county indigent defenders, the county indigent defenders shall assume the duties of the representation in such proceedings.

D. At the hearing on the petition to terminate parental rights brought pursuant to this section, the court may, if it is in the best interest of the minor:

1. Accept a permanent relinquishment or consent to adoption executed by the putative father of the minor pursuant to Sections 11, 12 and 13 of this act;

2. Determine that the consent of the putative father to the adoption of the minor is not required, and terminate any parental rights which the putative father may have, as provided in Section 27 of this act;

3. If the court determines that the putative father is the biological father of the minor, that the adoption requires the consent of the putative father, that the putative father will not consent, and the court does not terminate the parental rights of the putative father, schedule a separate hearing to determine custody of the minor. The court shall certify that the child-placing agency or attorney who filed the petition to terminate parental rights and the putative father have received notice of the date of the custody hearing at least fifteen (15) days prior to the date of the hearing, and that a biological mother who has signed a consent or permanent relinquishment has been served in the same manner as summons is served in civil cases at least fifteen (15) days prior to the date of the hearing.

E. The court shall terminate the rights of a putative father if he fails to appear at the hearing on the petition to terminate his parental rights or if he has waived notice pursuant to paragraph 4 of subsection B of this section.

F. No order of the court shall be vacated, set aside, or annulled upon the application of any person who was properly served with notice in accordance with this section but failed to appear unless the applicant can establish by clear and convincing evidence that such failure to appear was due to unavoidable circumstances. Such application must be filed within ten (10) days of the date of the hearing at which the applicant failed to appear. No order of the court shall be vacated, set aside, or annulled upon the application of any person who waived notice pursuant to paragraph 4 of subsection B of this section.

G. 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. In an appeal concerning the relinquishment of a minor or the termination of parental rights pursuant to this section, the appellant's designation of record shall be filed in the trial court within ten (10) days after the date of the judgment. Appellee's counter designation of record shall be filed in the trial court ten (10) days after appellant's designation of record is filed in the trial court.

2. All appeals of cases concerning the relinquishment of a minor 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.

3. 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.

H. Any appeal when docketed should 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.

Part 3

Petitions for Adoption

SECTION 24. AMENDATORY 10 O.S. 1991, Section 60.12, as amended by Section 2, Chapter 122, O.S.L. 1994 (10 O.S. Supp. 1996, Section 60.12), is amended to read as follows:

Section 60.12 A. A petition for adoption shall be ~~filed in duplicate,~~ verified by the ~~petitioners~~ petitioner, and shall specify:

1. The full names, ages and places of residence of the petitioner or petitioners and, if married, the place and date of the marriage;

2. When the ~~petitioners~~ petitioner acquired or ~~intend~~ intends to acquire custody of the child minor and from what person or agency custody is to be acquired;

3. The date ~~and~~, place of birth ~~of the child and sex,~~ gender and race of the minor;

4. The name used for the child minor in the proceeding and, if a change in name is desired, the new name requested;

5. That it is the desire of the ~~petitioners~~ petitioner that the relationship of parent and child minor be established between ~~them~~ the petitioner and the child minor;

6. A full description and statement of value of all property owned or possessed by the child minor, if any; ~~and~~

7. ~~Facts, if any, which excuse consent on the part of the parents, or either of them, to the adoption~~ The name or relationship of the minor to any individual who has executed a consent, extrajudicial consent for adoption or a permanent relinquishment to the adoption, and the name or relationship to the minor of any individual whose consent, extrajudicial consent for adoption or permanent relinquishment may be required, and any fact or circumstance that may excuse the lack of consent;

8. That a previous petition by the petitioner to adopt has or has not been made in any court, and its disposition;

9. A description of any previous court order, litigation or pending proceeding known to the petitioner concerning custody of or visitation with the minor or adoption of the minor and any other fact known to the petitioner and needed to establish the jurisdiction of the court;

10. The county in which the minor is currently residing, the places where the minor has lived within the last five (5) years and the name and present addresses, if known, of the persons with whom the minor has lived during that period, and the name of any person, if known, not a party to the proceeding who has physical custody of

the minor or claims to have custody or visitation rights with respect to the minor; and

11. A statement that to the best of the petitioner's actual knowledge and belief, as of the date of filing, the minor is or is not an Indian child, as defined by the Oklahoma Indian Child Welfare Act, and identification of the minor's known or suspected Indian tribe, if any.

~~B. Any written consent, extrajudicial consent for adoption or permanent relinquishment required by this act the Oklahoma Adoption Code may be attached to the petition, or may be filed, after the filing of the petition, with the consent of the court.~~

~~C. A written report shall be attached to the petition, or may be filed after the filing of the petition, but prior to the final decree of adoption, with the consent of the court, which discloses to the court all of the costs, funds, or monies expended by the adoptive family or expected to be expended in connection with the adoption of the child. Said disclosure shall include the costs of adoption agency fees, home study fees, physician fees, attorney fees, living expenses and medical costs paid for birth mother and child. No final decree of adoption shall be entered until the court is satisfied that all costs and expenses have been disclosed, and that the costs and expenses do not violate the provisions of and are allowable expenses pursuant to Sections 865 through 869 of Title 21 of the Oklahoma Statutes.~~

SECTION 25. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7505-3.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. An affidavit shall be attached to the petition, or may be filed after the filing of the petition, but prior to the final decree of adoption, which discloses to the court all of the costs, funds, or monies expended by the adoptive family or expected to be expended in connection with the adoption of a minor.

2. No final decree of adoption shall be entered until the court is satisfied that all costs and expenses have been disclosed, are reasonable, and that the costs and expenses do not violate the provisions of subsection B of this section. Upon its review of the affidavit of monies expended, the court shall in writing disapprove any expenditure that the court deems unreasonable or in violation of Sections 865 through 869 of Title 21 of the Oklahoma Statutes and, to the extent necessary to comply with Oklahoma law, shall order reimbursement of any consideration given in violation of Sections 865 through 869 of Title 21 of the Oklahoma Statutes. Payments made pursuant to this section shall not be a violation of Sections 865 through 869 of Title 21 of the Oklahoma Statutes.

B. 1. Except as otherwise specifically provided by law, the following list of adoption-related costs and expenses specified in this paragraph may be deemed proper items for a person to pay in connection with an adoption:

- a. reasonable attorney fees and court costs,
- b. reasonable medical expenses for birth mother and minor to be adopted,
- c. reasonable adoption counseling expenses for birth parents before and after the birth of the minor, not to exceed six (6) months from placement of the minor,
- d. reasonable fees of a licensed child-placement agency,
- e. in cases of extraordinary need, reasonable expenses for necessities of the birth mother that are incurred during or as a result of the pregnancy, not to exceed two (2) months from placement of the minor,

- f. reasonable costs for travel or transportation of the birth mother or minor as same is incurred for medical or adoption placement needs,
- g. reasonable expenses for a home study, and
- h. reasonable expenses legally required by any governmental entity related to the adoption of a minor.

2. In addition, all expenses approved by the court should be commensurate with other customary fees for similar services by persons of equivalent experience and training where the services are performed. Any services provided outside this state shall be allowed in an amount as if the services had been performed within the State of Oklahoma.

3. The provisions of this subsection shall apply to costs and expenses incurred after the biological mother of the minor contacts the child-placing agency or attorney for adoption services.

4. The provisions of this subsection shall not prohibit a court from extending any time period, or including any additional costs and expenses in connection with an adoption other than those specified in this subsection based on unusual circumstances or need.

5. Except as otherwise ordered by the court, all payments made pursuant to this section shall be paid directly to the third-party provider of services or goods.

C. 1. Except as otherwise authorized by subsection D of this section, if any person desires to pay costs or expenses authorized in subsection B of this section before a petition for adoption is filed, said person shall file a petition in the district court where the petition of adoption will be filed requesting an order from the court for authorization.

2. The petition for approval of costs and expenses shall be filed with the same case designation as an adoption case and shall be captioned: "In the matter of the Petition of (name) for approval of payment of adoption expenses".

3. The petition shall be heard by the court within ten (10) days of filing. The court clerk shall charge the same cost for a petition for payment of expenses as is charged for the filing of an adoption petition. In the event the petitioner files an adoption petition, same shall be filed as an amended petition within the same case in which payment for expenses was approved and no additional court costs shall be required.

4. In the event an order has been issued for payment of costs and expenses and no adoption petition is filed, the court retains jurisdiction to enter any orders deemed appropriate regarding the reimbursement of costs and expenses paid.

D. Any person desiring to pay costs and expenses to or on behalf of a birth parent is authorized to expend an initial amount not to exceed Five Hundred Dollars (\$500.00) for such costs and expenses without first obtaining court approval as required by paragraph 1 of subsection C of this section. Any such costs and expenses shall be disclosed as is otherwise required by the Oklahoma Adoption Code.

Part 4

Adoption without Consent and Termination of Parental Rights
SECTION 26. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7505-4.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. If a consent to adoption or permanent relinquishment for adoption has not been obtained from both parents of a minor who is the subject of a petition for adoption, and the rights of the nonconsenting parent or parents have not previously been terminated,

the petitioner for adoption, a consenting parent, or a legal guardian or legal custodian of the minor to be adopted must file an application to the court stating the reason that the consent or relinquishment of the parent or parents is not necessary. In the alternative, if the nonconsenting parent is a putative father of a minor born out of wedlock, the petitioner for adoption, a consenting parent, or a legal guardian or legal custodian of the minor may file an application to terminate the parental rights of the putative father. The grounds for terminating a putative father pursuant to this section shall be identical to the grounds for permitting an adoption without the consent of a parent, pursuant to Section 27 of this act.

B. 1. Prior to the hearing on the application to permit the adoption of the minor without the consent or relinquishment of a parent, or the application to terminate the rights of a putative father filed pursuant to this section, notice of the hearing on the application and a copy of the application shall be served upon the parent or putative father who is the subject of the application in the same manner as summons is served in civil cases, not less than fifteen (15) days prior to the hearing.

2. The notice shall contain the name of the parent, putative father, or if the father is unknown, the name of the child, date of birth of the child, the date of the hearing, and the ground or grounds for which application for adoption without consent or relinquishment or termination of parental rights is sought. The notice shall apprise the parent or putative father of the parent's 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 granting of the application for adoption without consent or permanent relinquishment or in the termination of the putative father's parental rights and in the child's adoption.

3. If the identity or whereabouts of a parent or putative father are unknown, the court must determine whether the parent or putative father can be identified or located. Following an inquiry pursuant to Section 28 of this act, if the court finds that the identity or whereabouts of the putative father cannot be ascertained, and this fact is attested to by affidavit of the consenting parent, legal guardian or legal custodian of the minor, it shall order that notice be given by publication and, if the identity is known, that a copy be mailed to the last-known address of the parent or putative father. The notice shall be published once pursuant to the laws relating to the service of notice by publication in the county in which the petition to adopt is filed, and the hearing shall not be held for at least fifteen (15) days after publication of the notice. When notice is given by publication, an order terminating parental rights shall not become final for a period of fifteen (15) days from the date of the order.

4. A parent or putative father may waive such person's right to notice pursuant to this section. The waiver, signed by the parent or putative father, shall include a statement affirming that the person signing the waiver understands that the waiver shall constitute grounds for ordering adoption without consent of the parent or for the termination of the parental rights of a putative father pursuant to the provisions of this section and Section 27 of this act. A putative father may waive his right to notice under this section, by signing an extrajudicial consent pursuant to Section 14 of this act, or by waiving notice on a form filed with the Paternity Registry of the Department of Human Services, or by

failing to register with the Paternity Registry of the Department of Human Services after receiving a Notice of Plan for Adoption pursuant to Section 16 of this act.

C. When a parent or putative father appears at the hearing and desires counsel but is indigent and cannot for that reason employ counsel, the court shall appoint counsel. In all counties having county indigent defenders, the county's indigent defenders shall assume the duties of representation in such proceedings.

D. At the hearing on an application to permit adoption without the consent or relinquishment of a parent, the court may determine whether the minor is eligible for adoption pursuant to Section 27 of this act. At the hearing on an application to terminate the parental rights of a putative father, the court may, if it is in the best interests of the minor, determine that the consent of the putative father to the adoption of the minor is not required, and terminate any parental rights which the putative father may have, as provided in Section 27 of this act.

E. The court shall terminate the parental rights of a putative father if he fails to appear at the hearing on the petition to terminate his parental rights or if he has waived notice pursuant to paragraph 4 of subsection B of this section.

F. No order of the court shall be vacated, set aside, or annulled upon the application of any person who was properly served with notice in accordance with this section but failed to appear, unless the applicant has established by clear and convincing evidence that such failure to appear was due to unavoidable circumstances. Such application must be filed within ten (10) days of the date of the hearing at which the applicant failed to appear. No order of the court shall be vacated, set aside or annulled upon the application of any person who waived notice pursuant to paragraph 4 of Section B of this section.

G. An appeal may be taken from any final order, judgment, or decree terminating parental rights 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. In an appeal concerning the termination of parental rights for purposes of adoption pursuant to this section, the appellant's designation of record shall be filed in the trial court within ten (10) days after the date of the judgment. Appellee's counter designation of record shall be filed in the trial court ten (10) days after appellant's designation of record is filed in the trial court.

2. All appeals of cases concerning the termination of parental rights for purposes of adoption 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.

3. 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. appellant'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.

H. Any appeal when docketed should 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 27. AMENDATORY 10 O.S. 1991, Section 60.6, as amended by Section 2, Chapter 253, O.S.L. 1993 (10 O.S. Supp. 1996, Section 60.6), is amended to read as follows:

Section 60.6 ~~A child under eighteen (18) years of age cannot be adopted without the consent of its parents, if living, except that consent is not required from:~~

~~1. A parent whose parental rights have been terminated pursuant to the provisions of Sections 1130, 1131 or 29.1 of this title; or~~

~~2. A parent who, for a period of twelve (12) months immediately preceding the filing of a petition for adoption of a child, has willfully failed, refused, or neglected to contribute to the support of such child:~~

~~a. in substantial compliance with a support provision contained in a decree of divorce, or a decree of separate maintenance or an order adjudicating responsibility to support in a reciprocal enforcement of support proceeding, paternity action, juvenile proceeding, guardianship proceeding, or orders of modification to such decree, or other lawful orders of support entered by a court of competent jurisdiction adjudicating the duty, amount, and manner of support, or~~

~~b. according to such parent's financial ability to contribute to such child's support if no provision for support is provided in a decree of divorce or an order of modification subsequent thereto; or and where any of the above conditions exist it shall not be necessary to terminate parental rights under Section 1130 of this title prior to the adoption of said child. Provided that any decree of adoption heretofore entered by any court of appropriate jurisdiction within the State of Oklahoma wherein termination of parental rights, as prescribed in Section 1130 of this title, was not obtained shall not be invalid on the ground that such termination of parental rights was not obtained.~~

~~The incarceration of a parent shall not prevent termination of parental rights under this section; or~~

~~3. The father or putative father of a child born out of wedlock if:~~

~~a. prior to the hearing provided for in Section 29.1 of this title, and having actual knowledge of the birth or impending birth of the child believed to be his child, he fails to acknowledge paternity of the child or to take any action to legally establish his claim to paternity of the child or to exercise parental rights or duties over the child, including failure to contribute to the support of the mother of the child to the extent of his financial ability during her term of pregnancy, or~~

~~b. at the hearing provided for in Section 29.1 of this title:~~

~~(1) he fails to prove that he is the father of the child, or~~

~~(2) having established paternity, he fails to prove that he has exercised parental rights and duties toward the child unless he proves that prior to the receipt of notice he had been specifically denied knowledge of the child or denied the opportunity to exercise parental rights and duties toward the child. As used in this subparagraph, specific denial of knowledge of the child or denial of the opportunity to exercise parental rights and duties toward the child shall not include those instances where the father or putative father fails to prove to the satisfaction of the court that he made a sufficient attempt to discover if he had fathered the child or to exercise parental rights and duties toward the child prior to the receipt of notice, or~~

~~e. he~~

A. Consent to adoption is not required from a putative father of a minor born out of wedlock who, at the hearing provided for in Section 23 or 26 of this act, fails to prove he is the father of the child.

B. Consent to adoption is not required from a parent who, for a period of twelve (12) consecutive months out of the last fourteen (14) months immediately preceding the filing of a petition for adoption of a child, has willfully failed, refused, or neglected to contribute to the support of such minor:

1. In substantial compliance with an order entered by a court of competent jurisdiction adjudicating the duty, amount, and manner of support; or

2. According to such parent's financial ability to contribute to such minor's support if no provision for support is provided in an order.

The incarceration of a parent in and of itself shall not prevent the adoption of a minor without consent.

C. Consent to adoption is not required from a father or putative father of a minor born out of wedlock if:

1. The minor is placed for adoption within ninety (90) days of birth, and the father or putative father fails to show he has exercised parental rights or duties towards the minor, including, but not limited to, failure to contribute to the support of the mother of the child to the extent of his financial ability during her term of pregnancy; or

2. a. The minor is placed for adoption within fourteen (14) months of birth, and the father or putative father fails to show that he has exercised parental rights or duties towards the minor, including, but not limited to, failure to contribute to the support of the minor to the extent of his financial ability, which may include consideration of his failure to contribute to the support of the mother of the child to the extent of his financial ability during her term of pregnancy, and

b. Pursuant to subparagraph a of this paragraph, failure to contribute to the support of the mother during her term of pregnancy shall not in and of itself be grounds for finding the minor eligible for adoption without such father's consent.

D. The incarceration of a parent in and of itself shall not prevent the adoption of a minor without consent.

E. 1. A determination that the consent to adoption is not required from the father or putative father of a minor born out of wedlock shall not, by itself, act to relieve such father or putative father of his obligation to provide for the support of the minor as otherwise required by law.

2. Provided, in any case where a father or putative father of a minor born out of wedlock claims that, prior to the receipt of notice of the hearing provided for in Sections 23 and 26 of this act, he had been specifically denied knowledge of the minor or denied the opportunity to exercise parental rights and duties toward the minor, such father or putative father must prove to the satisfaction of the court that he made sufficient attempt to discover if he had fathered a minor or made sufficient attempt to exercise parental rights and duties toward the minor prior to the receipt of notice.

F. Consent to adoption is not required from a parent or putative father who waives in writing his right to notice of the hearing provided for in Section ~~29.1~~ 23 or 26 of this title, ~~or~~ ~~d.~~ he act.

G. Consent to adoption is not required from a parent or putative father who fails to appear at the hearing provided for in Section ~~29.1~~ 23 or 26 of this title ~~act~~ if all notice requirements ~~continued~~ contained in or pursuant to Section 1131 of this title ~~such sections~~ have been met.

~~A determination that the consent of the father or putative father of a child born out of wedlock to the adoption of the child is not required shall not, by itself, act to relieve such father or putative father of his obligation to provide for the support of the child as otherwise required by law; or~~

~~4. A~~ H. Consent to adoption is not required from a parent who is entitled to custody of a ~~child~~ minor and has abandoned the ~~child,~~ ~~or~~ minor.

~~5. A parent of a child who is deprived, as defined by Section 1101 of this title, if:~~

- ~~a. such condition is caused by or contributed to by acts or omissions of his parent, and~~
- ~~b. the parent has failed to show that the condition which led to the making of said finding has not been corrected although the parent has been given three (3) months to correct the condition; provided, that the parent shall be given notice of any hearing to determine if the condition has been corrected. The court may extend the time in which such parent may show the condition has been corrected, if, in the judgment of the court, such extension of time would be in the best interest of the child. During the period that the parent has to correct the condition the court may return the child to the custody of its parent or guardian, subject to any conditions which it may wish to impose or the court may place the child with an individual or an agency; or~~

~~6. A~~ I. Consent to adoption is not required from a parent who willfully fails to maintain a significant relationship with a minor through visitation or communication for a period of twelve (12) consecutive months out of the last fourteen (14) months immediately preceding the filing of a petition for adoption of the child.

J. Consent to adoption is not required from a parent who has been convicted in a criminal action pursuant to the provisions of Sections ~~843, 845,~~ 7102 and 7115 of this title and Sections 1021.3,

1111 and 1123 of Title 21 of the Oklahoma Statutes or who has either:

~~a. physically~~

1. Physically or sexually abused the ~~child~~ minor or a sibling of such ~~child~~ minor or failed to protect the ~~child~~ minor or a sibling of such ~~child~~ minor from physical or sexual abuse that is heinous or shocking to the court or that the ~~child~~ minor or sibling of such ~~child~~ minor has suffered severe harm or injury as a result of such physical or sexual abuse; or

~~b. physically~~

2. Physically or sexually abused the ~~child~~ minor or a sibling of such child or failed to protect the ~~child~~ minor or a sibling of such ~~child~~ minor from physical or sexual abuse subsequent to a previous finding that such parent has physically or sexually abused the ~~child~~ minor or a sibling of such ~~child~~ minor or failed to protect the ~~child~~ minor or a sibling of such ~~child~~ minor from physical or sexual abuse; ~~or.~~

~~7. A K. Consent to adoption is not required from a parent who has been convicted in a criminal action of having caused the death of a sibling of the ~~child~~ minor as a result of the physical or sexual abuse or chronic neglect of such sibling;~~ ~~or.~~

~~8. A parent of a child who is deprived, as defined by Section 1101 of this title,~~ L. Consent to adoption is not required from a parent if:

~~a. the parent has been sentenced to a period of incarceration of not less than ten (10) years;~~ and

~~b. the continuation of parental rights would result in harm to the ~~child~~ minor based on consideration of the following factors, among others: the duration of incarceration and its detrimental effect on the parent/child relationship; any previous incarcerations; any history of criminal behavior, including crimes against children; the age of the ~~child~~ minor; the evidence of abuse or neglect of the ~~child~~ minor or siblings of the ~~child~~ minor by the parent; and the current relationship between the parent and the ~~child~~ minor and the manner in which the parent has exercised parental rights and duties in the past;~~ ~~or.~~

~~9. A parent of a child who is deprived, as defined by Section 1101 of this title, if~~ M. Consent to adoption is not required from:

~~a. the~~

~~1. A parent who has a mental illness or mental deficiency, as defined by paragraphs f and g of Article II of Section 6-201 of Title 43A of the Oklahoma Statutes, which renders the parent incapable of adequately and appropriately exercising parental rights, duties and responsibilities;~~ and

~~b. the;~~

~~2. The continuation of parental rights would result in harm or threatened harm to the child;~~ and

~~c. the~~

~~3. The mental illness or mental deficiency of the parent is such that it will not respond to treatment, therapy or medication and, based upon competent medical opinion, the condition will not substantially improve.~~

N. Consent to adoption is not required from a putative father who has been served with a Notice of Plan for Adoption pursuant to Section 16 of this act and who returns the form to the Paternity Registry of the Department of Human Services or agency or attorney who served him explicitly waiving a right to notice and legal rights

to the minor or who fails to return the form pursuant to Section 16 of this act in time for the form to be received by the Paternity Registry of the Department of Human Services or the agency or attorney who served him within thirty (30) days from the date the Notice of Plan for Adoption was served upon the putative father.

0. Consent to adoption is not required from:

1. An individual who has permanently relinquished the minor pursuant to the Oklahoma Adoption Code;

2. An individual whose parental relationship to a child has been legally terminated or legally determined not to exist; or

3. The personal representative of a deceased parent's estate.

SECTION 28. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7505-4.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. If, at any time in a proceeding for adoption or for termination of a relationship of parent and child pursuant to the Oklahoma Adoption Code, the court finds that an unknown father or putative father of the child may not have received notice, the court shall determine whether he can be identified. The determination must be based on evidence that includes inquiry of appropriate persons in an effort to identify an unknown father or putative father for the purpose of providing notice.

B. The inquiry required by subsection A of this section must include whether:

1. The woman who gave birth to the child was married at the probable time of conception of the child, or at a later time;

2. The woman was cohabiting with a man at the probable time of conception of the child;

3. The woman has received payments or promises of support, other than from a governmental agency, with respect to the child or because of her pregnancy;

4. The woman has named any individual as the father on the birth certificate of the child or in connection with applying for or receiving public assistance; and

5. Any individual has formally or informally acknowledged or claimed paternity of the child in a jurisdiction in which the woman resided during or since her pregnancy, or in which the child has resided or resides, at the time of the inquiry.

C. If inquiry pursuant to subsection B of this section identifies as the father or putative father of the child an individual who has not received notice of the proceeding, the court shall require notice to be served upon him pursuant to Section 23 or 26 of this act.

D. If, in an inquiry pursuant to this section, the woman who gave birth to the child fails to disclose the identity of a possible father or reveal his whereabouts, she must be advised that the proceeding for adoption may be delayed or subject to challenge if a possible father is not given notice of the proceeding and that the lack of information about the father's medical and genetic history may be detrimental to the child.

Part 5. Home Studies

SECTION 29. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7505-5.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in this section, only a person for whom a favorable written preplacement homestudy has been prepared may accept custody of a minor for purposes of adoption. A preplacement homestudy is favorable if it contains a finding that the person is suited to be an adoptive parent, either in general or for a particular minor, and it is completed or brought current

within twelve (12) months next preceding a placement of a minor with the person for adoption.

B. A court may waive the requirement of a preplacement homestudy for good cause shown, but a person who is the subject of a waiver must be evaluated during the pendency of a proceeding for adoption.

C. A preplacement homestudy is not required if a parent or guardian places a minor directly with a relative of the minor for purposes of adoption, but a preplacement homestudy of the relative is required during the pendency of a proceeding for adoption.

SECTION 30. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7505-5.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. If a preplacement home study is waived by the court for good cause shown or is not required by Section 29 of this act, the court, upon the filing of a petition for adoption, shall order that a home study be made and filed with the court by the designated investigator within the time fixed by the court, and in no event more than sixty (60) days from the issuance of the order for the home study, unless the time therefor is extended by the court.

B. If the child to be adopted is the biological or adopted child of either of the petitioners or of the spouse of the petitioner, then the court by order may waive the requirement in subsection A of this section that a home study report be made, and the requirement for a supplemental report set forth in subsection C of Section 31 of this act, if the court makes the following findings:

1. That waiver of the home study requirement is in the best interest of the child;
2. That the parent of the child and the stepparent of the child who are petitioning for adoption have been married for at least one (1) year with the child who is to be adopted living in their home; and
3. That the stepparent who is petitioning for adoption has no record of conviction of a felony or conviction or adjudication in juvenile court for child abuse or neglect or domestic violence, and there is no record of a protective order or orders issued against the stepparent.

In all other adoptions, including foster, relative, and stepparent adoptions, a home study and report shall be made pursuant to this section or Section 29 of this act.

SECTION 31. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7505-5.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. A home study satisfying Section 29 or 30 of this act must include the following:

1. An appropriate inquiry to determine whether the proposed home is a suitable one for the minor; and any other circumstances and conditions which may have a bearing on the adoption and of which the court should have knowledge; and in this entire matter of investigation, the court is specifically authorized to exercise judicial knowledge and discretion;
2. Documentation of at least one individual interview with each parent, each school-age child and any other household member, one joint interview, a home visit, and three written references; and
3. Verification that the home is a healthy, safe environment in which to raise a minor, as well as verification of marital status, employment, income, access to medical care, physical health and history, and a criminal background check.

B. The report of such home study shall become a part of the files in the case and shall contain a definite recommendation for or against the proposed adoption and the reasons therefor.

C. Following issuance of an interlocutory decree of adoption, or if the interlocutory decree is waived, prior to issuance of a final decree, the investigator conducting the home study or another investigator who meets the qualifications specified in Section 32 of this act, shall observe the minor in the proposed adoptive home and report in writing to the court on any circumstances or conditions which may have a bearing on the granting of a final adoption decree. If the interlocutory decree was not waived, the investigator must certify that the final examination described in this subsection has been made since the granting of the interlocutory order. This supplemental report shall include a determination as to the legal availability or status of the minor for adoption and shall be filed prior to the final decree of adoption.

SECTION 32. AMENDATORY 10 O.S. 1991, Section 60.13, as amended by Section 3, Chapter 122, O.S.L. 1994 (10 O.S. Supp. 1996, Section 60.13), is amended to read as follows:

Section 60.13 A. ~~Upon the filing of a petition for adoption, the court shall order or receive a home study and report to be made by~~ Home studies satisfying Sections 29, 30 and 31 of this act must be conducted and the reports prepared only by the following persons or agencies:

1. The agency having custody or legal guardianship of the child; ~~or~~
2. The ~~State~~ Department of Human Services; ~~or~~
3. A licensed child-placing agency or certified adoption agency; ~~or~~
4. A person designated by the court who meets one of the following qualifications:
 - a. a master's degree in social work and one (1) year of experience in children's services,
 - b. a member of the Academy of Certified Social Workers (ACSW) and one (1) year of experience in children's services,
 - c. a master's degree in a behavioral or social science and two (2) years' experience in children's services,
 - d. a doctorate in a behavioral or social science and one (1) year of experience in children's services, or
 - e. is a member of the clergy with two (2) years of experience in family counseling; or
5. A person who is supervised by a person described in paragraph 4 of this subsection, and who meets one of the following qualifications:
 - a. a bachelor's degree in social work, or
 - b. a bachelor's degree in behavioral or social science and one (1) year of experience in children's or family services.

~~B. The court shall order that a report of such home study be filed with the court by the designated investigator within the time fixed by the court and in no event more than sixty (60) days from the issuance of the order for home study, unless time therefor is extended by the court.~~

~~C. 1. The home study shall include an appropriate inquiry to determine whether the proposed home is a suitable one for the child; and any other circumstances and conditions which may have a bearing on the adoption and of which the court should have knowledge; and, in this entire matter of investigation, the court is specifically authorized to exercise judicial knowledge and discretion.~~

~~2. The home study shall consist of documentation of at least one individual interview with each parent, each school-age child and any other household member, one joint interview, a home visit and three written references.~~

~~3. The home study shall also include verification that the home is a healthy, safe environment in which to raise a child, as well as verification of marital status, employment, income, access to medical care, physical health and history, and a criminal background check.~~

~~D. A supplemental report including a determination as to the legal availability or status of the child for adoption shall be filed prior to the final adoption petition.~~

~~E. The court may order agencies named in subsection A of this section located in one or more counties to make separate investigations on separate parts of the inquiry, as may be appropriate.~~

~~F. The report of such home study shall become a part of the files in the case and shall contain a definite recommendation for or against the proposed adoption and the reasons therefor.~~

~~G. Provided, that if the child petitioned to be adopted shall be the natural or adopted child of either of the petitioners then no investigation shall be made.~~

~~H. C.~~ The Department of Human Services shall not be required by the court to make a home study and report to the court on adoptive placements made by private adoption agencies or persons providing private adoption services.

Part 6. Interlocutory Order and Final Decree

SECTION 33. AMENDATORY 10 O.S. 1991, Section 60.15, as amended by Section 4, Chapter 122, O.S.L. 1994 (10 O.S. Supp. 1996, Section 60.15), is amended to read as follows:

Section 60.15 Upon examination of the report required in Section ~~60.13~~ 29 or 30 of this ~~title act~~, and after hearing, the court may issue an interlocutory decree giving the care and custody of ~~the child~~ a minor to the petitioners, pending the further order of the court. ~~Thereafter the investigator, who shall meet the qualifications specified in Section 60.13 of this title, shall observe the child in his proposed adoptive home and report in writing to the court on any circumstances or conditions which may have a bearing on the granting of a final adoption decree. After six (6) months from the date of the interlocutory decree the petitioners may apply to the court for a final decree of adoption. The court shall thereupon set a time and place for final hearing. Notice of the time and date of the hearing shall be served on the Department of Human Services in those cases where said Department has original custody, or the investigator. The investigator shall file with the court a written report of its findings and recommendations and certify that the required examination has been made since the granting of the interlocutory decree. After hearing on said application, at which the petitioners and the child shall appear unless the presence of the child is waived by the court, the court may enter a final decree of adoption, if satisfied that the adoption is for the best interests of the child.~~

SECTION 34. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7505-6.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Before the final hearing on the petition for adoption, the following must be filed in the proceeding when available:

1. A certified copy of the birth certificate or other record of the date and place of birth of the minor;

2. Any consent, extra judicial consent, or permanent relinquishment, with respect to the minor that has been executed, and any written verifications required by the Oklahoma Adoption Code from the individual before whom a consent, extra judicial consent, or permanent relinquishment was executed;

3. A certified copy of any court order terminating the parental rights of the minor's parents or guardian;

4. A certified copy of any existing court order or the petition in any pending proceeding concerning custody of or visitation with the minor;

5. A copy of any home study performed on the petitioners, including the home studies required by Sections 29, 30 and 31 of this act.

6. A copy of any agreement with a public agency to provide a subsidy for the benefit of a minor with a special need;

7. A verified document by the Department, or child-placing agency that placed the minor for adoption, or the attorney for the adoptive parent in direct placement adoption, or the person who is placing the minor for adoption in a direct placement adoption in which the adoptive parent is not represented by an attorney, stating that the petitioner for adoption has been furnished a copy of the medical and social history report, pursuant to Section 18 of this act;

8. The name and address, if known, of any person who is entitled to receive notice of the proceeding for adoption;

9. The affidavit of expenditures; and

10. Any such other document or information required by the court.

B. If an item required by subsection A of this section is not available, the person responsible for furnishing the item shall file an affidavit explaining its absence.

SECTION 35. AMENDATORY 10 O.S. 1991, Section 60.14, is amended to read as follows:

Section 60.14 A. After six (6) months from the date of the interlocutory decree, the petitioners may apply to the court for a final decree of adoption. The court shall thereupon set a time and place for final hearing.

B. If the ~~child~~ minor is related by blood to one of the petitioners, or is a stepchild of the petitioner, or the court finds that the best interests of the child will be furthered thereby, the court, after examination of the home study reports required by Section 13, in its discretion 29 or 30 of this act, may waive the entry of an interlocutory decree and the waiting period of six (6) months or the balance of the waiting period provided in ~~Section 15~~ and grant a final decree of adoption, if satisfied that the adoption is for the best interests of the child this section.

C. Notice of the time and date of the hearing shall be served at least ten (10) days prior to the hearing upon any biological parent whose parental rights have not been terminated, unless that parent has properly executed a consent to the adoption or a permanent relinquishment pursuant to Sections 11, 12 and 14 of this act or has waived the right to notice pursuant to Section 16 of this act. Notice of the hearing shall also be served on the child-placing agency or the Department of Human Services in those cases where the child-placing agency or Department has original custody, or performed a home study.

D. The petitioners and child shall appear at the hearing on the application for final decree, unless the presence of the child is waived by the court.

E. The court may enter a final decree of adoption, if the court is satisfied that the adoption is in the best interests of the child.

SECTION 36. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7505-6.4 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. If the court denies a petition for adoption, it shall dismiss the proceeding and issue an appropriate order for the legal and physical custody of the minor according to the best interests of the minor.

B. The court shall schedule a separate hearing to determine custody of the minor. The court shall certify that the petitioner for adoption and each parent of the minor has received notice of the date of the custody hearing at least fifteen (15) days prior to the date of the hearing and that each biological parent who has signed a consent or permanent relinquishment has been served in the same manner as summons is served in civil cases at least fifteen (15) days prior to the date of the hearing.

SECTION 37. AMENDATORY 10 O.S. 1991, Section 60.16, as amended by Section 6, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, 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~~. 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 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 the property of the child by descent and distribution.

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

D. A decree of adoption does not affect any right or benefit vested in the child before the decree becomes final.

SECTION 38. AMENDATORY 10 O.S. 1991, Section 60.18, is amended to read as follows:

Section 60.18 ~~(1)~~ A. For each adoption or annulment of adoption, the clerk of the court shall prepare, within thirty (30) days after the decree becomes final, a certificate of such decree on a form furnished by the State Registrar of Vital Statistics, and before the 15th day of each calendar month the clerk shall forward to the State Registrar the certificates prepared by ~~him~~ the clerk during the preceding calendar month, if adoptions in said court have been effected. If a biological parent has filed an affidavit of nondisclosure pursuant to Section 13 of this act, the clerk shall attach the affidavit of nondisclosure to the certificate of such decree and forward it with the certificate to the State Registrar.

~~(2)~~ B. The State Registrar, upon receipt of a ~~certified copy of an order or~~ certificate of a decree of adoption, shall prepare a supplementary birth certificate in the new name of the adopted

~~person, the city and county of residence of adoptive parents, hospital of choice of adoptive parents, and the family physician of the adoptive parents if they are residents of the State of Oklahoma; provided, however, any change of name of the physician or the hospital shall first require that the written consent of such hospital and such physician is obtained~~ person. If the adopted person was born in a foreign country, the State Registrar shall prepare a certificate of foreign birth.

C. The State Registrar shall then seal and file the original certificate of birth, if any, with said certified copy the certificate of decree of adoption and the affidavit of nondisclosure, if any, attached thereto. Such sealed documents may be opened by the State Registrar only upon the demand of the adopted person, if of legal age, or adoptive parents, by an order of the court. Upon receipt of a certified copy of a court order of annulment of adoption, the State Registrar shall restore the original certificate to its original place in the files. Provided further that this act be retroactive and apply to adoptions heretofore granted by any court in this state. Upon receipt of a certificate of a court order of annulment of adoption, the State Registrar shall restore the original certificate to its original place in the files.

D. For adoptions finalized after November 1, 1997, the State Registrar shall provide an adopted person, at that person's request, with an uncertified copy of the person's original certificate of birth at any time after the adopted person's eighteenth birthday, if all of the following conditions are met:

1. The adopted person has submitted satisfactory proof of identity;

2. The adopted person has submitted an affidavit in which the adopted person states under oath that such person does not have a biological sibling under the age of eighteen (18) who is currently in an adoptive family and whose location is known to the adopted person; and

3. The State Registrar has ascertained that at the time of the request there is no unrevoked affidavit of nondisclosure by a biological parent on file. However, if an unrevoked affidavit of nondisclosure from only one biological parent is on file and the other conditions have been met, the State Registrar may release to the adopted person an uncertified copy of the person's original certificate of birth after deleting from that copy of the birth certificate any identifying information regarding the biological parent who filed the unrevoked affidavit of nondisclosure, including, if necessary, the original surname of the adopted person.

E. The State Registrar shall not disclose an original certificate of birth or other sealed adoption records, except as permitted by subsection D of this section, or upon order of the court for good cause shown pursuant to Section 19 of this act.

Part 7. Appeals

SECTION 39. AMENDATORY 10 O.S. 1991, Section 60.19, as amended by Section 10, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, 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 pursuant to the Oklahoma Adoption Act Code to the Supreme Court by any person aggrieved thereby, in the manner provided for appeals from the court as provided in this section.

B. In an appeal concerning the adoption of a minor or the termination of parental rights for adoption purposes, the appellant's designation of record shall be filed in the trial court

within ten (10) days after the date of the judgment. Appellee's counter designation of record shall be filed in the trial court ten (10) days after appellant's designation of record is filed in the trial court.

~~C.~~ ~~1.~~ All appeals of cases concerning the adoption of a child minor 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.~~ ~~D.~~ The briefing schedule is established as follows:

~~a.~~ ~~appellant's~~

1. 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~~

2. Appellee's answer brief shall be filed fifteen (15) days after the appellant's brief in chief is filed~~;~~ and

~~c.~~ ~~appellant's~~

3. Appellant's reply brief may be filed within ten (10) days after the appellee's answer brief is filed.

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

SECTION 40. AMENDATORY 10 O.S. 1991, Section 58, as last amended by Section 9, Chapter 297, O.S.L. 1996, and as renumbered by Section 28, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, Section 60.18b), is amended to read as follows:

Section 60.18b A. Except as otherwise provided by paragraph 3 of subsection B of Section 15 of this act:

1. 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~~;~~ and

~~B.~~ 2. 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.~~ B. The pendency of an appeal shall not suspend the order of the district court regarding a child minor, nor shall it remove the child minor from the custody of that court or of the person, institution, or agency to whose care such child minor has been committed, unless the Supreme Court shall so order.

~~D.~~ C. 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 minor.

Article 6. Paternity Registry

SECTION 41. AMENDATORY 10 O.S. 1991, Section 55.1, is amended to read as follows:

Section 55.1 A. The Department of Human Services shall establish a centralized paternity registry. The purpose of the registry is to:

1. Protect the parental rights of a putative father who may wish to affirmatively assume responsibility for children he may have fathered; and

2. Expedite adoptions of children whose biological fathers are unwilling to assume responsibility for their children by registering with the registry or otherwise acknowledging their children.

B. The father or putative father of a child born out of wedlock may file:

1. A notice of desire to receive notification of an adoption proceeding concerning the minor pursuant to Section 16 of this act;

2. A notice of intent to claim paternity of the child ~~or an~~ pursuant to this section or Section 16 of this act;

3. An instrument acknowledging paternity of the child as provided in Section 16 of this act, or this section, and Section 1-311.3 of Title 63 of the Oklahoma Statutes;

4. A waiver of interest pursuant to Section 16 of this act; or

5. Any other claim for acknowledging or denial of paternity authorized by law.

~~B. The Department of Human Services shall establish a centralized paternity registry which shall record the names and addresses of:~~

~~1. any person adjudicated by a court of this state to be the father of a child born out of wedlock;~~

~~2. any person who has filed with the registry before or after the birth of a child out of wedlock a notice of intent to claim paternity of the child;~~

~~3. any person adjudicated by a court of another state or territory of the United States to be the father of a child born out of wedlock, where a certified copy of the court order has been filed with the registry by such person or any other person; and~~

~~4. any person who has filed with the registry an instrument acknowledging paternity.~~

C. The paternity registry shall also be available to any person who:

1. Has been adjudicated by a court of another state or territory of the United States to be the father of a minor by filing a certified copy of the court order with the registry; or

2. Has been adjudicated by a court of this state to be the father of a minor born out of wedlock.

D. The Department shall maintain the following information in the registry:

1. The putative father's:

a. name,

b. address at which the putative father may be served with notice of an adoption,

c. Social Security number,

d. date of birth, and

e. tribal affiliation, if any;

2. The mother's:

a. name, including all other names known to the putative father that the mother uses, and

b. address, Social Security number, and date of birth, if known;

3. The minor's name, date and place of birth, if known, or the probable month and year of the expected birth of the minor;

4. The date that the Department receives a putative father's registration;

5. The:

a. name of an attorney or child-placing agency that requests the Department to search the registry to

determine whether a putative father is registered in relation to a mother whose minor is or may be the subject of an adoption, and

b. date that the attorney or agency submits a request as provided under this paragraph;

6. If the registration is based upon an adjudication by a court of this or any other state, the case number, court, date of order, judgment or decree, and a copy of the decree; and

7. Any other information that the Department determines is necessary to access the information in the registry.

E. The Department shall store the registry's data in a manner so that the data is accessible under the following:

1. The putative father's name;

2. The mother's name; and

3. The minor's name, if known.

F. A putative father who registers under this section shall provide to the Department:

1. The putative father's:

a. name,

b. address at which the putative father may be served with notice of an adoption,

c. Social Security number,

d. date of birth, and

e. tribal affiliation, if any;

2. The mother's name, including all other names known to the putative father that the mother uses;

3. If the registration is based upon an adjudication by a court of this or any other state, the case number, court, date of order, judgment or decree, and a copy of the decree; and

4. Any other information described under subsection D of this section that is known to the putative father.

G. A person filing a notice of desire to receive notification of an adoption proceeding concerning the minor, a notice of intent to claim paternity of a ~~child~~ minor or an acknowledgment of paternity shall include therein his current address and shall notify the registry of any change of address pursuant to procedures prescribed by ~~regulations~~ rules of the Department. If a putative father does not have an address where the putative father is able to receive notice of an adoption, the putative father may designate another person as an agent for the purpose of receiving notice of adoption. The putative father must provide the Department with the agent's name and the address at which the agent may be served. Service of notice upon the agent constitutes service of notice upon the putative father. If notice of an adoption may not be served on the agent as provided by this subsection, no further notice of the adoption to the agent or to the putative father is necessary.

~~D. A person who has filed a notice of intent to claim paternity may at any time, by filing a notice to disclaim, revoke a notice of intent to claim paternity.~~

~~E. H.~~ H. An unrevoked notice of intent to claim paternity of a ~~child~~ minor or an instrument acknowledging paternity may be introduced in evidence by any party in any proceeding in which such fact may be relevant.

~~F. I.~~ I. The Department, upon request, shall provide the names and addresses of persons listed with the registry to any court or authorized agency, and such other persons deemed necessary to receive such information by the Department. The information shall not be divulged to any other person except upon order of a court for good cause shown.

~~G. J.~~ J. The Department shall:

1. Provide the forms necessary for filing with the paternity registry established by this section and shall make said forms available to any father or putative father of a ~~child~~ minor born out of wedlock who wishes to file with the registry; and

2. Provide, from any available funds, for the publication and statewide distribution to the public of information as to the existence of the paternity registry, the procedures for entry into the registry, and the consequences of failure to register.

SECTION 42. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7506-1.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. A putative father may revoke a notice of intent to claim paternity at any time by submitting a signed, notarized statement revoking the notice of intent to claim paternity.

B. If a court determines that the registrant is not the father of the child, the court shall order that the Department remove the registrant's name from the registry. On receipt of an order providing for the removal of the registrant's name, the Department shall remove the name from the registry.

Article 7. Adult Adoptions

SECTION 43. AMENDATORY 10 O.S. 1991, Section 60.21, is amended to read as follows:

Section 60.21 An adult person may be adopted by any other adult person, with the consent of the person to be adopted or his guardian, if the court shall approve, and with the consent of the spouse, if any, of an adoptive parent, filed in writing with the court. The provisions of ~~Sections 1 to 15, both inclusive,~~ Sections 9 through 36 of this act shall not apply to the adoption of a competent adult person. A petition therefor shall be filed with the district court in the county where the adoptive parents reside. After a hearing on the petition and after such investigation as the court deems advisable, if the court finds that it is to the best interests of the people involved, a decree of adoption may be entered which shall have the legal consequences stated in Section ~~46~~ 37 of this act.

Article 8. Adult Adoptee Services

SECTION 44. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7508-1.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. All records of any adoption finalized in this state shall be maintained for twenty-two (22) years by the child-placing agency, entity, organization or person arranging or facilitating the adoption.

B. Child-placing agencies, attorneys, or other entities that facilitate adoptions who cease to operate or to practice in this state shall transfer their adoption records to the Department of Human Services, Adoption Division, or, after giving notice to the Department of Human Services, to a transferee agency that is assuming responsibility for the preservation of the agency's adoption records.

SECTION 45. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7508-1.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall establish and administer, directly or through a contractor, a Mutual Consent Voluntary Registry whereby eligible persons as described in subsection B of this section may indicate their willingness to have their identity and whereabouts disclosed to each other under the conditions specified under this part.

B. Subject to the restrictions of subsections C and D of this section, the following persons may register with the Mutual Consent Voluntary Registry:

1. An adult adopted person;
2. An adult person whose biological parent's parental rights have been terminated;
3. The adoptive parents or guardian of an adopted person who is under the age of eighteen (18) or who has been declared mentally incompetent;
4. If an adopted person is deceased, the legal parent or guardian of any minor child or mentally incompetent minor of the adopted person;
5. If an adopted person is deceased, any adult descendants of the adopted person;
6. The legal parent or guardian of any minor or mentally incompetent minor of a deceased person whose biological parent's parental rights have been terminated;
7. The adult descendants of a deceased person whose biological parent's parental rights have been terminated;
8. A biological parent whose parental rights were voluntarily terminated by court order subsequent to the biological parent's consent or relinquishment, or involuntarily terminated by court order, in an adoption, juvenile, guardianship, or domestic relations proceeding; and
9. An adult biological relative of an adopted person or a person whose biological parent's parental rights have been terminated.

C. This registry shall not be used by:

1. An adult adopted person who has a minor biological sibling in the same adoptive family or in an adoptive or foster family or other placement whose location is known to the adult adopted person; or
2. An adult whose biological parent's parental rights have been terminated and who has a biological sibling in the same family or in an adoptive or foster family or other placement whose location is known to that adult.

D. If a biological relative, other than a biological parent, registers pursuant to paragraph 9 of subsection B of this section, the administrator of the Mutual Consent Voluntary Registry shall ascertain from the State Registrar of Vital Statistics whether an affidavit of nondisclosure by a biological parent is on file. If such an affidavit is filed with the State Registrar and has not been revoked, the administrator of the Mutual Consent Voluntary Registry shall not process a match with any biological relative of the parent who filed the affidavit of nondisclosure.

E. 1. An eligible person may register by submitting a notarized affidavit, on a form provided by the Department of Human Services, stating the registrant's current name, address, telephone number, and the registrant's willingness to be identified to some or all eligible relatives, identified by name or by relationship, who also register. The registrant may also provide any previous name by which the registrant was known, previous and current names, if known, of specific eligible persons the registrant wishes to find, the place and date of birth of the adopted minor or the minor whose parent's rights have been terminated, and the name and address of the adoption agency, intermediary, or other person, if any, who placed the minor for adoption or took custody of the minor after the minor's parent's rights were terminated. If the registrant is an adult adopted person or an adult whose biological parent's rights have been terminated, the affidavit shall also contain a statement

that the registrant does not have a minor biological sibling in the same family or in an adoptive or foster family or other placement whose location is known to the registrant.

2. The form shall also indicate the registrant's desired method of notification in the event a match occurs; however, the Department shall not be required to utilize methods of notification that would require it to incur unreasonable expense. The form shall also indicate whether the registrant desires release of the registrant's identifying information if a match occurs after the registrant's death. No registration shall be accepted until the prospective registrant submits satisfactory proof of the registrant's identity. Registering persons may revise their consent with respect to change of address, telephone number or method of notification. Any name and accompanying information shall be removed from the list upon the verified written request of the person who registered.

F. The administrator of the MKutual Consent Voluntary Registry shall process each affidavit in an attempt to match the registrant with any other eligible persons who have registered and consented to have their identifying information released to the registrant. Such processing may include, but not be limited to, research from agency records, when available, and when agency records are not available, from court records to determine conclusively whether registrants match. When a match has occurred, the administrator shall notify each registrant, by the registrant's designated method only, and obtain the registrant's consent to an exchange of identifying information before any identifying information is released. Nothing in this section shall be construed to allow any state or local governmental department, agency, institution, or contractor, or any employee thereof, to solicit any consent for the release of identifying information from someone who has not registered with the registry.

G. Any affidavits filed and other information collected shall be retained for twenty-two (22) years following the date of registration.

H. Any person who discloses information from the registry in violation of this act shall be guilty of a misdemeanor and shall be fined up to Five Thousand Dollars (\$5,000.00) or imprisoned for a period of six (6) months or both.

SECTION 46. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7508-1.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall establish a search program whereby the services of a confidential intermediary who has been certified through the program may be used by eligible persons listed in subsection B of this section to locate an adult biological relative listed in subsection B of this section with whom contact has been lost through adoption or termination of parental rights proceedings.

B. Subject to the restrictions of subsections C and D of this section, the following persons may request a search or be the subject of a search through the confidential intermediary search program:

1. An adult adopted person;
2. An adult person who has a parent whose parental rights have been terminated;
3. The legal parent or guardian of any minor or mentally incompetent minor of a deceased adopted person;
4. An adult descendant of a deceased adopted person;

5. The legal parent or guardian of any minor or mentally incompetent minor of a deceased person whose biological parent's parental rights have been terminated;

6. An adult descendant of a deceased person whose biological parent's parental rights have been terminated;

7. A biological parent whose parental rights were voluntarily or involuntarily terminated by court order in an adoption, juvenile, guardianship, or domestic relations proceeding;

8. An adult biological sibling or biological grandparent of an adult adopted person or of an adult person who has a parent whose parental rights have been terminated; and

9. The sibling of a deceased biological parent whose parental rights were voluntarily or involuntarily terminated by court order in an adoption, juvenile, guardianship, or domestic relations proceeding.

C. A search through the confidential intermediary program may not be performed on behalf of:

1. Anyone who has not previously registered with the Mutual Consent Voluntary Registry at least six (6) months prior to submission of the application for services through the confidential intermediary search program;

2. An adult adopted person who has a minor biological sibling in the same adoptive family or in an adoptive or foster family or other placement whose location is known to the adult adopted person;

3. An adult whose biological parent's parental rights have been terminated and who has a minor biological sibling in the same family or in an adoptive or foster family or other placement whose location is known to that adult; or

4. Anyone who has previously initiated a search for a biological parent that refused to share identifying information, communicate, or meet, and who initiates a subsequent search for a biological relative of that biological parent.

D. If a biological relative of an adopted person, other than a biological parent, applies to initiate a search or is the subject of a search, the administrator of the confidential intermediary search program shall ascertain from the State Registrar of Vital Statistics whether an affidavit of nondisclosure by a biological parent of the adopted person is on file. If such an affidavit is filed with the State Registrar and has not been revoked, the administrator of the search program shall decline to initiate a search at the request of or for any biological relative of the parent who filed the affidavit of nondisclosure, unless the person initiating the search can provide satisfactory proof that the biological parent who filed the affidavit of nondisclosure is deceased.

E. The Department of Human Services shall administer, directly or through a contractor, the confidential intermediary search program. The Department of Human Services shall adopt rules and procedures necessary to implement the search program, including but not limited to the qualifications, minimum standards for training and certification, and standards of conduct for a confidential intermediary. A person shall not act as a confidential intermediary unless the person has completed the training required by the Department of Human Services, signed and filed an oath of confidentiality with the Department of Human Services, and possesses a confidential intermediary certificate issued by the Department of Human Services.

F. The Department of Human Services shall develop an oath of confidentiality, which must be signed under penalty of perjury by each prospective confidential intermediary prior to receiving certification. In the oath, the intermediary shall affirm that:

1. The intermediary has completed the requisite training for a confidential intermediary as required by the Department of Human Services;

2. The intermediary will not disclose to anyone, directly or indirectly, identifying or confidential information in the records or otherwise obtained through the intermediary's participation in the search program, except under the conditions specified in this section;

3. The intermediary will conduct a reasonable search for an individual being sought and make a discreet and confidential inquiry as to whether the individual consents to release of identifying information or medical information or to meeting or communicating with the individual initiating the search, and will report back to the administrator of the program the results of the intermediary's search and inquiry;

4. If the individual initiating the search and the individual being sought consent in writing to meet or to communicate with each other, the intermediary will act in accordance with the instructions of the administrator of the program to facilitate any meeting or communication between them;

5. The intermediary will not accept any fee or compensation for the intermediary's services except as authorized by the administrator of the search program and the Oklahoma Statutes; and

6. The intermediary recognizes that unauthorized release of information is a violation of this section and Section 19 of this act and may subject the intermediary to a fine or imprisonment or both, to civil liability, and to loss of certification as a confidential intermediary.

G. 1. After an eligible person described in subsection B of this section has:

- a. completed an application to initiate a search,
- b. provided satisfactory proof of identity to the administrator of the program, and
- c. paid the fee established by the Department of Human Services for initiating a search,

the administrator of the search program shall assign the search to a confidential intermediary certified by the Department of Human Services.

2. The confidential intermediary shall be permitted to inspect:

- a. all court records relevant to the adoption or termination of parental rights proceeding,
- b. the original certificate of birth, or other sealed adoption records, and other relevant records, if any, in the possession of the State Registrar of Vital Statistics, and
- c. all relevant records in the possession of the Department of Human Services.

3. The confidential intermediary must present to the custodians of such records documentary proof of the intermediary's certification and the referral form from the administrator of the search program prior to obtaining access to any of these records.

4. The confidential intermediary may also inspect records in the possession of a private adoption agency or a private attorney, but only if the private agency or attorney voluntarily agrees to cooperate and permits the examination.

5. The confidential intermediary shall keep confidential all information obtained during the course of the investigation, except as disclosure is permitted by this section.

H. 1. If the confidential intermediary is able to locate the subject of the search, the confidential intermediary shall make a

discreet and confidential inquiry as to whether the person who is the subject of the search will consent to share identifying information, communicate, or meet with the person who initiated the search.

2. The inquiry to the person who is the subject of the search shall be by personal and confidential contact. The inquiry shall be made without disclosing the identifying information about the person who initiated the search.

3. If the person who is the subject of the search is willing to share identifying information, communicate, or meet with the person who initiated the search, the confidential intermediary shall obtain this consent in writing, in a document that is dated and signed by the subject of the search.

4. If the person who is the subject of the search is not willing to share identifying information, meet, or communicate with the person who initiated the search, the confidential intermediary shall attempt to obtain any nonidentifying medical or social history information that has been requested by the person who has initiated the search.

5. If the confidential intermediary discovers the subject of the search is deceased, the confidential intermediary shall include this information and, if the deceased subject is a biological parent, shall include the identity of the biological parent in the written report.

I. 1. Any written consent and nonidentifying information obtained by the confidential intermediary, along with a written report of the results of the intermediary's search and inquiry, shall be transmitted to the administrator of the confidential intermediary program.

2. If the confidential intermediary is unable to locate the subject of the search, the intermediary shall report this to the administrator of the program and include in this written report a description of the search efforts.

3. If the confidential intermediary discovers that the identity of the biological father was unknown or not revealed by the biological mother, the confidential intermediary shall also include this information in the written report.

J. 1. Upon receipt of the report of the confidential intermediary, the administrator of the search program shall contact the person who initiated the search.

2. If the subject of the search agreed to share identifying information, communicate, or meet, the administrator shall relay this information and obtain the written consent of the person who initiated the search before arranging the sharing of identifying information, communication, or meeting between them.

3. Upon receiving the written consent of both the initiator and the subject of the search, the administrator may utilize the services of the confidential intermediary to facilitate a communication or meeting.

4. If nonidentifying medical or social history information was obtained, the administrator shall provide a copy of the nonidentifying information to the person who initiated the search. If the intermediary was unable to locate the subject of the search or the subject is deceased or did not consent to exchange identifying information, communicate, or meet, the administrator shall share that information with the initiator of the search.

5. If the subject of the search is a biological parent who is deceased, the administrator shall provide the initiator of the search with any identifying information available regarding the

deceased biological parent, if the initiator of the search consents in writing to receive the information.

K. If the initiator of a search subsequently applies to the court for an order allowing the release of identifying information for good cause shown, after the subject of the search has refused to share identifying information, communicate, or meet, the initiator shall advise the court in such person's motion of the results of the search. Upon the request of the court, the administrator of the program shall disclose to the court the report of the confidential intermediary regarding the results of the search, including any information about why the subject of the search objected to disclosure or contact.

L. Any information obtained by a confidential intermediary during the course of such person's investigation shall be kept strictly confidential and shall be disclosed and utilized only in the manner permitted by this section.

M. Any person who discloses information obtained during the course of a search performed under this section in violation of this act shall be guilty of a misdemeanor and shall be fined up to Five Thousand Dollars (\$5,000.00) or imprisoned for a period of six (6) months or both.

N. Any reports and other information collected as a result of a search performed under this section shall be retained by the administrator of the search program for twenty-two (22) years following the date of the initial application for the search.

O. The Department may charge the person who initiates the search for the actual expenses incurred in providing the service requested under this section and a reasonable fee for compensation of the confidential intermediary and the administration of this program.

Article 9. General Prohibitions

SECTION 47. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7509-1.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. It is the public policy of the State of Oklahoma that when an infant will be placed for adoption, a discharge of the infant from a medical facility shall be made as soon after birth as is medically prudent to facilitate the placement that has been arranged.

B. It shall be unlawful for any physician, hospital, or any other person or entity to condition discharge of an infant from a medical facility on the payment of any expense. Upon receipt of a written authorization of the birth mother, a medical facility shall release an infant to the person or agency designated in the written authorization.

C. Any physician, hospital, or any other person or entity that violates the provisions of subsection B of this section shall be liable in a civil action for compensatory and punitive damages, shall be subject to injunctive remedies and a judgment for the payment of an aggrieved person's attorney fees and court costs. In addition, upon proof before any State of Oklahoma licensing board or agency, that any physician, hospital, or other person or entity has violated the provisions of this section, said person's or entity's license or charter to practice a profession or conduct business operations within this state may be suspended.

Article 10. Subsidized Adoptions Programs

Part 1. Subsidized Adoption Act

SECTION 48. AMENDATORY 10 O.S. 1991, Section 60.25, is amended to read as follows:

Section 60.25 This ~~act~~ part shall be known and may be cited as the "Subsidized Adoption Act".

Part 2. Oklahoma Children's Adoption Resource Exchange

SECTION 49. AMENDATORY 10 O.S. 1991, Section 60.31, as amended by Section 15, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, 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 and all 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.

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, containing a photograph and description of each child whose parental rights have been terminated and is legally available for adoption; and

2. "Oklahoma Children's Adoption Resource Exchange" is a private nonprofit corporation incorporated in ~~the State of Oklahoma~~ this state whose membership is composed of child-placing agencies which operates under the direction of a board of directors selected in accordance with the bylaws of the corporation.

Part 3. Compact on Adoption and Medical Assistance

SECTION 50. AMENDATORY 10 O.S. 1991, Section 61, is amended to read as follows:

Section 61. This ~~act~~ part may be known and may be cited as the "Compact on Adoption and Medical Assistance".

Article 11. Studies and Committees

SECTION 51. AMENDATORY Section 2, Chapter 92, O.S.L. 1995 as renumbered by Section 21, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1996, Section 60.52), is amended to read as follows:

Section 60.52 A. The Adoption Law Reform Committee shall consist of fourteen (14) members appointed as follows:

1. One member shall be a presiding judge of a court having adoption law jurisdiction, to be appointed by the Assembly of Presiding Judges;

2. One member shall be a professor of law from the University of Oklahoma Law Center, to be appointed by the Director of the Law Center;

3. One member shall be a professor of law from the University of Tulsa College of Law, to be appointed by the Dean of the College of Law;

4. One member shall be the Director of the Department of Human Services or his designee;

5. Three members shall be appointed by the Speaker of the House of Representatives, one of which shall be a director of a public or private not-for-profit child-placing agency;

6. Three members shall be appointed by the President Pro Tempore of the Senate, one of which shall be a director of a private, for-profit, licensed child-placing agency;

7. One member shall be a judge or a justice of the Supreme Court of the State of Oklahoma, to be appointed by the justices of the Supreme Court of the State of Oklahoma; and

8. Three members shall be attorneys practicing in the area of adoption law and who are active members of the Family Law Section of the Oklahoma Bar Association, to be appointed by the President of the Oklahoma Bar Association.

B. Each member of the Adoption Law Reform Committee initially appointed shall make his appointment known to the Speaker of the House of Representatives and the President Pro Tempore of the Senate by August 1, 1995. Appointed members shall serve until June 30, ~~1997~~ 1998.

C. The Adoption Law Reform Committee may divide into subcommittees in furtherance of its purposes.

D. Any vacancies in the appointive membership of the Adoption Law Reform Committee shall be filled for the unexpired term in the same manner as the original appointment.

SECTION 52. AMENDATORY Section 3, Chapter 92, O.S.L. 1995, as renumbered by Section 21, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1996, Section 60.53), is amended to read as follows:

Section 60.53 A. The purposes of the Adoption Law Reform Committee shall be to conduct a systematic review and study of all adoption law and adoption procedures in the Oklahoma Statutes and prepare a recommended draft to reclassify, update, reform and recodify the statutes. The duties of the Committee in preparing recommendations shall be as follows:

1. To consolidate similar statutes;
2. To renumber adoption law statutes;
3. To repeal obsolete or duplicate statutes or any statutes which shall have been declared unconstitutional by court decision;
4. To create a recommended Adoption Law Article in Title 10 of the Oklahoma Statutes;
5. To incorporate into the Adoption Law Article as many existing statutes relating to adoption law procedure found throughout the Oklahoma Statutes as is practicable;
6. To update statutory references within each section relating to adoption law procedure;
7. To clarify and update existing statutory language;
8. To recodify those sections of law which relate to adoption law procedure when the move will improve the location, use, application and appropriateness of the section; and
9. To perform any other act necessary to complete the purposes of the Committee.

B. The Adoption Law Reform Committee shall be responsible for drafting recommended legislation in accordance with the current legislative drafting procedures.

C. 1. The Adoption Law Reform Committee shall prepare a final draft of a recommended Adoption Law Article, and shall submit said recommended Article to the Speaker of the House of Representatives and the President Pro Tempore of the Senate by November 1, 1996.

2. If, after the Committee submits the recommended Article, the Committee determines the Article needs additional revisions, said revisions shall be submitted as one final amendment. The recommended Article amendment shall be submitted to the Speaker of the House of Representatives and the President Pro Tempore of the Senate not later than March 1, 1997.

3. The Adoption Law Reform Committee shall submit a summary of every recommended change and addition to existing laws at the time the recommended Adoption Law Article and any amendments are

presented to the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

D. The Adoption Law Reform Committee shall cease to function June 30, ~~1997~~ 1998.

SECTION 53. AMENDATORY Section 4, Chapter 92, O.S.L. 1995, as renumbered by Section 21, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1996, Section 60.54), is amended to read as follows:

Section 60.54 A. Within fifteen (15) days from the initial appointment of membership for the Adoption Law Reform Committee, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint one member of the Committee to serve as cochairs. If a vacancy occurs in such office, a new cochair shall be appointed from the Committee in the same manner as the original appointment, who shall serve until June 30, ~~1997~~ 1998.

B. Other officers may be elected to serve the Committee for terms of office as may be designated by the Committee members. The cochairs of the Committee or their designees shall preside at meetings.

C. The Committee may meet at least one time per month and at such other times as may be set by the cochairs of the Committee.

D. Members of the Committee shall receive no salary; however, all members of the Committee shall be reimbursed for their actual and necessary travel expenses as follows:

1. Legislative members of the Committee shall receive reimbursement from the house in which they serve as provided in the State Travel Reimbursement Act, except when the Legislature is in session and the meeting is held in Oklahoma City;
2. Nonlegislative Committee members employed by the state shall be reimbursed by their respective employing agency pursuant to the State Travel Reimbursement Act; and
3. Any other Committee member shall receive reimbursement pursuant to the State Travel Reimbursement Act from funds of the Legislative Service Bureau.

E. A majority of the members appointed to the Committee shall constitute a quorum and a majority present may act for the Committee.

Miscellaneous Sections

SECTION 54. AMENDATORY 28 O.S. 1991, Section 152, as last amended by Section 5 of Enrolled Senate Bill No. 441 of the 1st Session of the 46th Oklahoma Legislature, is amended to read as follows:

Section 152. A. In any civil case filed in a district court, the court clerk shall collect, at the time of filing, the following flat fees, none of which shall ever be refundable, and which shall be the only charge for court costs, except as is otherwise specifically provided for by law:

1. Actions for divorce, alimony without divorce, separate maintenance, custody or support \$72.00
2. Any ancillary proceeding to modify or vacate a divorce decree providing for custody or support \$30.00
3. Probate and guardianship \$72.00
4. Annual guardianship report \$20.00
5. Any proceeding for sale or lease of real or personal property or mineral interest in probate or guardianship \$30.00
6. Any proceeding to revoke the probate of a will \$30.00
7. Judicial determination of death \$45.00
8. Adoption ~~\$72.00~~ 92.00
9. Civil actions and condemnation \$72.00
10. Garnishment \$10.00

- 11. Continuing wage garnishment \$50.00
- 12. Any other proceeding after judgment \$20.00
- 13. All others, including but not limited to actions for forcible entry and detainer, judgments from all other courts, including the Workers' Compensation Court \$72.00
- 14. Notice of renewal of judgment \$10.00

B. Of the amounts collected pursuant to subsection A of this section, the sum of Three Dollars (\$3.00) shall be deposited to the credit of the Law Library Fund ~~pursuant to Section 1201 et seq. of Title 20 of the Oklahoma Statutes.~~

C. Of the amounts collected pursuant to paragraph 8 of subsection a of this section, the sum of Twenty Dollars (\$20.00) shall be deposited to the credit of the Voluntary Registry and Confidential Intermediary program and the Mutual Consent Voluntary Registry established pursuant to the Oklahoma Adoption Code.

D. In any case in which a litigant claims to have a just cause of action and that, by reason of poverty, the litigant is unable to pay the fees and costs provided for in this section and is financially unable to employ counsel, upon the filing of an affidavit in forma pauperis executed before any officer authorized by law to administer oaths to that effect and upon satisfactory showing to the court that the litigant has no means and is, therefore, unable to pay the applicable fees and costs and to employ counsel, no fees or costs shall be required. The opposing party or parties may file with the court clerk of the court having jurisdiction of the cause an affidavit similarly executed contradicting the allegation of poverty. In all such cases, the court shall promptly set for hearing the determination of eligibility to litigate without payment of fees or costs. Until a final order is entered determining that the affiant is ineligible, the clerk shall permit the affiant to litigate without payment of fees or costs. Any litigant executing a false affidavit or counter affidavit pursuant to the provisions of this section shall be guilty of perjury.

SECTION 55. AMENDATORY 10 O.S. 1991, Section 1109, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 6, Chapter 200, O.S.L. 1996 (10 O.S. Supp. 1996, Section 7003-3.7), is amended to read as follows:

Section 7003-3.7 A. If the parents, guardian, or other legal custodian of ~~the~~ a child requests an attorney and is found to be without sufficient financial means, counsel shall be appointed by the court if a petition has been filed alleging that the child is a deprived child or if termination of parental rights is a possible remedy, provided that the court may appoint counsel without such request, if it deems representation by counsel necessary to protect the interest of the parents, guardian or other legal custodian. If the child is not otherwise represented by counsel, whenever a petition is filed pursuant to the provisions of this part, the court shall appoint a separate attorney, who shall not be a district attorney, for the child regardless of any attempted waiver by the parent or other legal custodian of the child of the right of the child to be represented by counsel. The attorney appointed for the child shall meet with the child as soon as possible after receiving notification of the appointment. Except for good cause shown, the attorney shall meet with the child not less than twenty-four (24) hours prior to any hearing in such proceeding.

B. Whenever a petition is filed alleging that a child is a deprived child, the court may appoint a guardian ad litem for the child at any time subsequent to the filing of the petition and shall appoint a guardian ad litem upon the request of the child or the

attorney of the child and whenever a court-appointed special advocate is available to the court to serve as a guardian ad litem regardless of whether or not a guardian ad litem has been requested by the child or the attorney of the child. The Court-Appointed Special Advocate Program shall be made available to each judicial district.

1. The guardian ad litem shall not be a district attorney, an employee of the office of the district attorney, an employee of the court, an employee of a juvenile bureau, or an employee of any public agency having duties or responsibilities towards the child.

2. Whenever a court-appointed special advocate is available for appointment as a guardian ad litem as provided by this subsection, the court shall give priority to the appointment of a court-appointed special advocate as the guardian ad litem of a deprived child.

C. 1. The court-appointed special advocate shall be given access to the court file and access to all records and reports relevant to the case and to any records and reports of examination of the child's parent or other custodian, made pursuant to the laws relating to child abuse and neglect including reports generated by service providers.

2. A court-appointed special advocate shall serve without compensation and shall have such other qualifications and duties and responsibilities as may be prescribed by rule by the Supreme Court.

3. Any person participating in a judicial proceeding as a court-appointed special advocate shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any civil liability that otherwise might be incurred or imposed. Any person serving in positions of management of a CASA organization, including members of the Board of Directors acting in good faith, shall be immune from any civil liability or any vicarious liability for the negligence of any CASA organization advocates, managers, or directors.

D. The provisions of this section shall not apply to adoption proceedings and actions to terminate parental rights which do not involve a petition for deprived status of the child. Such proceedings and actions shall be governed by the Oklahoma Adoption Code.

SECTION 56. AMENDATORY 10 O.S. 1991, Section 1130, as last amended by Section 65, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1996, Section 7006-1.1), is amended to read as follows:

Section 7006-1.1 A. The finding that a child is delinquent, in need of supervision or deprived shall not deprive the parents of the child of their parental rights, but a court may terminate the rights of a parent to a child in the following situations:

1. Upon a written consent of a parent, including a parent who is a minor, acknowledged as provided in ~~paragraph (4)~~ Section ~~60.5~~ 9 of this ~~title act~~, who desires to terminate his parental rights; provided that the court finds that such termination is in the best interests of the child; or

2. A finding that a parent who is entitled to custody of the child has abandoned it; or

3. A finding that:

- a. the child has been adjudicated to be deprived, and
- b. such condition is caused by or contributed to by acts or omissions of the parent, and
- c. termination of parental rights is in the best interests of the child, and

d. the parent has failed to show that the condition which led to the making of said finding has been corrected although the parent has been given three (3) months to correct the condition; provided, that the parent shall be given notice of any hearing to determine if the condition has been corrected. The court may extend the time in which such parent may show the condition has been corrected, if, in the judgment of the court, such extension of time would be in the best interest of the child. During the period that the parent has to correct the condition the court may return the child to the custody of its parent or guardian, subject to any conditions which it may wish to impose or the court may place the child with an individual or an agency; or

4. A finding that a subsequent child has been born to a parent whose parental rights to other children have been terminated by the court; provided, that the applicant shall show that the condition which led to the making of the finding which resulted in the termination of such parent's parental rights to the other children has not been corrected. The court may set the time in which the applicant shall show that the condition has not been corrected, if, in the judgment of the court, it is in the best interests of the child. Until the applicant shows the condition has not been corrected, the child may remain in the custody of the parent, subject to any conditions which the court may impose, or the court may place the child with an individual or an agency. As used in this paragraph, the term "applicant" shall include, but not be limited to, a district attorney; or

5. A finding that a parent who does not have custody of the child has willfully failed to contribute to the support of the child as provided in a decree of divorce or in some other court order during the preceding year or, in the absence of such order, consistent with the parent's means and earning capacity; provided, that the incarceration of a parent shall not prevent termination of parental rights under this section; or

6. A conviction in a criminal action pursuant to the provisions of Sections 1021.3, 1111 and 1123 of Title 21 of the Oklahoma Statutes, the laws relating to child abuse and neglect, or a finding in a deprived child action either that:

a. the parent has physically or sexually abused the child or a sibling of such child or failed to protect the child or a sibling of such child from physical or sexual abuse that is heinous or shocking to the court or that the child or sibling of such child has suffered severe harm or injury as a result of such physical or sexual abuse, or

b. the parent has physically or sexually abused the child or a sibling of such child or failed to protect the child or a sibling of such child from physical or sexual abuse subsequent to a previous finding that such parent has physically or sexually abused the child or a sibling of such child or failed to protect the child or a sibling of such child from physical or sexual abuse; or

7. A conviction in a criminal action that the parent has caused the death of a sibling of the child as a result of the physical or sexual abuse or chronic neglect of such sibling; or

8. A finding that all of the following exist:

a. the child has been adjudicated deprived, and

- b. custody of the child has been placed outside the home of a natural or adoptive parent, guardian or extended family member, and
- c. the parent whose rights are sought to be terminated has been sentenced to a period of incarceration of not less than ten (10) years, and
- d. the continuation of parental rights would result in harm to the child based on consideration of the following factors, among others: the duration of incarceration and its detrimental effect on the parent/child relationship; any previous incarcerations; any history of criminal behavior, including crimes against children; the age of the child; the evidence of abuse or neglect of the child or siblings of the child by the parent; and the current relationship between the parent and the child and the manner in which the parent has exercised parental rights and duties in the past, and
- e. termination of parental rights is in the best interests of the child.

Provided, that the incarceration of a parent shall not in and of itself be sufficient to deprive a parent of his parental rights; or

9. A finding that all of the following exist:

- a. the child has been adjudicated deprived, and
- b. custody of the child has been placed outside the home of a natural or adoptive parent, guardian or extended family member, and
- c. the parent whose rights are sought to be terminated has a mental illness or mental deficiency, as defined by Section 6-201 of Title 43A of the Oklahoma Statutes, which renders the parent incapable of adequately and appropriately exercising parental rights, duties and responsibilities, and
- d. the continuation of parental rights would result in harm or threatened harm to the child, and
- e. the mental illness or mental deficiency of the parent is such that it will not respond to treatment, therapy or medication and, based upon competent medical opinion, the condition will not substantially improve, and
- f. termination of parental rights is in the best interests of the child.

Provided, a finding that a parent has a mental illness or mental deficiency shall not in and of itself deprive the parent of his parental rights.

B. An order directing the termination of parental rights is a final appealable order.

~~C. A parent or guardian of a child may petition the court to terminate the parental rights of a parent or the parents of a child for any of the grounds listed in paragraphs 1, 2 or 5 of subsection A of this section. A prior finding by a court that a child is delinquent, deprived or in need of supervision shall not be required for the filing of such petition by the parent or guardian. The provisions of this section shall not apply to adoption proceedings and actions to terminate parental rights which do not involve a petition for deprived status of the child. Such proceedings and actions shall be governed by the Oklahoma Adoption Code.~~

SECTION 57. AMENDATORY 21 O.S. 1991, Section 866, is amended to read as follows:

Section 866. A. The crime of trafficking in children is defined to consist of any of the following acts or any part thereof:

1. Acceptance of any compensation, in money, property or other thing of value, at any time, from the person or persons adopting a child, by any person, for services of any kind performed or rendered or purported to be performed or rendered, in connection with such adoption;

2. Acceptance of any compensation, in money, property or other thing of value, by any person, from any other person, in return for placing, assisting to place, or attempting to place a child for adoption or for permanent care in a foster home;

3. The offering or payment of any compensation, in money, property or other thing of value, to any person in order to acquire custody of a child for adoption;

4. ~~The payment of a recognized hospital or a physician qualified under the laws of the State of Oklahoma which renders competent and needed hospital and medical care to an expectant mother or reasonable domiciliary care to a mother and child when such hospital and medical care have been approved by the judge of the district court shall not be considered as compensation for the adoption of the child or in any sense of the words be referred to as "trafficking in children"; nor shall the charge of a reasonable attorney's fee for services rendered in adoption or custody proceedings, approved by the court, be considered as trafficking in children; nor shall the fees charged by a licensed child placing agency, as defined in Section 402 of Title 10 of the Oklahoma Statutes, approved by the court, for services rendered in the care of any child or its parent, the investigation and counseling services to and on behalf of the child, its parents and prospective adoptive home, be considered as trafficking in children; provided, however, that all such procedure relating to the care of an expectant mother and an illegitimate child and the adoption procedure therein comprised, or any other adoption, shall remain confidential in its nature, as otherwise provided by law;~~

~~5.~~ Offering to place, or advertising to place, a child for adoption or for care in a foster home, by any person, as an inducement to any woman to enter an institution or home or other place for maternity care or for the delivery of a child;

~~6.~~ 5. Bringing or causing to be brought into this state or sending or causing to be sent outside this state any child for the purpose of placing such child in a foster home or of procuring the adoption thereof without first obtaining the consent of the Department. Provided, however, that this provision shall have no application to the parent or guardian of the child nor to a person bringing said child into this state for the purpose of adopting the same into ~~his~~ such person's own family; ~~or~~

~~7.~~ 6. Acceptance of or the offering or payment of any compensation, in money, property or other thing of value, by any person, in connection with the acquisition or transfer of the legal or physical custody of a child, except as ordered by the court or except as otherwise provided by law; or

7. The receipt of any money or any other thing of value for expenses related to the placement of a child for the purpose of an adoption by the birth parent of the child who at the time of the receipt had no intent to consent to eventual adoption.

B. The payment or acceptance of costs and expenses listed in Section 25 of this act shall not be a violation of this section as long as the petitioner has complied with the applicable procedure specified in Section 25 of this act.

C. Any person knowingly failing to file an affidavit of all adoption costs and expenses before the final decree of adoption as required by Sections 25 and 34 of this act shall be guilty of a misdemeanor.

SECTION 58. RECODIFICATION 10 O.S. 1991, Section 60.23, as renumbered by Section 28, Chapter 297, O.S.L. 1996, and as last amended by Section 1 of this act, 10 O.S. 1991, Section 60.22, as amended by Section 2 of this act, and 10 O.S. 1991, Section 60.1, as last amended by Section 3 of this act, shall be recodified as Sections 7501-1.1 through 7501-1.3 of Title 10 of the Oklahoma Statutes, respectively, unless there is created a duplication in numbering. 10 O.S. 1991, Section 60.4, as amended by Section 5 of this act, shall be recodified as Section 7502-1.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 60.20, as last amended by Section 7 of this act, shall be recodified as Section 7502-1.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 60.3, as amended by Section 8 of this act, shall be recodified as Section 7503-1.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 60.5, as last amended by Section 9 of this act, shall be recodified as Section 7503-2.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 60.10, as amended by Section 15 of this act, shall be recodified as Section 7503-2.7 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 4, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, Section 60.5B), as amended by Section 17 of this act, shall be recodified as Section 7504-1.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 5, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, Section 60.5C), as amended by Section 18 of this act, shall be recodified as Section 7504-1.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 60.17, as last amended by Section 19 of this act, shall be recodified as Section 7505-1.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 60.7a, as amended by Section 21 of this act, shall be recodified as Section 7505-1.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 8, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, Section 60.18a), as amended by Section 22 of this act, shall be recodified as Section 7505-1.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 60.12, as last amended by Section 24 of this act, shall be recodified as Section 7505-3.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 60.6, as last amended by Section 27 of this act, shall be recodified as Section 7505-4.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 60.13, as last amended by Section 32 of this act, shall be recodified as Section 7505-5.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 60.15, as last amended by Section 33 of this act, shall be recodified as Section 7505-6.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 60.14, as amended by Section 35 of this act, shall be recodified as Section 7505-6.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 60.16, as last amended by Section 37 of this act, shall be recodified as Section 7505-6.5 of Title 10

of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 60.18, as amended by Section 38 of this act, shall be recodified as Section 7505-6.6 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 60.19, as last amended by Section 39 of this act, shall be recodified as Section 7505-7.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 58, as renumbered by Section 28, Chapter 297, O.S.L. 1996, and as last amended by Section 40 of this act, shall be recodified as Section 7505-7.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 55.1, as amended by Section 41 of this act, shall be recodified as Section 7506-1.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 60.21, as amended by Section 43 of this act, shall be recodified as Section 7507-1.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 59. RECODIFICATION 10 O.S. 1991, Section 60.25, as amended by Section 48 of this act, 60.26, as amended by Section 12, Chapter 297, O.S.L. 1996, 60.27, as amended by Section 13, Chapter 297, O.S.L. 1996, 60.28, as amended by Section 14, Chapter 297, O.S.L. 1996, 60.29 and 60.30 (10 O.S. Supp. 1996, Sections 60.26, 60.27 and 60.28), shall be recodified as Sections 7510-1.1 through 7510-1.6 of Title 10 of the Oklahoma Statutes, respectively, unless there is created a duplication in numbering. 10 O.S. 1991, Sections 60.31, as last amended by Section 49 of this act, 60.32, as amended by Section 16, Chapter 297, O.S.L. 1996, 60.33, as amended by Section 17, Chapter 297, O.S.L. 1996, 60.34, as amended by Section 18, Chapter 297, O.S.L. 1996 and 60.35, as amended by Section 19, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, Sections 60.32, 60.33, 60.34 and 60.35), shall be recodified as Sections 7510-2.1 through 7510-2.5 of Title 10 of the Oklahoma Statutes, respectively, unless there is created a duplication in numbering. 10 O.S. 1991, Sections 61, as amended by Section 50 of this act, 62 and 63, shall be recodified as Sections 7510-3.1 through 7510-3.3 of Title 10 of the Oklahoma Statutes, respectively, unless there is created a duplication in numbering. Section 1, Chapter 92, O.S.L. 1995, as renumbered by Section 21, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1996, Section 60.51), Section 2, Chapter 92, O.S.L. 1995, as renumbered by Section 21, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1996, Section 60.52), and as amended by Section 51 of this act, Section 3, Chapter 92, O.S.L. 1995, as renumbered by Section 21, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1996, Section 60.53), and as amended by Section 52 of this act, Section 4, Chapter 92, O.S.L. 1995, as renumbered by Section 21, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1996, Section 60.54), and as amended by Section 53 of this act, and Section 6, Chapter 92, O.S.L. 1995, as renumbered by Section 21, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1996, Section 60.56), shall be recodified as Sections 7511-1.1 through 7511-1.5 of Title 10 of the Oklahoma Statutes, respectively, unless there is created a duplication in numbering.

SECTION 60. REPEALER 10 O.S. 1991, Sections 29.1, as amended by Section 21, Chapter 297, O.S.L. 1996, 60.2, 60.7, 60.9, 60.11 and Section 5, Chapter 92, O.S.L. 1995, as renumbered by Section 21, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1996, Sections 29.1 and 60.55), are hereby repealed.

SECTION 61. Sections 1 through 50 and Sections 54 through 60 of this act shall become effective November 1, 1997.

SECTION 62. Sections 51, 52, and 53 of this act shall become effective July 1, 1997.

SECTION 63. 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, 1997.

Speaker of the House of
Representatives

Passed the Senate the 28th day of May, 1997.

President of the Senate