

ENROLLED HOUSE  
BILL NO. 2829

By: Roach of the House

and

Henry of the Senate

An Act relating to adoption; amending Section 1, Chapter 352, O.S.L. 1995, and 10 O.S. 1991, Section 1125.1, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 5, Chapter 350, O.S.L. 1997 (10 O.S. Supp. 1997, Sections 7001-1.1 and 7005-1.2), which relate to the Oklahoma Children's Code; making the Oklahoma Children's Code inapplicable to the Oklahoma Adoption Act; updating language; amending Section 178, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1997, Section 7307-1.2), as last amended by Section 1 of Enrolled House Bill No. 2214 of the 2nd Session of the 46th Oklahoma Legislature, which relates to the Oklahoma Juvenile Code; updating language; amending 10 O.S. 1991, Sections 60.23, as last amended by Section 1, Chapter 366, O.S.L. 1997, and as last renumbered by Section 58, Chapter 366, O.S.L. 1997, Section 4, Chapter 366, O.S.L. 1997, Section 6, Chapter 366, O.S.L. 1997, 60.3, as amended by Section 8, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997, 60.5, as last amended by Section 9, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997, Section 10, Chapter 366, O.S.L. 1997, Section 11, Chapter 366, O.S.L. 1997, Section 12, Chapter 366, O.S.L. 1997, Section 14, Chapter 366, O.S.L. 1997, 60.10, as amended by Section 15, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997, Section 16, Chapter 366, O.S.L. 1997, Section 20, Chapter 366, O.S.L. 1997, Section 23, Chapter 366, O.S.L. 1997, 60.12, as last amended by Section 24, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997, Section 26, Chapter 366, O.S.L. 1997, 60.6, as renumbered by Section 58, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-4.2), and as last amended by Section 9 of Enrolled House Bill No. 3348 of the 2nd Session of the 46th Oklahoma Legislature, Section 28, Chapter 366, O.S.L. 1997, Section 29, Chapter 366, O.S.L. 1997, Section 31, Chapter 366, O.S.L. 1997, Section 34, Chapter 366, O.S.L. 1997, 60.14, as amended by Section 35, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997, Section 36, Chapter 366, O.S.L. 1997, 60.16, as last amended by Section 37, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997, 60.18, as renumbered by Section 58, Chapter 366, O.S.L. 1997

(10 O.S. Supp. 1997, Section 7505-6.6), and as last amended by Section 10 of Enrolled House Bill No. 3348 of the 2nd Session of the 46th Oklahoma Legislature, 60.19, as last amended by Section 39, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997, 58, as last amended by Section 40, Chapter 366, O.S.L. 1997, and as last renumbered by Section 58, Chapter 366, O.S.L. 1997, 55.1, as amended by Section 41, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997, Section 45, Chapter 366, O.S.L. 1997, Section 46, Chapter 366, O.S.L. 1997, Section 47, Chapter 366, O.S.L. 1997, 60.27, as amended by Section 13, Chapter 297, O.S.L. 1996, and as renumbered by Section 59, Chapter 366, O.S.L. 1997, 60.29, as renumbered by Section 59, Chapter 366, O.S.L. 1997, 60.31, as last amended by Section 49, Chapter 366, O.S.L. 1997, and as renumbered by Section 59, Chapter 366, O.S.L. 1997, and 60.33, as amended by Section 17, Chapter 297, O.S.L. 1996, and as renumbered by Section 59, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Sections 7501-1.1, 7502-1.1, 7502-1.3, 7503-1.1, 7503-2.1, 7503-2.2, 7503-2.3, 7503-2.4, 7503-2.6, 7503-2.7, 7503-3.1, 7505-1.2, 7505-2.1, 7505-3.1, 7505-4.1, 7505-4.3, 7505-5.1, 7505-5.3, 7505-6.2, 7505-6.3, 7505-6.4, 7505-6.5, 7505-7.1, 7505-7.2, 7506-1.1, 7508-1.2, 7508-1.3, 7509-1.1, 7510-1.3, 7510-1.5, 7510-2.1 and 7510-2.3), which relate to the Oklahoma Adoption Code; amending 21 O.S. 1991, Section 866, as amended by Section 57, Chapter 366, O.S.L. 1997 (21 O.S. Supp. 1997, Section 866), which relates to certain unauthorized adoption expenses; amending 36 O.S. 1991, Section 6059, as last amended by Section 1, Chapter 41, O.S.L. 1997 (36 O.S. Supp. 1997, Section 6059), which relates to insurance; amending Section 9, Chapter 356, O.S.L. 1994, as last amended by Section 37, Chapter 402, O.S.L. 1997 (63 O.S. Supp. 1997, Section 1-311.3), which relates to birth certificates; amending 10 O.S. 1991, Sections 26, 27, 32 and 38, which relate to physical custody of children and authority to place children in foster care; amending 44 O.S. 1991, Section 47, as amended by Section 1, Chapter 121, O.S.L. 1993 (44 O.S. Supp. 1997, Section 47), which relates to militia; changing name of Article 9 of the Oklahoma Adoption Code; clarifying jurisdiction of the State of Oklahoma over adoption and termination of parental rights proceedings; requiring certain findings; providing for recognition as valid of certain consents brought pursuant to the Oklahoma Adoption Code; providing for jurisdiction of courts in this state over certain proceedings and consents; specifying conditions; providing for jurisdiction of other state courts for certain proceedings or consents; adding age limit to certain adoptions; clarifying and moving certain language related to certain consents; adding to list of individuals authorized to execute consents; clarifying

jurisdiction and authority of state courts; requiring duty of support to certain mothers of children; clarifying certain forms; providing proceedings for permanent relinquishments; providing for jurisdiction of courts relating to permanent relinquishments; providing for procedures and processes; providing for executions and orders; requiring that duty to support is not terminated, and will remain in effect until final decree of adoption is entered; removing certain construction provisions relating to waivers of notice; placing time period for support; adding to power of court; restricting service of certain document; providing for service procedures; removing certain notice requirements relating to the paternity registry; providing for certain intervention authorization; providing for certain notices by putative father; specifying to whom notice is to be served; providing for jurisdiction of court in certain actions; providing for custody of a child; authorizing temporary orders of custody; providing for prebirth requests; providing for restrictions, application and construction of section; providing for when a temporary order may be used; authorizing vacation of temporary orders; authorizing such orders to be set aside; providing for expiration; providing for procedures and process; clarifying powers and duties of attorneys and guardian ad litem of the child; authorizing certain fees; authorizing access to reports or documents; specifying when an affidavit may be filed; providing for termination of the rights of a putative father; providing for hearing; providing for jurisdiction and orders of the court; making certain exceptions; requiring certain notice and certification thereof; authorizing joinder and intervention of certain persons; providing for authority of court; requiring counsel; requiring certain proceedings to be held without a jury; providing for pendency of appeals; providing for custody of the child; providing exception; providing for effect of termination; requiring certain support; providing for termination of support; adding to list of documents and information which must be filed with petition; prohibiting certain hearings to be continued; providing for when hearings may be held; requiring certain hearings for termination to be held without a jury; providing for custody of child during certain appeals; providing for appeals; specifying certain process and procedures; providing for effect of termination; requiring certain child support; providing for termination of support; adding to list where consent is not required for adoption; specifying restrictions and conditions; requiring reasonable plans; determining reasonableness a question of fact; requiring certain information regarding failure to disclose name or whereabouts of father must be given to mother; providing for grounds for prosecution for

perjury; prohibiting certain placements with persons convicted of certain felonies; specifying types of offenses; providing exception; authorizing that certain considerations be made; prohibiting certain placements; providing for contents of a home study; requiring certain searches; adding to list of information required for petition before final hearing; prohibiting the court from approving certain placements; providing certain exceptions; authorizing waiver of certain interlocutory decree; making certain recording of final hearings not required unless otherwise ordered; requiring and providing for service of certain parents; requiring certain joinder and authorizing certain intervening; providing for custody and counsel; providing for duties of attorneys or child-placing agencies relating to certain filings; providing for procedures for certain certificates; providing for supplementary birth certificates; prohibiting certain information from being changed; authorizing certain appeals; providing for custody of child during appeals; decreasing certain time for direct or collateral attack; authorizing service by publication; adding to list of persons who may register with the Mutual Consent Voluntary Registry; prohibiting certain actions before discharging an infant; requiring certain confidential indexes that cross-reference adoptions; removing outdated language; making certain children eligible for certain adoption subsidies; updating adoption exchange requirements; adding and clarifying crimes that constitute trafficking in children; prohibiting certain acceptances, solicitation, offers, payments or transfer of certain compensation; prohibiting certain advertising; requiring certain licensure; providing for construction of section; authorizing certain receipt of compensation; providing for and specifying certain penalties; prohibiting certain publications; making certain actions unlawful; providing for and authorizing permanent care and custody of children; restricting placements; prohibiting certain placements and acceptance of placements; providing exceptions; specifying who may place children into foster care; making certain child support payments payable to custodian by law; providing amendment to name of Article 9 of the Oklahoma Adoption Act; providing for noncodification; providing for recodification; repealing 10 O.S. 1991, Sections 25, 28, 29, 30, 31, 33, 34, 35 and 37, which relate to certain definitions, relinquishments, and to the importation of children; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1997, Section 7001-1.1), is amended to read as follows:

Section 7001-1.1 A. Chapter 70 of ~~Title 10 of the Oklahoma Statutes~~ this title shall be known and may be cited as the "Oklahoma Children's Code".

B. All statutes hereinafter enacted and codified in Chapter 70 of ~~Title 10 of the Oklahoma Statutes~~ this title shall be considered and deemed part of the Oklahoma Children's Code.

C. Chapter, article and part captions are part of the Oklahoma Children's Code, but shall not be deemed to govern, limit or in any manner affect the scope, meaning or intent of the provisions of any article or part of this Code.

D. The provisions of this chapter 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, Chapter 75 of this title.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 1125.1, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 5, Chapter 350, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7005-1.2), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

2. Authorizing the disclosure of papers, records, books or other information relating to the adoption of a child required to be kept confidential. The disclosure of such information shall be governed by the Oklahoma Adoption ~~Act~~ Code;

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

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

5. Limiting or otherwise affecting access of agencies to information subject to disclosure, review, or inspection by contract or as a condition for the receipt of public funds or participation in any program administered by the agency; and

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

H. The confidential records listed in subsection A of this section may be inspected and their contents disclosed without a court order to a school district in which the child who is the subject of the record is currently enrolled. The inspection of records and disclosure authorized by this subsection may be limited to summaries or to information directly necessary for the purpose of such inspection or disclosure. Upon request by the school district, the agency in possession of the records shall provide the requested information to the school district. Any records disclosed as provided by this subsection shall remain confidential. The use of

any information shall be limited to the purposes for which disclosure is authorized.

SECTION 3. AMENDATORY Section 178, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1997, Section 7307-1.2), as last amended by Section 1 of Enrolled House Bill No. 2214 of the 2nd Session of the 46th Oklahoma Legislature, is amended to read as follows:

Section 7307-1.2 A. Except as provided by this section or as otherwise specifically provided by state or federal laws, the following juvenile records are confidential and shall not be open to the general public, inspected, or their contents disclosed:

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

B. The confidentiality limitation of subsection A of this section shall not apply to statistical information or information of a general nature obtained pursuant to the provisions of the Oklahoma Juvenile Code.

C. ~~1.~~ The confidentiality requirements of subsection A of this section for juvenile court records and law enforcement records shall not apply:

~~a. upon~~

1. Upon the certification of a juvenile as an adult pursuant to Section 7303-4.3 of this title ~~7i~~

~~b. upon~~

2. Upon the charging of an individual pursuant to Section 7306-1.1 of this title ~~7i~~

~~c. to~~

3. To a violation of any traffic regulation or motor vehicle regulation of Title 47 of the Oklahoma Statutes, or to a violation of any city ordinance or county resolution which relates to the regulation of traffic on the roads, highways or streets, or to the operation of self-propelled or nonself-propelled vehicles of any kind in this state ~~7i~~

~~d. to~~

4. To a juvenile who is fourteen (14) years of age or older and who has been adjudicated delinquent and who subsequently comes before the juvenile court on a new delinquency matter after July 1, 1995 ~~7i~~

~~e. to~~

5. To a juvenile adjudicated a delinquent for committing a delinquent act which, if committed by an adult, would be a felony offense that is a crime against the person or a felony offense involving a dangerous weapon ~~7i~~ or

~~f. to~~

6. To arrest records of a juvenile arrested for committing an act, which if committed by an adult, would be a felony offense.

D. Following the first adjudication as a delinquent, the court having jurisdiction shall note on the juvenile court record of the person that any subsequent juvenile court records shall not be confidential; provided, the child is at least fourteen (14) years of age or older. Any juvenile court record which becomes an open juvenile record as provided in this subsection may be expunged as provided in Section 7307-1.8 of this title.

The provisions of this subsection shall only apply to the juvenile court records and law enforcement records of juvenile offenders certified, charged or adjudicated on and after July 1, 1995.

E. When a delinquent child has escaped or run away from a training school or other institutional placement for delinquents, the name and description of the child may be released to the public by the agency having custody of the child as necessary and appropriate for the protection of the public and the apprehension of the delinquent child whether or not the juvenile record is confidential or open.

F. Except as otherwise required by state or federal law, the confidential records listed in subsection A of this section may only be inspected, released, disclosed, corrected or expunged pursuant to an order of the court. Except as otherwise provided in Section 601.6 of this title or any provision of this chapter, no subpoena or subpoena duces tecum purporting to compel disclosure of confidential information or any confidential juvenile record shall be valid.

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

Except for district attorney records, any court order authorizing the disclosure, release or inspection of a confidential juvenile record may be conditioned on such terms and restrictions as the court deems necessary and appropriate.

H. Upon the filing of a petition for inspection, release, disclosure, or correction of a juvenile record, the court shall set a date for a hearing and shall provide a thirty-day notice to all interested parties, the person who is the subject of the record if the person is eighteen (18) years of age or older, or to the parents of a child if the child is less than eighteen (18) years of age, and to the attorneys of record, if any. The hearing may be closed at the discretion of the court.

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

J. In accordance with the provisions of the Serious and Habitual Juvenile Offender Act and Section 620.6 of this title:

1. Information included in the records listed in subsection A of this section may be entered in and maintained in the Juvenile Justice Information System and other automated information systems related to services to children and youth whether or not the record is confidential or open; and

2. The information systems may be accessed by participating agencies as defined by this chapter or as otherwise provided by law.

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

Each person granted permission to inspect confidential reports and records for research purposes shall present a notarized statement to the court stating that the names of juveniles, parents

and other persons as may be required by the court to be confidential will remain confidential.

L. Nothing contained in the provisions of Section 620.6 of this title or any provision of this chapter shall be construed as:

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

2. Authorizing the disclosure of information required to be kept confidential by ~~Section 7505-1.1, 7506-1.1 or 7510-1.5 of this title~~ the Oklahoma Adoption Code or disclosure of any other confidential record pursuant to the provisions of this chapter;

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

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

5. Limiting or otherwise affecting access of agencies to information subject to disclosure, review or inspection by contract or as a condition for the receipt of public funds or participation in any program administered by the agency;

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

7. Prohibiting the person or agency conducting a preliminary inquiry relating to an alleged delinquent act from providing information, as to the disposition of the matter by the district attorney, to the person or agency which referred the matter, including but not limited to whether a petition was filed or an alternative action taken, and the basis for such action and the terms of any agreement entered into by the child for payment of restitution, and including but not limited to provisions for community services.

M. The confidential records listed in subsection A of this section may be inspected and their contents disclosed without a court order to a school district in which the child who is the subject of the record is currently enrolled. The inspection of records and disclosure authorized by this subsection may be limited to summaries or to information directly necessary for the purpose of such inspection or disclosure. Upon request by the school district, the agency in possession of the records shall provide the requested information to the school district. Any records disclosed as provided by this subsection shall remain confidential. The use of any information shall be limited to the purposes for which disclosure is authorized.

SECTION 4. AMENDATORY 10 O.S. 1991, Section 60.23, as last amended by Section 1, Chapter 366, O.S.L. 1997, and as last renumbered by Section 58, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7501-1.1), is amended to read as follows:

Section 7501-1.1 A. Chapter 75 of this title shall be known and may be cited as the "Oklahoma Adoption 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~~ Provisions.
- 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 5. AMENDATORY Section 4, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7502-1.1), is amended to read as follows:

Section 7502-1.1 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. 1. If a child is born in this state and the mother of the child executes her consent or permanent relinquishment before a judge of a court of this state, a court of this state may exercise jurisdiction over a proceeding for the termination of parental rights of a putative father pursuant to Section 7505-2.1 of this

title. The provisions of this subsection shall not be construed to extend jurisdiction of the court to the adoption proceeding.

2. If a parent has signed a permanent relinquishment in the presence of a court of this state pursuant to Section 7503-2.3 of this title, the court may exercise jurisdiction to issue an order terminating the parental rights of the parent to the child pursuant to Section 7503-2.3 of this title.

3. A court of this state may exercise jurisdiction to issue a temporary order of custody pursuant to Section 16 of this act for:

- a. a minor born in this state, or
- b. a minor brought into this state in compliance with the Interstate Compact on the Placement of Children, if the court is exercising jurisdiction pursuant to this section over an adoption proceeding concerning the minor that is pending before the court.

4. If the court does not have jurisdiction over an adoption proceeding pursuant to subsection A of this section, any order issued pursuant to this subsection shall include a finding by the court that states that the court is declining jurisdiction over the adoption proceeding and is deferring jurisdiction to the more appropriate state.

C. A court of this state shall not exercise jurisdiction over a proceeding for adoption of a minor or for termination of parental rights brought pursuant to Section 7505-2.1 or 7505-4.1 of this title if, at the time the petition for adoption or termination 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, the Uniform Child Custody Jurisdiction and Enforcement 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.

D. 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 or for termination of parental rights brought pursuant to Section 7505-2.1 or 7505-4.1 of this title in this state, a court of this state shall not exercise jurisdiction over a proceeding for adoption or termination of parental rights 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~~ the law of the state which issued the decree or order 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 or termination of parental rights.

SECTION 6. AMENDATORY Section 6, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7502-1.3), is amended to read as follows:

Section 7502-1.3 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. A permanent relinquishment of a child for adoption or a consent to adoption, including, but not limited to, an extrajudicial consent signed by a putative father, will be recognized as valid and given effect in all proceedings brought pursuant to the Oklahoma Adoption Code in the courts of this state, if the permanent relinquishment or consent was executed:~~

~~1. Before an appropriate official and in the manner prescribed by the Oklahoma Adoption Code; or~~

~~2. Except as otherwise provided in subsection I of Section 7503-2.3 and subsection H of Section 7503-2.4 of this title, before an appropriate official and in the manner prescribed by the law of the state or country in which the permanent relinquishment or consent was executed.~~

~~C. The laws of this state shall govern when and under which circumstances a permanent relinquishment of a child for adoption or a consent to adoption, including, but not limited to, an extrajudicial consent signed by a putative father, may be revoked or set aside, if:~~

~~1. The permanent relinquishment or consent was executed in this state; or~~

~~2. The permanent relinquishment or consent was executed outside of this state before an appropriate official and in a manner in compliance with all of the requirements of the Oklahoma Adoption Code.~~

~~D. If a permanent relinquishment for adoption or consent to adoption, including, but not limited to, an extrajudicial consent signed by a putative father, is executed outside of this state before an official or in a manner that is not in compliance with all of the requirements of the Oklahoma Adoption Code, the law of the state in which the permanent relinquishment or consent was executed shall govern the circumstances under which the relinquishment or consent may be revoked or set aside.~~

SECTION 7. AMENDATORY 10 O.S. 1991, Section 60.3, as amended by Section 8, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7503-1.1), is amended to read as follows:

Section 7503-1.1 The following persons are eligible to adopt a child:

~~1. A husband and wife jointly, or either if both spouses are at least twenty-one (21) years of age;~~

~~2. Either the husband or wife if the other spouse is a parent or a relative of the child;~~

~~2. 3. An unmarried person who is at least twenty-one (21) years old of age; and or~~

~~3. 4. A married person at least twenty-one (21) years old of age who is legally separated from the other spouse.~~

SECTION 8. AMENDATORY 10 O.S. 1991, Section 60.5, as last amended by Section 9, Chapter 366, O.S.L. 1997, and as

renumbered by Section 58, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7503-2.1), is amended to read as follows:

Section 7503-2.1 A. A minor may be adopted when there has been filed written consent to adoption or a permanent relinquishment for adoption executed by:

1. Both parents of the minor;
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~~ 7505-4.2 of this ~~act~~ title;
3. The legal guardian of the person of the minor or the guardian ad litem of the 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~~ 7505-4.2 of this ~~act~~ title, and such guardian or guardian ad litem has authority by order of the court appointing the guardian to consent to the adoption;
4. The executive head of a licensed child-placing agency if:
  - a. the 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~~ 7505-4.2 of this ~~act~~ title, or
  - b. the rights of both parents have been judicially terminated and custody of the minor has been legally vested in such agency with authority to consent to adoption of the minor; or
5. Any person having legal custody of a minor by court order if:
  - a. the parental rights of both parents have been judicially terminated, 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. 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~~ or

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 subsections A, B and C of this section shall be acknowledged before a judge of the district court issuing the decree of adoption with the following exceptions:~~

~~1. If the person whose consent is necessary does not reside in the county of the court issuing the decree of adoption, 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 in the state of residence of the person;~~

~~2. a. If 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.~~ 1. When consent for adoption is necessary for 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 minor by the family whose application for adoption has been approved by the Department of Human Services; or

~~5.~~ 2. The executive head of a licensed child-placing agency whose consent is required for the adoption of a minor who is in the custody of the licensed child-placing agency may designate, authorize and direct in writing an employee of the agency to appear in the district court of the county in which the adoption proceedings are to be completed or before anyone authorized by law to take acknowledgements and to give written consent for the adoption of the minor.

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

SECTION 9. AMENDATORY Section 10, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7503-2.2), is amended to read as follows:

Section 7503-2.2 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, guardian ad litem or legal custodian of a child 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~~ 7503-2.1 of this ~~act~~ title may execute a consent to adoption at any time at or before the hearing on the petition for adoption.

SECTION 10. AMENDATORY Section 11, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7503-2.3), is amended to read as follows:

Section 7503-2.3 A. ~~1.~~ A permanent relinquishment may be executed by a person whose consent to the adoption of a minor is required by Section ~~9~~ 7503-2.1 of this ~~act~~ title. 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~~ 7503-2.7 of this ~~act~~ title, 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 mother or 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~~ 7503-2.5 of this ~~act~~ title 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 or before 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 or before 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~~ the permanent relinquishment 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.

H. A permanent relinquishment may be signed before any judge of a court having probate or adoption jurisdiction in this state or in the state of residence of the person executing the permanent relinquishment.

I. 1. a. If an individual permanently relinquishing the child 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 permanent relinquishment of the individual 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 permanent relinquishment 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 a permanent relinquishment 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 permanent relinquishment shall reflect that the permanent relinquishment 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.

2. If an individual permanently relinquishing the child is a member of the United States Armed Services stationed in a country or place other than the United States, the individual's permanent relinquishment may be acknowledged before an officer of the Judge Advocate General's Office or other legal officer possessing the authority to administer oaths.

J. If the written instrument containing a permanent relinquishment is written in a language other than the English language, the petitioner must have it translated into the English language by a person qualified to do so, and must file the original instrument together with the translation with the court. The translation must be sworn to as being a true and correct translation by the person translating the document.

K. Except as otherwise required by subsection I of this section, when the person permanently relinquishing the child for the purposes of adoption resides outside of Oklahoma, the permanent relinquishment by such person may be executed in that state or country in the manner set forth in the Oklahoma Adoption Code or in the manner prescribed by the laws of the state or country of such person's residence.

L. 1. A court before which a permanent relinquishment has been executed may enter an order terminating parental rights of the parent of a child if such parent has executed a permanent relinquishment for adoption pursuant to the Oklahoma Adoption Code.

2. Any order terminating parental rights of a parent pursuant to this subsection shall state that the termination of parental rights shall not terminate the duty of the parent to support the child of such parent. The duty of the parent to support the child shall not be terminated until such time as a final decree of adoption has been entered.

3. Any proceedings held pursuant to this subsection shall not require the state as a necessary party.

SECTION 11. AMENDATORY Section 12, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7503-2.4), is amended to read as follows:

Section 7503-2.4 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~~ 7503-2.7 of this ~~act~~ title, 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 mother or 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~~ 7503-2.5 of this ~~act~~ title 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~~ 7504-1.2 of this ~~act~~ title, 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 or before 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 or before 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.

G. A consent may be signed before any judge of a court having probate or adoption jurisdiction in this state or in the state of residence of the person executing the consent.

H. 1. a. If 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.

2. 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.

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

J. Except as otherwise required by subsection H of this section, when the person whose consent is or may be required resides outside of Oklahoma, the consent to adoption by such person may be executed in that state or country in the manner set forth in the Oklahoma Adoption Code or in the manner prescribed by the laws of the state or country of such person's residence.

SECTION 12. AMENDATORY Section 14, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7503-2.6), is amended to read as follows:

Section 7503-2.6 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~~ 7503-2.7 of this ~~act~~ title;

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~~ 7503-2.7 of this ~~act~~ title, 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~~ of the person executing the extrajudicial consent 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~~ 7503-2.5 of this ~~act~~ title 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~~ 7506-1.1 of this ~~act~~ title, 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 any duty of the putative father to support the mother or the minor during the pregnancy or prior to the entry of the decree severing parental rights until the adoption is completed.~~

SECTION 13. AMENDATORY 10 O.S. 1991, Section 60.10, as amended by Section 15, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7503-2.7), is amended to read as follows:

Section 7503-2.7 A. Except as otherwise provided in subsection B of this section and in Section ~~44~~ 7503-2.6 of this ~~act~~ title, 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 or vacate an order terminating parental rights based upon the execution of a permanent relinquishment 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, whichever is later, that the consent was obtained by fraud or duress.

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

1. The person who filed for adoption of the 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 minor.

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.

SECTION 14. AMENDATORY Section 16, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7503-3.1), is amended to read as follows:

Section 7503-3.1 A. 1. 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. If service of the Notice of Plan for Adoption is made by in-hand service, delivery of the Notice must be made by a person licensed to make service of process in civil cases.

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.

2. Service of a Notice of Plan for Adoption may be served in the manner permitted in this subsection upon a putative father within this state or outside of this state.

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~~ child 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.~~

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7503-3.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. If a putative father files a paternity action after receiving notice of or having knowledge of a potential adoption, the putative father shall notify the attorney for the petitioner for adoption or the child-placing agency that is placing the minor for adoption that the paternity action has been filed, including, but not limited to:

- a. the name of the court,
- b. the case number, and
- c. the date of filing.

2. If the name or location of the attorney for the petitioner for adoption or the child-placing agency placing the minor for adoption cannot be ascertained by the putative father, the putative father shall notify the petitioner for adoption. If the petitioner for adoption is also unknown to the putative father, the putative father shall notify the Paternity Registry of the Department of Human Services.

B. Upon a motion of the prospective adoptive parent, the court having jurisdiction over the paternity action, if it is filed in a court of this state, shall allow the prospective adoptive parent to intervene in the paternity action and have the opportunity to be heard and seek custody and/or visitation. If a proceeding for adoption or for termination of parental rights of the putative father and a paternity action by the putative father regarding the same minor are both pending in the courts of this state, upon motion of any party, the court having jurisdiction over the paternity action shall transfer the paternity proceeding to the court in which the adoption or termination proceeding is pending, whereupon the two proceedings may be considered.

#### Part 4. Custody

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7503-4.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. If a mother of a minor born out of wedlock or a mother and father of a minor born in wedlock appear before a judge of the district court prior to the birth of the minor and request that the court issue a temporary order of custody effective after the birth of the minor to a child-placing agency licensed in Oklahoma, an attorney licensed in Oklahoma, or a prospective adoptive parent who has presented to the court a favorable preplacement home study, the court may, following the birth of the minor but prior to the execution of a consent or permanent relinquishment by such parent or parents, issue an order of temporary custody to the agency or attorney so designated or, upon review by the judge of the preplacement home study, to the prospective adoptive parent.

2. A prebirth request by a mother of a minor born out of wedlock or of the mother and father of a child born in wedlock for an order of temporary custody shall not be construed to be a consent to the adoption of the minor or a permanent relinquishment of the minor.

3. Until such time as a consent or permanent relinquishment is signed by the mother of a minor born out of wedlock or by both parents of a minor born in wedlock, pursuant to the Oklahoma Adoption Code, the mother of the minor born out of wedlock or either

parent of the minor born in wedlock may apply to the court at any time to vacate the order of temporary custody. Upon such application, the court shall set aside the temporary custody order and order that the minor be returned to the parent.

4. The temporary order of custody issued pursuant to this subsection shall, by its own terms, expire no later than ninety (90) days after it has been issued by the court. Provided, the court upon application may grant an extension if, prior to the application, the mother of a minor born out of wedlock or the mother and father of a minor born in wedlock have executed a consent or permanent relinquishment and if the court has jurisdiction to adjudicate termination of parental rights or adoption proceedings pursuant to Section 7502-1.1 of this title.

B. 1. After a birth mother of a minor born out of wedlock executes a consent to adoption or a permanent relinquishment pursuant to Section 7503-2.3 or 7503-2.4 of Title 10 of the Oklahoma Statutes, the court may issue an order granting temporary custody of the minor to a child-placing agency licensed in this state, an attorney licensed in this state or, upon review by the court of the preplacement home study, to a prospective adoptive parent.

2. After the mother and father of a minor born in wedlock execute a consent to adoption or permanent relinquishment pursuant to Section 7503-2.3 or 7503-2.4 of Title 10 of the Oklahoma Statutes, the court may issue an order granting temporary custody of the minor to a child-placing agency licensed in this state, an attorney licensed in this state or, upon review by the court of the preplacement home study, to a prospective adoptive parent.

3. The temporary order of custody issued pursuant to this subsection shall, by its own terms, expire no later than ninety (90) days after it has been issued by the court. Provided, the court upon application may grant an extension if the court has jurisdiction to adjudicate termination of parental rights or adoption proceedings pursuant to Section 7502-1.1 of this title.

SECTION 17. AMENDATORY Section 20, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-1.2), is amended to read as follows:

Section 7505-1.2 A. 1. 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.

2. The attorney shall be charged with the representation of the child. To that end, the attorney shall make such further investigation as the attorney deems necessary to ascertain the facts, to interview witnesses, examine and cross-examine witnesses at the preliminary hearing and trial, make recommendations to the court, and participate further in the proceedings to the degree appropriate for adequately representing the child.

3. The attorney shall be given access to all reports relevant to the case and to any reports of examination of the child's parents or other custodian made pursuant to this section.

4. Upon approval of the court, the attorney may be allowed a reasonable fee for services provided by this section.

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 a party, the minor or, the attorney of the minor or a person or agency having physical or legal custody of the child.

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 appointed to objectively advocate on behalf of the minor and act as an officer of the court to investigate all matters concerning the best interests of the minor. In addition to other duties required by the court and as specified by the court, a guardian ad litem shall have the following responsibilities:

- a. review relevant documents, reports and other information,
- b. meet with and/or observe the child,
- c. consider the child's wishes, as appropriate,
- d. interview parents, caregivers and others with knowledge relevant to the case,
- e. advocate for the minor's best interests by participating in appropriate aspects of the case and advocating for appropriate community and other services when necessary,
- f. maintain the confidentiality of information related to the case,
- g. monitor the minor's best interests throughout any judicial proceeding, and
- h. advise the court of his or her findings and recommendations, if any, and the facts upon which they are based.

4. 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.~~ 5. 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 18. AMENDATORY Section 23, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-2.1), is amended to read as follows:

Section 7505-2.1 A. 1. 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.

2. The affidavit of expenses required by subsection A of Section 7505-3.2 of this title is not required to be attached to a petition filed pursuant to this section, nor must it be filed prior to issuance of an order terminating parental rights entered in a proceeding brought under this section.

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~~ 7505-4.3 of this ~~act~~ title, 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~~ 7505-4.2 of this ~~act~~ title. A putative father may also waive his right to notice pursuant to this section, by signing an extrajudicial consent pursuant to Section ~~14~~ 7503-2.6 of this ~~act~~ title, 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~~ 7503-3.1 of this ~~act~~ title.

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~~ 7503-2.1, ~~12~~ 7503-2.3 and ~~13~~ 7503-2.4 of this ~~act~~ title; or

2. ~~Determine that the consent of the putative father to the adoption of the minor is not required, and terminate~~ Terminate any parental rights which the putative father may have, ~~as upon any of the grounds provided in Section 27 7505-4.2 of this act;~~ title for declaring a consent unnecessary.

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. 1. If the court at the hearing 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, then the court shall schedule a separate hearing to issue an appropriate order for the legal and physical custody of the minor according to the best interests of the minor, if the court has jurisdiction to issue a custody order. Provided, no such hearing shall be scheduled if a preexisting custody order remains in effect.

2. The court shall certify that the child-placing agency or the attorney who filed the petition to terminate parental rights, the putative father, and any prospective adoptive parents have received notice of the date of the custody hearing at least fifteen (15) days prior to the date of the hearing. A biological mother who has signed a consent or permanent relinquishment must be served with notice of the date of the custody hearing, by the party who filed the petition for termination, in the same manner as summons is served in civil cases at least fifteen (15) days prior to the date of the hearing.

3. Upon motion to intervene, the court shall join any person or entity entitled to notice under paragraph 2 of this subsection who is not already a party to the proceeding.

4. At the hearing, the court may award custody to the biological mother, the biological father, the biological parents, if they are married, the prospective adoptive parent, or the Department of Human Services or other licensed child-placing agency, if the Department or agency had legal custody when the petition was filed, according to Section 21.1 of this title, in the best interests of the child.

5. The child shall be represented at this hearing by an attorney pursuant to Section 7505-1.2 of this title.

F. 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. G.~~ 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. H. A proceeding pursuant to this section for termination of parental rights shall be heard by the court without a jury.

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

K. 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.

L. 1. The preadoption termination of parental rights pursuant to this section terminates the parent-child relationship, including the parent's right to the custody of the child and the parent's right to visit the child, the parent's right to control the child's training and education, the necessity for the parent to consent to the adoption of the child, the parent's right to the earnings of the child, and the parent's right to inherit from or through the child. Provided, that this subsection shall not in any way affect the right of the child to inherit from the parent.

2. Termination of parental rights shall not terminate the duty of the putative father whose rights have been terminated to support the child unless the court determines he is not the biological father. The duty of a putative father to support his minor child shall not be terminated until such time as a final decree of adoption has been entered.

SECTION 19. AMENDATORY 10 O.S. 1991, Section 60.12, as last amended by Section 24, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-3.1), is amended to read as follows:

Section 7505-3.1 A. A petition for adoption shall be verified by the 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 petitioner acquired or intends to acquire custody of the minor and from what person or agency custody is to be acquired;

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

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

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

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

7. 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. That a copy of the preplacement home study completed pursuant to subsection A of Sections 7505-5.1 and 7505-5.3 of this title is attached to or filed with the petition. If the preplacement home study has not been completed, the petition shall specify that a waiver has been signed by a court pursuant to subsection B of Section 7505-5.1 of this title, and that a copy of the waiver is attached to or filed with the petition; or shall include a statement regarding why the preplacement home study is not required pursuant to subsection C of Section 7505-5.1 of this title; or shall specify that the minor is not yet in the physical custody of the petitioner;

10. Whether any other home study or professional custody evaluation has been conducted regarding one or both of the petitioners, whether performed for this adoption or for any other purpose. If such a study or evaluation has been completed, a copy of the study or evaluation shall be attached to the petition, if reasonably available;

11. 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-~~ 12. 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-~~ 13. 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 the Oklahoma Adoption Code may be attached to the petition, or may be filed, after the filing of the petition.

SECTION 20. AMENDATORY Section 26, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-4.1), is amended to read as follows:

Section 7505-4.1 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~~ 7505-4.2 of this ~~act~~ title.

B. A hearing on an application for adoption without consent or an application to terminate parental rights cannot be combined with the hearing on the application for a final decree of adoption. For good cause shown, a hearing on the application for a final decree of adoption may be heard as early as the same day as a hearing on an application to terminate parental rights, without prejudice to the rights of any parties to appeal from the order terminating parental rights.

C. 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~~ 7505-4.3 of this ~~act~~ title, 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~~ 7505-4.2 of this ~~act~~ title. A putative father may waive his right to notice under this section, by signing an extrajudicial consent pursuant to Section ~~14~~ 7503-2.6 of this ~~act~~ title, 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~~ 7503-3.1 of this ~~act~~ title.

~~C.~~ D. 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.~~ E. 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~~ 7505-4.2 of this ~~act~~ title. 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~~ 7505-4.2 of this ~~act~~ title.

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

~~F.~~ G. A proceeding pursuant to this section for determination of necessity of parental consent or for termination of parental rights shall be heard by the court without a jury.

H. 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~~ subsection C of this section.

~~G.~~

I. 1. a. 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.

b. An appeal from an order determining a child eligible for adoption which does not terminate parental rights may be taken in the same manner provided for appeals from the court as provided in this subsection. The failure of a parent to appeal from an order declaring a child eligible for adoption without consent of the parent which does not terminate parental rights shall not preclude such parent from asserting error in the order after the final decree is rendered.

~~1.~~ 2. In an appeal concerning the termination of parental rights for purposes of adoption pursuant to this section or from an order determining a child eligible for adoption which does not terminate 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 or order. 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.~~ 3. All appeals of cases concerning the termination of parental rights for purposes of adoption or an order determining a child eligible for adoption which does not terminate 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.~~ 4. 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.~~ J. 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 or the determination that a child is eligible for adoption without consent which does not terminate parental rights pursuant to this section shall be expedited by the Supreme Court.

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

L. 1. The termination of parental rights terminates the parent-child relationship, including the parent's right to the custody of the child and the parent's right to visit the child, the parent's right to control the child's training and education, the necessity for the parent to consent to the adoption of the child, the parent's right to the earnings of the child, and the parent's right to inherit from or through the child. Provided, that this subsection shall not in any way affect the right of the child to inherit from the parent.

2. Termination of parental rights pursuant to this section shall not terminate the duty of either parent to support the minor child of such parent. The duty of the parent to support the minor child shall not be terminated until such time as a final decree of adoption has been entered.

3. A determination that the consent to adoption is not required from the parent of a minor shall not, by itself, act to relieve such parent of the obligation to provide for the support of the minor as otherwise required by law. The duty of the parent to support the

minor child shall not be terminated until such time as a final decree of adoption has been entered.

SECTION 21. AMENDATORY 10 O.S. 1991, Section 60.6, as renumbered by Section 58, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-4.2), and as last amended by Section 9 of Enrolled House Bill No. 3348 of the 2nd Session of the 46th Oklahoma Legislature, is amended to read as follows:

Section 7505-4.2 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 7505-2.1 or 7505-4.1 of this title, 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 or a petition to terminate parental rights pursuant to Section 7505-2.1 of this title, 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.~~ 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 D.~~ 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 7505-2.1 and 7505-4.1 of this title, 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.~~ E. 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 7505-2.1 or 7505-4.1 of this title.

~~G.~~ F. Consent to adoption is not required from a parent or putative father who fails to appear at the hearing provided for in Section 7505-2.1 or 7505-4.1 of this title if all notice requirements contained in or pursuant to such sections have been met.

~~H.~~ G. Consent to adoption is not required from a parent who is entitled to custody of a minor and has abandoned the minor.

~~I.~~ H. 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.~~ I. Consent to adoption is not required from a parent who has been convicted in a criminal action pursuant to the provisions of Sections 7102 and 7115 of this title and Sections 1021.3, 1111 and 1123 of Title 21 of the Oklahoma Statutes or who has either:

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

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

~~K.~~ J. 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 minor as a result of the physical or sexual abuse or chronic neglect of such sibling.

~~L.~~ K. Consent to adoption is not required from a parent if the parent has been sentenced to a period of incarceration of not less than ten (10) years and the continuation of parental rights would result in harm to the 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 minor; the evidence of abuse or neglect of the minor or siblings of the minor by the parent; and the current relationship between the parent and the minor and the manner in which the parent has exercised parental rights and duties in the past.

~~M.~~ L. Consent to adoption is not required from:

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;

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

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.~~ M. Consent to adoption is not required from a putative father who has been served with a Notice of Plan for Adoption pursuant to Section 7503-3.1 of this title 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 7503-3.1 of this title 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.

~~O.~~ N. 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~~ minor has been legally terminated or legally determined not to exist; or

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

0. Consent to adoption is not required from a parent who has voluntarily placed a minor child in the care of a licensed child care institution or child-placing agency, if the minor has remained in out-of-home care for eighteen (18) months or more, and the parent has willfully failed to substantially comply for twelve (12) consecutive months out of the fourteen-month period immediately preceding the filing of the petition for adoption with a reasonable written plan of care. Provided, the willful failure to comply with the written plan of care may not be a ground for adoption without consent unless the plan of care, at the time it was initially executed by the parent, contained notice that failure to substantially comply constitutes grounds for adoption without consent. The reasonableness of the plan shall be a question of fact to be determined by the court.

SECTION 22. AMENDATORY Section 28, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-4.3), is amended to read as follows:

Section 7505-4.3 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~~ 7505-2.1 or ~~26~~ 7505-4.1 of this ~~act~~ title.

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.~~ She should also be advised that any false statement that she might make under oath or affirmation at a hearing or trial before the court regarding her knowledge of the identity or whereabouts of a possible father, if she knows or believes that the statement is not true or intends thereby to obstruct the ascertainment of the truth, could constitute grounds for a criminal prosecution for perjury.

SECTION 23. AMENDATORY Section 29, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-5.1), is amended to read as follows:

Section 7505-5.1 A. Except as otherwise provided in this section, only a person for whom a favorable written preplacement ~~homestudy~~ home study has been prepared may accept custody of a minor for purposes of adoption. A preplacement ~~homestudy~~ home study 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~~ home study 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~~ home study 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~~ home study of the relative is required during the pendency of a proceeding for adoption.

D. For purposes of this subsection, the State of Oklahoma elects to make subparagraph (A) of paragraph 20 of subsection 3 of Section 471(a) of the Social Security Act (Public Law 105-89) inapplicable to Oklahoma. Instead, the State of Oklahoma requires that:

1. Except as otherwise provided by this subsection, a prospective adoptive parent shall not be approved for placement of a child if the petitioners or any other person residing in the home of the petitioners has been convicted of any of the following felony offenses:

- a. within the five-year period preceding the date of the petition, physical assault, domestic abuse, battery or a drug-related offense, except as otherwise authorized by this subsection,
- b. child abuse or neglect,
- c. a crime against a child, including, but not limited to, child pornography, and
- d. a crime involving violence, including, but not limited to, rape, sexual assault or homicide, but excluding physical assault or battery.

2. A prospective adoptive parent may be an approved placement regardless of whether such parent has been convicted of any of the felony offenses specified by subparagraph a of paragraph 1 of this subsection, if an evaluation has been made and accepted by the court which considers the nature and seriousness of the crime in relation to the adoption, the time elapsed since the commission of the crime, the circumstances under which the crime was committed, the degree of rehabilitation, the number of crimes committed by the person involved, and a showing by clear and convincing evidence that the child will not be at risk by such placement.

E. Under no circumstances shall a child be placed in the custody of an individual subject to the Oklahoma Sex Offenders Registration Act or an individual who is married to or living with an individual subject to the Oklahoma Sex Offenders Registration Act.

SECTION 24. AMENDATORY Section 31, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-5.3), is amended to read as follows:

Section 7505-5.3 A. A ~~home study~~ home study satisfying Section ~~29~~ 7505-5.1 or ~~30~~ 7505-5.2 of this ~~act~~ title must include at a minimum 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; and~~

4. A criminal background check and a child abuse registry check shall be required:

a. for adoptive parents, consisting of a review of the state criminal background check, national fingerprint-based criminal background check, a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act, and a search of the child abuse and neglect files maintained for review by authorized entities by the Department of Human Services pursuant to the Oklahoma Child Abuse Reporting and Prevention Act, and

b. for all other household members age eighteen (18) and older. In addition, a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act, and a search of the child abuse and neglect files maintained for review by authorized entities by the Department of Human Services pursuant to the Oklahoma Child Abuse Reporting and Prevention Act shall be conducted.

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~~

7505-5.4 of this ~~act~~ title, 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 25. AMENDATORY Section 34, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-6.2), is amended to read as follows:

Section 7505-6.2 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~~ 7505-5.1, 7505-5.2 and 7505-5.3 of this ~~act~~ title.

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~~ 7504-1.2 of this ~~act~~ title;

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. A copy of the medical and social history report, as required by subsection D of Section 7504-1.2 of this title, including the initial report and all supplemental reports, if any, prepared pursuant to subsection C of Section 7504-1.2 of this title;

11. Affidavits of nondisclosure, if any, signed by a biological parent;

12. A copy of the state criminal background check, national fingerprint-based criminal background check, a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act, and a search of the child abuse and neglect files maintained for review by authorized entities by the Department of Human Services pursuant to the Oklahoma Child Abuse Reporting and Prevention Act; and

13. 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 26. AMENDATORY 10 O.S. 1991, Section 60.14, as amended by Section 35, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-6.3), is amended to read as follows:

Section 7505-6.3 A. After six (6) months from the date of the interlocutory decree unless the court waived all or part of the waiting period, 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 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 ~~29~~ 7505-5.1 or ~~30~~ 7505-5.2 of this ~~act~~ title, 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 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~~ 7503-2.3, 7503-2.4 and 7503-2.6 of this ~~act~~ title or has waived the right to notice pursuant to Section ~~16~~ 7503-3.1 of this ~~act~~ title. 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 final hearing is not required to be recorded by a court reporter. Upon the request of any party, the court shall direct that the hearing be recorded by the court reporter, or the court may order on its own initiative that the hearing be recorded.

F. 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.

G. For purposes of this subsection, the State of Oklahoma elects to make subparagraph (A) of paragraph 20 of subsection 3 of Section 471(a) of the Social Security Act (Public Law 105-89) inapplicable to Oklahoma. Instead, the State of Oklahoma requires that:

1. Except as otherwise provided by this subsection, a prospective adoptive parent shall not be approved for placement of a child if the petitioners or any other person residing in the home of the petitioners has been convicted of any of the following felony offenses:

- a. within the five-year period preceding the date of the petition, physical assault, domestic abuse, battery or a drug-related offense, except as otherwise authorized by this subsection,
- b. child abuse or neglect,
- c. a crime against a child, including, but not limited to, child pornography, and
- d. a crime involving violence, including, but not limited to, rape, sexual assault or homicide, but excluding physical assault or battery.

2. A prospective adoptive parent may be an approved placement regardless of whether such parent has been convicted of any of the felony offenses specified by subparagraph a of paragraph 1 of this subsection, if an evaluation has been made and accepted by the court which considers the nature and seriousness of the crime in relation to the adoption, the time elapsed since the commission of the crime, the circumstances under which the crime was committed, the degree of rehabilitation, the number of crimes committed by the person involved, and a showing by clear and convincing evidence that the child will not be at risk by such placement.

H. Under no circumstances shall a child be placed in the custody of an individual subject to the Oklahoma Sex Offenders Registration Act or an individual who is married to or living with an individual subject to the Oklahoma Sex Offenders Registration Act.

SECTION 27. AMENDATORY Section 36, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-6.4), is amended to read as follows:

Section 7505-6.4 A. If the court denies a petition for adoption or vacates a decree of adoption, it shall dismiss the proceeding and. If no preexisting custody order remains in effect, the court shall issue an appropriate order for the legal and physical custody of the minor according to the best interests of the minor, if the court has jurisdiction to issue a custody order.

B. The 1. If the court has jurisdiction to issue a custody order, 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. The petitioner for adoption shall be responsible for serving any parent who has not entered an appearance in the adoption proceeding. If the Department of Human Services or any licensed child-placing agency had legal custody at the time the petition was filed, the petitioner shall notify the Department or agency of the date of the custody hearing.

2. Upon motion to intervene, the court shall join any person entitled to notice under this subsection who is not already a party to the proceeding.

3. At the hearing, the court may award custody to the biological mother, the biological father, the biological parents, if they are married, the prospective adoptive parents, or the Department or other licensed child-placing agency if the Department or agency had legal custody of the child at the time that the petition was filed, pursuant to Section 21.1 of this title, in the best interests of the child.

4. The child shall be represented at this hearing pursuant to Section 7505-1.2 of this title.

SECTION 28. AMENDATORY 10 O.S. 1991, Section 60.16, as last amended by Section 37, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-6.5), is amended to read as follows:

Section 7505-6.5 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. 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 minor's biological parents, may be given reasonable rights of visitation to the child, only to the extent permitted by the provisions of Section 5 of this title.

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

SECTION 29. AMENDATORY 10 O.S. 1991, Section 60.18, as renumbered by Section 58, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-6.6), and as last amended by Section 10 of Enrolled House Bill No. 3348 of the 2nd Session of the 46th Oklahoma Legislature, is amended to read as follows:

Section 7505-6.6 A. 1. For each adoption or annulment of adoption, the attorney or child-placing agency handling the adoption or annulment of adoption shall prepare and the clerk of the court shall certify, 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.

2. Before the fifteenth day of each calendar month, the attorney or child-placing agency handling the adoption or annulment of adoption shall forward to the State Registrar the certificates prepared by the attorney or agency handling the adoption or annulment of adoption during the preceding calendar month. If a biological parent has filed an affidavit of nondisclosure pursuant to Section 7503-2.5 of this title, the ~~clerk~~ attorney or agency handling the adoption shall attach the affidavit of nondisclosure to the certificate of such decree and forward it with the certificate to the State Registrar.

B. The State Registrar, upon receipt of a certificate of a decree of adoption, shall prepare a supplementary birth certificate in the new name of the adopted person with the names of the adoptive parents listed as the parents. The city and county of the place of birth, the hospital, and the name of the physician shall not be changed from the information provided on the original certificate of birth. 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 seal and file the original certificate of birth, if any, with the certificate of decree of adoption and the affidavit of nondisclosure, if any, attached. 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 7505-1.1 of this title.

SECTION 30. AMENDATORY 10 O.S. 1991, Section 60.19, as last amended by Section 39, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-7.1), is amended to read as follows:

Section 7505-7.1 A. An appeal may be taken from any final order, judgment ~~or~~, decree, or any order determining a minor eligible for adoption without terminating parental rights rendered pursuant to the Oklahoma Adoption 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, or any order determining a minor eligible for adoption without terminating parental rights, the appellant's designation of record shall be filed in the trial court within ten (10) days after the date of the judgment or order. 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. All appeals of cases concerning the adoption of a minor or the termination of parental rights for adoption purposes, or an order determining that a minor is eligible for adoption which does not terminate parental rights, 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.

D. The briefing schedule is established as follows:

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;

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

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

E. 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 adoption of the minor described in this section shall be expedited by the Supreme Court.

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

SECTION 31. AMENDATORY 10 O.S. 1991, Section 58, as last amended by Section 40, Chapter 366, O.S.L. 1997, and as last renumbered by Section 58, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-7.2), is amended to read as follows:

Section 7505-7.2 A. Except as otherwise provided by paragraph 3 of subsection B of Section ~~15~~ 7503-2.7 of this ~~act~~ title:

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

2. No adoption may be challenged on any ground either by a direct or collateral attack more than ~~one (1) year~~ three (3) months 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.

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

~~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 minor.

SECTION 32. AMENDATORY 10 O.S. 1991, Section 55.1, as amended by Section 41, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7506-1.1), is amended to read as follows:

Section 7506-1.1 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~~ 7503-3.1 of this ~~act~~ title;

2. A notice of intent to claim paternity of the child pursuant to this section or Section ~~16~~ 7503-3.1 of this ~~act~~ title;

3. An instrument acknowledging paternity of the child as provided in Section ~~16~~ 7503-3.1 of this ~~act~~ title, or this section, and Section 1-311.3 of Title 63 of the Oklahoma Statutes;

4. A waiver of interest pursuant to Section ~~16~~ 7503-3.1 of this ~~act~~ title; or

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

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. 1. 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 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 rules of the Department.

2. 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.

3. 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~~ the agent cannot be served at the address provided by the putative father, as provided in this subsection, and if the putative father cannot be served because his whereabouts are unknown, the putative father can be served by publication pursuant to paragraph 3 of subsection B of Section 7505-2.1 or paragraph 3 of subsection C of Section 7505-4.1 of this title.

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

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.

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 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 33. AMENDATORY Section 45, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7508-1.2), is amended to read as follows:

Section 7508-1.2 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~~ child 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 a minor or a person who has been declared mentally incompetent whose biological parent's parental rights have been terminated;

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

~~7.~~ 8. The adult descendants of a deceased person whose biological parent's parental rights have been terminated;

~~8.~~ 9. 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.~~ 10. 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 Mutual 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 34. AMENDATORY Section 46, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7508-1.3), is amended to read as follows:

Section 7508-1.3 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~~ child 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~~ child 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~~ 7505-1.1 of this ~~act~~ title 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.

SECTION 35. AMENDATORY Section 47, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7509-1.1), is amended to read as follows:

Section 7509-1.1 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 or to require a temporary order from a court before discharging an infant. 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.

SECTION 36. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7509-1.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

In order to facilitate the updating of medical and social information received pursuant to the Oklahoma Adoption Act and for the operation of the mutual consent voluntary registry and the confidential intermediary search programs, the office of the court clerk in each county of this state shall create a confidential index that cross-references an adoption of a child by both the child's birth name and adoptive name.

SECTION 37. AMENDATORY 10 O.S. 1991, Section 60.27, as amended by Section 13, Chapter 297, O.S.L. 1996, and as renumbered by Section 59, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7510-1.3), is amended to read as follows:

Section 7510-1.3 A. The Department of Human Services shall establish and administer an ongoing program of subsidized adoption. Subsidies and services for children who are in the permanent custody of the Department of Human Services under this program shall be provided out of funds appropriated to the Department of Human Services for the maintenance of children in foster care or made available to it from other sources.

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

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

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

SECTION 38. AMENDATORY 10 O.S. 1991, Section 60.29, as renumbered by Section 59, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7510-1.5), is amended to read as follows:

Section 7510-1.5 A. When a parent or parents are found and approved for adoption of a child certified as eligible for subsidy, and before the final decree of adoption is issued, there must be a written agreement between the family entering into the subsidized adoption and the Department of Human Services. Adoption subsidies in individual cases may commence with the adoption placement or at the appropriate time after the adoption decree, and shall be based on the needs of the child as well as the availability of other resources to meet the child's needs. The subsidy may be for special services only, or for money payments, and either for a limited period, or for a long term, or for any combination of the foregoing. The amount of the time-limited or long-term subsidy may in no case exceed that which would be allowable from time to time for such child under foster family care, or, in the case of a special service, the reasonable fee for the service rendered.

B. When a child is determined to have a causative, preexisting condition which was not identified or known prior to the legal adoption and which has resulted in a severe medical or psychiatric condition that requires extensive treatment, hospitalization, or institutionalization, an adoption subsidy may be approved. Upon the approval of the subsidy, the adoptive parents shall also be entitled to receive retroactive subsidy payments for the two (2) months prior to the date such subsidy was approved.

C. Any child who met the requirements of the provisions of Section 7510-1.2 of this title, and was determined eligible for Oklahoma adoption assistance payments with respect to a prior adoption, and is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died, shall be eligible for Oklahoma adoption assistance payments with respect to any subsequent adoption.

D. When subsidies are for more than one (1) year, the adoptive parent or parents shall present an annual sworn certification that the adopted child remains under their care and that the conditions that caused the child to be certified continue to exist. The adoptive parent or parents shall at all times keep the Department of Human Services informed of circumstances which would make them

ineligible for such assistance payments or eligible for assistance payments in a different amount. The Department of Human Services is authorized and directed to make a review of each subsidy annually to assure that the parents are fulfilling their contract obligations. No payment may be made to any parents with respect to any child who has attained the age of eighteen (18) years, except where the state determines that the child has a physical or mental handicap which warrants the continuation of assistance until the child reaches the age of twenty-one (21) years. Termination or modification of the subsidy agreement may be requested by the adoptive parent or parents at any time. No payment may be made to adoptive parents if the Department determines that the parents are no longer legally responsible for the support of the child or that the child is no longer receiving any support from such parents.

~~D.~~ E. A child who is a resident of this state when eligibility for subsidy is certified shall remain eligible and receive subsidy, if necessary for adoption, regardless of the domicile or residence of the adopting parent or parents at the time of application for adoption, placement, legal decree of adoption or thereafter.

~~E.~~ F. All records regarding subsidized adoption shall be confidential and may be disclosed only in accordance with the provisions of the State Oklahoma Adoption Act Code.

SECTION 39. AMENDATORY 10 O.S. 1991, Section 60.31, as last amended by Section 49, Chapter 366, O.S.L. 1997, and as renumbered by Section 59, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7510-2.1), is amended to read as follows:

Section 7510-2.1 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 updated system, containing a photograph ~~and~~ or 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 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.

SECTION 40. AMENDATORY 10 O.S. 1991, Section 60.33, as amended by Section 17, Chapter 297, O.S.L. 1996, and as renumbered by Section 59, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7510-2.3), is amended to read as follows:

Section 7510-2.3 The following persons are exempt from the provisions of Sections ~~60.31~~ 7510-2.1 through ~~60.35~~ 7510-2.5 of this title:

1. Children age twelve (12) years or older who do not choose to be adopted pursuant to ~~Section 60.11 of this title~~ the Oklahoma Adoption Act;

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

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

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

5. Children who are currently in an adoptive placement, pursuant to ~~Section 60.14~~ 7505-6.3 of this title.

SECTION 41. AMENDATORY 21 O.S. 1991, Section 866, as amended by Section 57, Chapter 366, O.S.L. 1997 (21 O.S. Supp. 1997, Section 866), is amended to read as follows:

Section 866. A. 1. The crime of trafficking in children is defined to consist of any of the following acts or any part thereof:

~~1. Acceptance~~

~~a. the acceptance, solicitation, offer, payment or transfer 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; by any person in connection with the acquisition or transfer of the legal or physical custody or adoption of a minor child, except as ordered by the court or except as otherwise provided by Section 7505-3.2 of Title 10 of the Oklahoma Statutes,~~

~~2. Acceptance~~

~~b. the acceptance or solicitation 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. 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;~~

~~5. Bringing~~

~~or organization for services performed, rendered or purported to be performed to facilitate or assist in the adoption or foster care placement of a minor child, except by the Department of Human Services, a child-placing agency licensed in Oklahoma pursuant to the Oklahoma Child Care Facilities Licensing Act, or an attorney authorized to practice law in Oklahoma. The provisions of this paragraph shall not prohibit an attorney licensed to practice law in another state or an out-of-state licensed child-placing agency from receiving compensation when working with an attorney licensed in this state who is, or when working with a child-placing agency licensed in this state which is, providing adoption services or other services~~

necessary for placing a child in an adoptive arrangement,

c. 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 for~~ the adoption thereof without first ~~obtaining the consent of the Department~~ complying with the Interstate Compact on the Placement of Children. 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~~ the child into such person's own family~~;~~

~~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~~

d. 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~~;~~ or by a woman who is not pregnant but who holds herself out to be pregnant and offers to place a child upon birth for adoption,

e. advertising of services for compensation to assist with or effect the placement of a child for adoption or for care in a foster home by any person or organization except by the Department of Human Services, or a child-placing agency licensed in this state. Nothing in this paragraph shall prohibit an attorney authorized to practice law in Oklahoma from the advertisement of legal services related to the adoption of children, and

f. (1) advertisements for and solicitation of a woman who is pregnant to induce her to place her child upon birth for adoption, except by a child-placing agency licensed in this state or an attorney authorized to practice law in Oklahoma. Nothing in this section shall prohibit a person from advertising to solicit a pregnant woman to consider adoptive placement with the person or to locate a child for an adoptive placement into the person's own home, provided that such person has received a favorable preplacement home study recommendation in accordance with Section 7505-5.1 of this title, which shall be verified by the signed written statement of the person or agency which performed the home study.

(2) Any person violating the provisions of this paragraph shall, upon conviction thereof, be guilty of a misdemeanor.

2. a. Except as otherwise provided by this subsection, the violation of any of the subparagraphs in paragraph 1 of this subsection shall constitute a Schedule G felony and shall be punishable by imprisonment of up to ten (10) years or a fine of up to Ten Thousand Dollars (\$10,000.00) per violation or both such fine and imprisonment.

b. Prospective adoptive parents who violate subparagraph a of paragraph 1 of this subsection, upon conviction thereof, shall be guilty of a misdemeanor and may be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00) per violation.

B. 1. No person shall knowingly publish for circulation within the borders of the State of Oklahoma an advertisement of any kind in any print, broadcast or electronic medium, including, but not limited to, newspapers, magazines, telephone directories, handbills, radio or television, which violates subparagraph e or f of paragraph 1 of subsection A of this section.

2. Any person violating the provisions of this subsection shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00) per violation.

C. The payment or acceptance of costs and expenses listed in Section ~~25~~ 7505-3.2 of ~~this act~~ Title 10 of the Oklahoma Statutes shall not be a violation of this section as long as the petitioner has complied with the applicable procedure specified in Section ~~25~~ 7505-3.2 of ~~this act~~ Title 10 of the Oklahoma Statutes and such costs and expenses are approved by the court.

~~C.~~ D. 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~~ 7505-3.2 and ~~34~~ 7505-6.2 of ~~this act~~ Title 10 of the Oklahoma Statutes shall be guilty of a misdemeanor.

SECTION 42. AMENDATORY 36 O.S. 1991, Section 6059, as last amended by Section 1, Chapter 41, O.S.L. 1997 (36 O.S. Supp. 1997, Section 6059), is amended to read as follows:

Section 6059. A. All individual and group health insurance policies providing coverage on an expense incurred basis, and all individual and group service or indemnity type contracts issued by a nonprofit corporation, a charitable and benevolent corporation established for the purposes of operating a nonprofit hospital service or indemnity plan and/or a nonprofit medical or indemnity plan, and all self-insurers which provide coverage for a family member of the insured or subscriber shall, as to such family member's coverage, also provide that the health insurance benefits applicable for any natural child of the insured or subscriber shall be payable with respect to any adopted child of the insured or subscriber from the date of placement of the child in the custody of the insured or subscriber, provided the insurer is notified within thirty-one (31) days in writing. Coverage shall include the necessary care and treatment of medical conditions existing prior to the date of placement of the child in the custody of the insured or subscriber. Nothing in this section shall be construed to require coverage of costs incurred for such medical conditions prior to the date of placement of the child in the custody of the insured or subscriber.

B. Subject to the terms and conditions of the policy, contract or agreement, coverage shall also include the actual and documented medical costs associated with the birth of an adopted child who is eighteen (18) months of age or younger. If requested, the insured shall provide copies of medical bills and records associated with the birth of the adopted child and proof that the insured paid or is responsible for payment of the medical bills associated with the birth and that the cost of the birth was not covered by another health care plan including Medicaid. Any reference to the name of the natural parents of the adopted child shall be deleted from the records so provided. The coverage required by this subsection shall be subject to the same annual deductibles and coinsurance as may be

deemed appropriate and as are consistent with those established for other covered benefits. The coverage shall also be subject to the terms of the insurers contract, if any, with hospitals and physicians.

C. As used in this section, "placement" means the assumption by the insured or subscriber of the physical custody of the adopted child and the financial responsibility for the support and care of the adopted child.

D. For purposes of this section, a child who is in the custody of the insured, pursuant to an interlocutory decree issued under Section ~~60.15~~ 7505-6.1 of Title 10 of the Oklahoma Statutes vesting temporary care of the child in the insured, is an adopted child during the pendency of the adoption proceeding, regardless of whether a final decree of adoption is ultimately issued.

SECTION 43. AMENDATORY Section 9, Chapter 356, O.S.L. 1994, as last amended by Section 37, Chapter 402, O.S.L. 1997 (63 O.S. Supp. 1997, Section 1-311.3), is amended to read as follows:

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

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

- a. a statement by the mother consenting to the assertion of paternity and stating the name of the father,
- b. a statement by the father that he is the natural father of the child,
- c. the social security numbers of both parents, and
- d. other information as the Secretary of Health and Human Services may require;

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

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

3. Provide the original affidavit acknowledging paternity to the Office of the State Registrar of Vital Statistics. Copies of the original affidavit acknowledging paternity shall be provided to the Department of Human Services Child Support Enforcement Division and to the mother and acknowledged father of the child. The Department of Human Services shall provide access to the affidavits acknowledging paternity via electronic means to the paternity registry created pursuant to Section ~~55.1~~ 7506-1.1 of Title 10 of the Oklahoma Statutes.

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

C. Upon receipt by the State Registrar of Vital Statistics of a certified copy of an order or decree of adoption, the State Registrar shall prepare a supplementary birth certificate as

directed by Section ~~60-18~~ 7505-6.6 of Title 10 of the Oklahoma Statutes regardless of whether an affidavit acknowledging paternity has been prepared or filed with the Office of the State Registrar of Vital Statistics pursuant to this section.

SECTION 44. AMENDATORY 10 O.S. 1991, Section 26, is amended to read as follows:

Section 26. No person, other than the parents, or ~~relatives~~ persons related to the child within the fourth third degree, of the child ~~concerned,~~ the Department of Human Services, or a child-placing agency, may ~~assume~~ accept the permanent care and custody of a child except ~~in accordance with the provisions of this act, or~~ in accordance with the decree of a court of competent jurisdiction or as otherwise provided by the Oklahoma Children's Code, the Oklahoma Adoption Code, the Oklahoma Guardianship and Conservatorship Act or the Oklahoma Child Care Facilities Licensing Act.

SECTION 45. AMENDATORY 10 O.S. 1991, Section 27, is amended to read as follows:

Section 27. No person may assign, permanently relinquish, or otherwise transfer to another his or her rights or duties with respect to the permanent care or custody of a child, except ~~to~~ with the parents, ~~or to the relatives of the child within the fourth third degree,~~ of the child ~~concerned,~~ unless specifically authorized or required so to do by an order or judgment of a court of competent jurisdiction or unless by a relinquishment executed in writing in accordance with the provisions of this act or of Section 47 of Title 44 of the Oklahoma Statutes, the Department of Human Services or a child-placing agency, except as otherwise provided by an order of the court or by the Oklahoma Children's Code, the Oklahoma Adoption Code, the Oklahoma Guardianship and Conservatorship Act or the Oklahoma Child Care Facilities Licensing Act.

SECTION 46. AMENDATORY 10 O.S. 1991, Section 38, is amended to read as follows:

Section 38. When an order has been entered which provides for payment of child support and the legal custodian ~~relinquishes~~ places physical custody of the child ~~to~~ with any person, subject to the provisions of Section ~~27 of Title 10 of the Oklahoma Statutes~~ 45 of this act, without obtaining a modification of the order to change legal custody, the ~~relinquishment~~ placement of the physical custody, by operation of law, shall create a presumption that such person ~~to~~ with whom the child was ~~relinquished~~ placed has legal physical custody of the child for the purposes of the payment of child support and the obligee shall remit such child support obligation to the person ~~to~~ with whom the ~~relinquishment~~ placement was made.

SECTION 47. AMENDATORY 10 O.S. 1991, Section 32, is amended to read as follows:

Section 32. No person except:

- ~~(1) the~~ 1. The parent or parents of the child involved;
- ~~(2) a~~ 2. A relative within the fourth degree of such, related to the child within the third degree, having ~~lawful~~ legal custody thereof;
- ~~(3) the~~ 3. The legal guardian of such child, duly authorized thereto by the court by which ~~he~~ the guardian was appointed; ~~or~~
- ~~(4) the~~ 4. The Department or a ~~child welfare~~ child-placing agency enumerated in Section ~~4 of this act,~~ if the care and custody ~~of~~ of the child has been ~~relinquished to~~ voluntarily placed with the Department or child-placing agency by the parent or legal guardian; or ~~the agency under the terms of this act or has been committed thereto~~

5. The Department or a child-placing agency, if care and custody of the child have been given to the Department or child-

placing agency by order of judgment of a court of competent jurisdiction, shall place or offer to place a child for care in a foster home without securing the consent of the ~~Department of Public Welfare or~~ court.

SECTION 48. AMENDATORY 44 O.S. 1991, Section 47, as amended by Section 1, Chapter 121, O.S.L. 1993 (44 O.S. Supp. 1997, Section 47), is amended to read as follows:

Section 47. A. Enlistments in the National Guard. Hereafter, the period of enlistment in the National Guard of this state shall be for three (3) years or such other time as prescribed by National Guard regulations, and the qualifications for enlistment shall be the same as those prescribed for admission to the Regular Army or Regular Air Force or National Guard regulations; provided that the privilege of continuing in active service during the whole of an enlistment period and of reenlisting in the said service shall not be denied except as herein otherwise provided. Unless otherwise prohibited by federal law or by Department of Army, Department of Air Force or National Guard Bureau regulations, enlisted members and prospective members of the Oklahoma Army and Air National Guard who have successfully completed the requirements for and have obtained a General Education Diploma (G.E.D.) shall be awarded a high school diploma by the State of Oklahoma. The State Department of Education shall issue this high school diploma. Such diploma shall be limited to the purposes of enlistment and admission in the National Guard pursuant to the provisions of this section. Such purpose shall be specified on the high school diploma. All enlisted men of the National Guard of this state shall sign an enlistment contract and take and subscribe to the oath required by National Guard regulations. Any officer or warrant officer of the Armed Forces of the United States may administer the enlistment oath.

B. 1. By complying with this subsection, a single custodial parent who is an applicant for enlistment in the Oklahoma National Guard satisfies the requirements of National Guard Regulation 600-200 or Air National Guard Regulation 39-09 regarding ~~relinquishment of the placement of the physical custody by relinquishing custody~~ of a minor child ~~to~~ with an adult blood relative of the child within the third degree of consanguinity for all periods of active duty during the term of enlistment; ~~provided, such relinquishment.~~ A document placing the physical custody of a child pursuant to this subsection shall:

- a. be in writing,
- b. clearly identify the child, the person ~~to~~ with whom physical custody is being ~~relinquished~~ placed, that person's relationship to the child, and the period of enlistment for which physical custody is to be ~~relinquished~~ placed,
- c. be executed by the parent/applicant before a notary public, and
- d. clearly state that it is for all purposes, including health care, during the periods of time in question.

2. A certified copy or executed copy of the ~~written relinquishment~~ document required by this subsection shall become a part of the applicant's permanent Oklahoma National Guard file.

3. Nothing in this section shall terminate, interfere, delay or negate any right of visitation by the noncustodial parent, or any person granted visitation by court order.

4. It is the intent of the Legislature that ~~relinquishment the placement of physical custody of a child~~ the placement of physical custody of a child pursuant to the provisions of this section shall not be a substantial change to any existing

custody decree nor shall it be deemed a voluntary permanent relinquishment of custody.

SECTION 49. The heading for Article 9 of the Oklahoma Adoption Act, entitled "Article 9. General Prohibitions", shall be amended to read "Article 9. General Provisions".

SECTION 50. NONCODIFICATION The provisions of Section 49 of this act shall not be codified in the Oklahoma Statutes.

SECTION 51. RECODIFICATION 10 O.S. 1991, Section 26, as amended by Section 44 of this act, shall be recodified as Section 7202.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 27, as amended by Section 45 of this act, shall be recodified as Section 7202.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 38, as amended by Section 46 of this act, shall be recodified as Section 7202.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 32, as amended by Section 47 of this act, shall be recodified as Section 7202.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 52. REPEALER 10 O.S. 1991, Sections 25, 28, 29, 30, 31, 33, 34, 35 and 37, are hereby repealed.

SECTION 53. 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, 1998.

Speaker of the House of Representatives

Passed the Senate the 28th day of May, 1998.

President of the Senate