

SHORT TITLE: Adoption; requiring court clerk to certify certain certificate; deleting requirement that court clerk prepare certain certificate; repealer; effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1173

By: Smith

AS INTRODUCED

An Act relating to adoption; amending 10 O.S. 1991, Section 60.18, as amended by Section 38, Chapter 366, O.S.L. 1997 and as renumbered by Section 58, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-6.6), which relates to certificates of adoption; requiring court clerk to certify certain certificate; deleting requirement that court clerk prepare certain certificate; clarifying language; repealing 10 O.S. 1991, Section 60.18, as renumbered by Section 58, Chapter 366, O.S.L. 1997 and as amended by Section 1, Chapter 400, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-6.6), which is a duplicate section and which relates to certificates of adoption; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 60.18, as amended by Section 38, Chapter 366, O.S.L. 1997 and as renumbered by Section 58, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-6.6), is amended to read as follows:

Section 7505-6.6 A. For each adoption or annulment of adoption, the clerk of the court shall ~~prepare~~ 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, ~~and before the 15th day of each calendar month the clerk shall forward to the State Registrar the certificates prepared by the clerk during the preceding calendar month, if adoptions in said court have been effected.~~ If a biological parent has filed an affidavit of nondisclosure pursuant to Section ~~13~~ 7503-2.5 of this ~~act~~ title, the clerk 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. 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~~ any affidavit of nondisclosure, ~~if any, attached thereto.~~ 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~~ eighteen (18) years of 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;~~ however, if an unrevoked affidavit of nondisclosure from only one biological parent is on file and the other conditions have been met, the State Registrar may release to the adopted person an uncertified copy of the person's original certificate of birth after deleting from that copy of the birth certificate any identifying information regarding the biological parent who filed the unrevoked affidavit of nondisclosure, including, if necessary, the original surname of the adopted person.

E. The State Registrar shall not disclose an original certificate of birth or other sealed adoption records, except as permitted by subsection D of this section, or upon order of the court for good cause shown pursuant to Section ~~19~~ 7505-1.1 of this ~~act~~ title.

SECTION 2. REPEALER 10 O.S. 1991, Section 60.18, as renumbered by Section 58, Chapter 366, O.S.L. 1997 and as amended by Section 1, Chapter 400, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7505-6.6), is hereby repealed.

SECTION 3. This act shall become effective November 1, 1998.

46-2-2106

KSM