

ENROLLED HOUSE
BILL NO. 1280

By: Seikel of the House

and

Weedn of the Senate

An Act relating to children and the Department of Human Services; creating the Child Welfare System Reform Review Committee; requiring cooperation; providing for membership, appointments and qualification; setting certain time limits; providing for appointments of cochairs; providing for vacancies; providing for meetings; providing for duties and responsibilities; requiring a report; providing for termination; providing for staffing; providing for travel reimbursement; amending 10 O.S. 1991, Section 1116.3, as last amended by Section 6, Chapter 416, O.S.L. 1998 (10 O.S. Supp. 1998, Section 1116.3), which relates to postadjudication review boards; adding to powers and duties; requiring certain reviews; requiring the providing of certain information; providing for attendance; amending Section 17, Chapter 414, O.S.L. 1998 (10 O.S. Supp. 1998, Section 7003-5.6g), which relates to permanency hearings; extending certain time period; amending 10 O.S. 1991, Sections 1123, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 7, Chapter 200, O.S.L. 1996, 1125.1, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 1 of Enrolled House Bill No. 1341 of the 1st Session of the 47th Oklahoma Legislature, and 1126, as amended by Section 45, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1998, Sections 7003-6.2 and 7003-8.6), which relate to the Oklahoma Children's Code; updating and clarifying language; adding to individuals to whom certain findings shall be given; amending Section 12, Chapter 353, O.S.L. 1995, as amended by Section 14, Chapter 200, O.S.L. 1996 (10 O.S. Supp. 1998, Section 7112), which relates to the Oklahoma Child Abuse Reporting and Prevention Act; updating language; amending Section 11, Chapter 389, O.S.L. 1997, Section 13, Chapter 389, O.S.L. 1997, as amended by Section 8, Chapter 414, O.S.L. 1998, and Section 13, Chapter 353, O.S.L. 1996, as amended by Section 17, Chapter 389, O.S.L. 1997 (10 O.S. Supp. 1998, Sections 7204.1, 7206.1 and 7213), which relate to the Oklahoma Foster Care and Out-of-Home Placement Act; updating and clarifying language; adding and clarifying rights of foster parents; amending Section 11, Chapter 366, O.S.L. 1997, as amended by Section 10, Chapter 415, O.S.L. 1998, Section 14, Chapter 366, O.S.L. 1997, as amended by Section 12, Chapter

415, O.S.L. 1998, Section 25, Chapter 366, O.S.L. 1997, Section 31, Chapter 366, O.S.L. 1997, as amended by Section 24, Chapter 415, O.S.L. 1998, and 10 O.S. 1991, Sections 60.13, as last amended by Section 32, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997, and 60.28, as amended by Section 14, Chapter 297, O.S.L. 1996, and as renumbered by Section 59, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1998, Sections 7503-2.3, 7503-2.6, 7505-3.2, 7505-5.3, 7505-5.4 and 7510-1.4), which relate to the Oklahoma Adoption Code; adding to contents of permanent relinquishments; providing age limit for certain extrajudicial consents; clarifying and modifying payments of living and transportation expenses for adoptions; requiring certain petitions; providing for caption of petition; providing for hearing on petition; providing for procedures; requiring certain submissions; modifying requirements for certain background check; adding to persons requiring a background check for adoptions; requiring fingerprint checks for certain persons; providing for certain documentation in certain home studies; adding to and modifying contents; providing exceptions; providing for contents; requiring certain information and statements; updating cites; providing certain educational requirements for certain persons; specifying requirements; amending 10 O.S. 1991, Section 70, as last amended by Section 1, Chapter 323, O.S.L. 1998 (10 O.S. Supp. 1998, Section 70), which relates to establishment of paternity; providing for certain challenges; providing for procedures; providing for dismissals and releases; providing for federal preemption; requiring removal of certain names; amending Section 6, Chapter 356, O.S.L. 1994, as amended by Section 21, Chapter 402, O.S.L. 1997 (56 O.S. Supp. 1998, Section 238.6B), which relates to child support; providing for rescinding certain paternity affidavits; specifying reasons for rescinding affidavits; providing for certain challenges; prohibiting certain suspensions; providing exceptions; providing for federal preemption; amending Section 1 of Enrolled Senate Joint Resolution No. 9 of the 1st Session of the 47th Oklahoma Legislature, which relates to the Department of Human Services Staffing Task Force; clarifying reimbursement requirements; authorizing the Department of Human Services to enter into certain lease-purchase agreements; authorizing the Department of Human Services to sell certain properties; defining certain terms; amending 10 O.S. 1991, Sections 26, as amended by Section 44, Chapter 415, O.S.L. 1998, and as renumbered by Section 51, Chapter 415, O.S.L. 1998, and 27, as amended by Section 45, Chapter 415, O.S.L. 1998, and as renumbered by Section 51, Chapter 415, O.S.L. 1998 (10 O.S. Supp. 1998, Sections 7202.1 and 7202.2), which relate to acceptance and transfer of right to permanent care and custody of a child; providing who may accept a child; specifying various procedures; specifying who may otherwise transfer a child; specifying procedures

for acceptance and otherwise transfer; prohibiting certain recovery of a child; providing exceptions; providing for abandonment of a child; providing for considerations to determine custody after abandonment; directing the Department of Human Services to establish an employee performance recognition program; providing what constitutes recognition awards; providing limitation on amount that can be spent on recognition awards; repealing 10 O.S. 1991, Section 1125.1, as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1998, Section 7005-1.2), and as last amended by Section 3 of Enrolled House Bill No. 1845 of the 1st Session of the 47th Oklahoma Legislature, which is a duplicate section, and Section 11, Chapter 414, O.S.L. 1998 (10 O.S. Supp. 1998, Section 7209.1), which relates to certain study related to personality inventory; providing for codification; providing for recodification; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7007-1.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Legislature hereby establishes the Child Welfare System Reform Review Committee and directs the Committee to undertake a thorough study of the policies, procedures and statutes governing Oklahoma's child abuse and child welfare system and to make necessary recommended revisions to this system.

B. All departments, officers, agencies and employees of this state shall cooperate with the Child Welfare System Reform Review Committee in carrying out its duties and responsibilities, including providing any information, records and reports as may be requested by the Committee.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7007-1.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Child Welfare System Reform Review Committee shall consist of the following twenty-two (22) members:

1. One member who is the Chair of the Human Services Committee of the Oklahoma House of Representatives;

2. One member who is the Chair of the Human Resources Committee of the Oklahoma State Senate;

3. Three members who are judges having juvenile docket responsibilities, appointed by the Juvenile Justice Oversight Committee of the Oklahoma Supreme Court;

4. Two members who are district attorneys having knowledge and experience in actions concerning deprived children, appointed by the District Attorneys Council;

5. One member who serves on a post-adjudication review board, appointed by the State Post-Adjudication Review Advisory Board;

6. One member who serves as a foster parent and who has a current contract with the Department of Human Services to provide foster care services, appointed by the Foster Care Association of Oklahoma;

7. One member who serves as a Court-Appointed Special Advocate, appointed by the Oklahoma CASA Association;

8. Three members appointed by the Speaker of the House of Representatives of whom:

- a. one member represents a child-placing agency that has a current contract with the Department of Human Services to provide foster care services,
- b. one person is a child advocate having current knowledge and experience concerning Oklahoma's child welfare system, and
- c. one person represents a local unit on aging interested in grandparents' concerns;

9. Three members appointed by the President Pro Tempore of the Senate of whom:

- a. one person is a member of the Governor's Task Force on Children in Custody,
- b. one person is a child advocate having current knowledge of Oklahoma's child welfare system, and
- c. one person is a practicing attorney in the area of child welfare and who is an active member of the Family Law Section of the Oklahoma Bar Association;

10. Three members appointed by the Governor of whom:

- a. one is a person from the law enforcement community who is currently working with a multidisciplinary child abuse team,
- b. one person is a practicing public defender or employee of the Office of Public Defender who represents parents who is knowledgeable in deprived actions or termination of parental rights actions and is an active member of the Family Law Section of the Oklahoma Bar Association, and
- c. one person is a practicing attorney in the area of child welfare and who is an active member of the Family Law Section of the Oklahoma Bar Association;

11. Ex officio members of the Child Welfare System Reform Review Committee shall also include the following:

- a. the Director of the Department of Human Services, or designee,
- b. the State Commissioner of Health, or designee, and
- c. the Director of the Oklahoma Commission on Children and Youth, or designee.

B. Each member of the Child Welfare System Reform Review Committee initially appointed shall make the appointments known to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Governor by August 1, 1999.

C. Members of the Committee shall serve until June 30, 2000. Any vacancies in the membership of the Committee shall be filled for the unexpired term in the same manner as the original appointment.

D. The Committee may divide into subcommittees in furtherance of its purposes.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7007-1.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint one member of the Child Welfare System Reform Review Committee to serve as cochairs who shall serve until June 30, 2000. Cochairs shall be appointed by August 15, 1999.

2. If a vacancy occurs in such office, a new cochair shall be appointed from the Committee in the same manner as the original appointment.

3. Other officers may be elected to serve the Committee for terms of office as may be designated by the Committee members. A majority of members present shall represent a quorum and a majority present may act for the Committee.

B. 1. The cochairs shall call the first meeting of the Committee no later than September 15, 1999.

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

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

1. Legislative members of the Committee shall receive reimbursement from the house in which they serve pursuant to Section 456 of Title 74 of the Oklahoma Statutes;

2. Nonlegislative Committee members employed by the state shall be reimbursed by their respective employing agency pursuant to the State Travel Reimbursement Act; and

3. Any other Committee member shall receive reimbursement pursuant to the State Travel Reimbursement Act from funds of the Legislative Service Bureau.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7007-1.4 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The purposes of the Child Welfare System Reform Review Committee shall be to conduct a systematic review and study of all policies, procedures and Oklahoma Statutes concerning the child welfare system to update, reform and recodify the necessary statutes and programs encompassed in the system. The duties of the Committee in preparing recommendations shall be as follows:

1. To consolidate similar statutes;
2. To repeal or modify obsolete or duplicate statutes or any statutes which shall have been declared unconstitutional by court decision;
3. To recommend changes in Title 10 and Title 63 of the Oklahoma Statutes concerning the child welfare system;
4. To clarify and update any existing statutory language;
5. To recodify those sections of law which relate to child welfare reform when the move will improve the location, use, application and appropriateness of those sections of law; and
6. To perform any other acts necessary to complete the purposes of the Committee, including, but not limited to:
 - a. the feasibility of videotaping or audiotaping a child alleged to be severely physically or sexually abused at the investigatory stage,
 - b. the feasibility of removing the right of a jury trial at the adjudicatory court hearing for determining deprived status or at the termination of parental rights hearing or both,
 - c. reviewing the statutory provisions in the Oklahoma Children's Code requiring a deprived child to testify in a criminal proceeding under penalty of imprisonment,
 - d. studying whether parents or custodians of a child should be given a Miranda-type warning during a child abuse investigation,
 - e. examining the fair and impartial hearing procedure for foster parents provided by the Department of Human Services and the Department of Juvenile Justice,
 - f. examining sibling visitation rights,
 - g. examining how to improve representation of abused and neglected children in the court system,

- h. prohibiting homosexuals from adopting children, and
- i. recognizing rights of relatives, including grandparents or other relatives who have physical custody of children related to them within the third degree of consanguinity or affinity in deprived or nondeprived cases.

B. 1. The Committee shall be responsible for drafting recommended legislation in accordance with the current legislative drafting procedures.

2. The Committee shall prepare a final draft of recommended changes, and shall submit the recommended changes to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Governor by February 15, 2000.

C. The Child Welfare System Reform Review Committee shall cease to function June 30, 2000.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7007-1.5 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Oklahoma House of Representatives and the Oklahoma State Senate shall provide, as may be necessary, staff assistance to the Child Welfare System Reform Review Committee as necessary to assist the Committee in the performance of its duties.

SECTION 6. AMENDATORY 10 O.S. 1991, Section 1116.3, as last amended by Section 6, Chapter 416, O.S.L. 1998 (10 O.S. Supp. 1998, Section 1116.3), is amended to read as follows:

Section 1116.3 A. Postadjudication review boards shall function in an advisory capacity to the district court and, in accordance with the provisions of subsection C of this section, the district planning and coordination boards for services to children and youth of the Oklahoma Commission on Children and Youth.

The duties of a review board shall be to:

1. Review the case of every adjudicated deprived child at least once every six (6) months and submit to the court within ten (10) days of any review hearing its findings and recommendations.

a. Such review shall include, but not be limited to, consideration and evaluation of:

- (1) the appropriateness of the goals and objectives of the treatment and service plan, ~~and~~
- (2) the appropriateness of the goals and objectives of the permanency plan and permanency planning, and
- (3) the appropriateness of the services provided to the child, and to the parent, stepparent, or other adult living in the home of the child, or legal guardian, or custodian.

- b. Reviews of cases and reports to the court shall be scheduled to ensure that the court receives the findings and recommendations of the review board prior to each regularly scheduled six-month review of the case by the court;

2. Review the case of every child alleged to be deprived and held in an out-of-home placement, ~~other than a juvenile detention center, on a preadjudicatory or predisposition custody order for more than ninety (90) days. Such cases shall be reviewed by a review board not more than forty five (45) days after the expiration of the ninety days.~~ Such review shall include, but not be limited to, consideration and evaluation of:

- a. whether the continued out-of-home placement is in the best interests of the child in light of the child's need for permanency and recognizing that permanency is in the best interests of the child,
- b. the appropriateness of the continued out-of-home placement, and
- c. in the absence of a court-ordered treatment and service plan, the appropriateness of the services provided to the child and any family members or other adult living in the home of the child;

3. Review the case of every child adjudicated deprived pursuant to the laws of another state or territory, when the child is currently residing in Oklahoma and the Department of Human Services has been notified of the change of residence by the other state or territory and has agreed to provide services to the child pursuant to the Interstate Compact on the Placement of Children or other agreement concerning the child. The Department shall notify the proper review board of the location of the child and shall provide such review board with information received by the Department from the other state concerning the child or placement along with any reports made by the Department concerning the child or placement. The review board shall report its findings to the Department and may report such findings to the agency or court in the state having jurisdiction for the custody of the child. The child and the custodian of the child may be required to be present at the review board's meeting regarding the child.

4. If approved by the court, review the case of any juvenile adjudicated delinquent or in need of supervision. Such review shall include, but not be limited to, consideration and evaluation of:

- a. the appropriateness of the placement,
- b. the appropriateness of the services provided to the child and any family members or other adult living in the home of the child, and
- c. the appropriateness of the goals and objectives of the treatment and service plan; and

~~4.~~ 5. Forward copies of the findings and recommendations of the review board to the court having jurisdiction of the case, the parent, legal guardian, attorney representing the child, custodian

of the child, agency supervising the case or legal custodian of the child and to any other interested party as determined by the court. It shall be the duty of the court clerk to ensure that all documents filed pertaining to the case of an adjudicated child are properly noted and affixed in the file of the child prior to the commencement of the review process by the review board. The bailiff or bailiffs of the judges having juvenile docket responsibility within the district shall transmit the information necessary for the case reviews to the review board for that district.

B. The review board's report of its findings and recommendations shall be admitted into evidence in any dispositional hearing, and may be relied upon to the extent of its probative value, even though not competent for purposes of an adjudicatory hearing.

C. In addition to its reviewing function, a review board, as directed by the Oklahoma Commission on Children and Youth and in coordination with the district planning and coordination boards shall:

1. Promote and encourage all child placement agencies to maximize family stability and continuity for a child by discouraging unnecessary changes in placement and by recruiting persons to provide placement who may be suitable and willing to adopt;

2. Review the efforts of agencies and institutions to find permanent placement for eligible children and report to the court;

3. Encourage a meeting between the various responsible public and private agencies, institutions, and officers of the court in order to facilitate cooperation and coordination of efforts; and

4. Assess community resources, and develop, if not already available, a directory of responsible persons, agencies, and institutions.

D. A review board may solicit the attendance at its meetings of persons known to the board with information concerning the case of any child subject to its review. However, no employee of the Office of Juvenile Affairs shall be required to attend a review board meeting.

E. A review board shall report annually its findings, recommendations, and assessments of the effectiveness of sections of law pertaining to individual treatment plans, information to accompany deprived children placed outside the home, and dispositional orders and Sections 1116.2 through 1116.6 of this title to the Administrator of the Courts, the Supreme Court, to the court having jurisdiction of the case, to the State Postadjudication Review Advisory Board, and the Oklahoma Commission on Children and Youth and provide such other reports as deemed proper or that may be requested from time to time by the Oklahoma Commission on Children and Youth, the Governor, the Legislature, or the Supreme Court.

F. It shall be the duty of the court having jurisdiction of the case to acknowledge the receipt of the recommendations of the review board and note to the review board the actions of the court regarding the recommendations submitted by the review board.

G. A review board member may attend any court hearing concerning the case of any child subject to review by the board.

SECTION 7. AMENDATORY Section 17, Chapter 414, O.S.L. 1998 (10 O.S. Supp. 1998, Section 7003-5.6g), is amended to read as follows:

Section 7003-5.6g A. On or after January 1, ~~2000~~ 2001, permanency hearings required for adjudicated deprived children by Part V of Article III of the Oklahoma Children's Code shall be held pursuant to the time frames specified by this section.

B. The court shall conduct a permanency hearing for each child adjudicated to be deprived in order to consider the issue of the establishment of permanency for the child no later than:

1. Six (6) months for a child who, on the date of initial removal from the physical custody of the parents of such child, was under the age of three (3) years; and

2. Twelve (12) months for a child who, on the date of initial removal from the physical custody of the parents of such child, was three (3) years of age or older.

SECTION 8. AMENDATORY 10 O.S. 1991, Section 1123, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 7, Chapter 200, O.S.L. 1996 (10 O.S. Supp. 1998, Section 7003-6.2), is amended to read as follows:

Section 7003-6.2 A. Any interested party aggrieved by any order or decree may appeal to the Supreme Court pursuant to Section 7003-6.4 of this title and the rules of the Supreme Court of this state.

B. The pendency of an appeal thus taken shall not suspend the order of the district court regarding a child, nor shall it remove the child from the custody of that court or of the person, institution or agency to whose care such child has been committed, unless the Supreme Court shall so order, except as provided in subsection C of this section. The pendency of an appeal from an order of adjudication shall not prevent the district court from holding a dispositional hearing unless the appellate court shall so order.

C. 1. At any hearing, including, but not limited to, hearings conducted pursuant to Section 7003-8.6 of this title, where it is determined that a child in state custody will be released from state custody, the district attorney or the attorney for the child may give verbal notice to the court of an objection to the order of the court and an intention to seek review of that order based on the grounds that the order of the court ~~creates an unreasonable risk of physical or sexual abuse to~~ releasing the child from state custody is contrary to the health, safety and welfare of the child.

2. Upon giving such notice, the court issuing the custody order in question shall stay the custody order pending the filing of an application and completion of review as provided in this section. The district attorney or attorney for the child shall file with the presiding judge of the administrative judicial district a written application for review within three (3) judicial days from the

custody order. If an application is not filed within such time period, or if a written notice to the trial court withdrawing the objection is filed within that time period, the objection will be deemed abandoned and the stay shall be lifted.

3. Each application for review shall be assigned by the presiding judge of the administrative judicial district to a judge within that administrative judicial district with juvenile docket responsibilities. The review shall be completed within five (5) judicial days of the filing of the written application for review. The review conducted by the reviewing judge shall address the question of whether releasing the child from state custody ~~creates an unreasonable risk of physical or sexual abuse to~~ is contrary to the health, safety and welfare of the child. The reviewing court shall review the record of the hearing and any other evidence deemed relevant by the reviewing court. At the conclusion of the review, the reviewing court shall issue its findings of fact and conclusions of law and report them to the court issuing the original custody order.

4. A finding by the reviewing court that the original ~~custody~~ order regarding releasing the child from state custody is ~~inappropriate as a result of an unreasonable risk of physical or sexual abuse to~~ contrary to the health, safety and welfare of the child shall be controlling and the court issuing the original ~~custody~~ order shall proceed to enter a different custody order. If the reviewing court finds that the original ~~custody~~ order ~~did not place~~ is not contrary to the health, safety and welfare of the child ~~at risk of physical or sexual abuse~~ and that the original ~~custody~~ order is otherwise appropriate then the court issuing the original order shall lift the stay and the original order shall be subject to appeal as provided in subsection A of this section. The failure of any court to issue the stay mandated by this subsection shall be subject to immediate mandamus to an appropriate court.

SECTION 9. 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 1 of Enrolled House Bill No. 1341 of the 1st Session of the 47th Oklahoma Legislature, 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; and
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 the Oklahoma Children's 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 and a determination by a judge of the district court designated pursuant to this subsection, 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 such 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 three (3) judicial days' notice to the agency holding the records and the person who is the subject of the record if such person is eighteen (18) years of age or older or to the parents of a child less than eighteen (18) years of age 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.

3. Upon the filing of a petition for an order of the court pursuant to this section, the judge of the court having jurisdiction to issue the order authorized by this section shall request the presiding judge of the judicial district to designate another judge to review the confidential records and make a determination as to whether any information contained in the records may be inspected, released, disclosed, corrected or expunged. Any order issued by the judge of the court having jurisdiction to issue such order shall be based on and consistent with the determination of the judge reviewing the confidential records.

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, subject to the provisions of subsection D of this section.

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 provisions of the Oklahoma Adoption 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;

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 or to any person providing services to a child who is or is alleged to be a victim of child abuse;

7. Authorizing the disclosure of the identity or location information of any person who has reported an allegation of known or suspected child abuse or neglect unless such disclosure is specifically ordered by the court; or

8. Prohibiting the Department of Human Services from providing a summary of allegations and findings of an investigation involving a child care facility that does not disclose identities but that permits parents to evaluate the facility.

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, or as otherwise required to be provided by the Department pursuant to the Oklahoma Child Abuse Reporting and Prevention Act, 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 10. AMENDATORY 10 O.S. 1991, Section 1126, as amended by Section 45, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1998, Section 7003-8.6), is amended to read as follows:

Section 7003-8.6 A. Any judge who is assigned to hear juvenile cases in counties having a population in excess of one hundred thousand (100,000) may appoint a suitable person or persons to act as referee or referees, to hold office at the pleasure of the judge. Such referees shall be lawyers and shall be specially qualified for their duties. The judge may direct that any case, or all cases of a class or within a county to be designated by the judge, shall be heard in the first instance by a referee in the manner provided for the hearing of cases by the court. Upon the conclusion of the hearing in each case, the referee shall transmit to the court all papers relating to the case, together with the referee's findings of fact and conclusions of law, and recommendations in writing.

B. Notice of the referee's findings and recommendations shall be given to the parent, guardian or custodian of the child, the child's attorney, guardian ad litem or court-appointed special advocate, foster parent or to any other person concerned whose case has been heard by the referee. A hearing by the court shall be allowed upon the filing with the court of a request for such hearing, if the request is filed within three (3) days after the service of such notice. In case no hearing by the court is requested, the findings and recommendations of the referee, when confirmed by an order of the court, shall become the decree of the court.

SECTION 11. AMENDATORY Section 12, Chapter 353, O.S.L. 1995, as amended by Section 14, Chapter 200, O.S.L. 1996 (10 O.S. Supp. 1998, Section 7112), is amended to read as follows:

Section 7112. A. 1. In every criminal case filed pursuant to the Oklahoma Child Abuse Reporting and Prevention Act, the judge of the district court may appoint an attorney-at-law to appear for and represent a child who is the alleged victim of child abuse or neglect.

2. The attorney may be allowed a reasonable fee for such services and shall meet with the child as soon as possible after receiving notification of the appointment.

3. Except for good cause shown to the court, the attorney shall meet with the child not less than twenty-four (24) hours prior to any hearing.

4. 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~~, legal guardian, custodian or other person responsible for the child's health or safety made pursuant to this section.

5. The attorney shall ~~be charged with the representation of the child's best interests~~ represent the child and any expressed interests 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.

B. A court-appointed special advocate or guardian ad litem as defined by the Oklahoma Children's Code and the Oklahoma Juvenile Code may be appointed to represent a the best interests of the child who is the alleged subject of child abuse or neglect. The court-appointed special advocate or guardian ad litem shall be given access to all reports relevant to the case and to ~~any~~ reports of service providers and of examination of the child's parents ~~or other~~, legal guardian, custodian or other person responsible for the child's health or safety made pursuant to this section including ~~reports of service providers~~ but not limited to, information authorized by the Oklahoma Children's Code and the Oklahoma Juvenile Code.

C. At such time as the information maintained by the statewide registry for child abuse, sexual abuse, and neglect is indexed by name of perpetrator and the necessary and appropriate due process procedures are established by the Department of Human Services, a court-appointed special advocate organization, in accordance with the policies and rules of the Department, may utilize the registry for the purpose of completing background screenings of volunteers with the organization.

SECTION 12. AMENDATORY Section 11, Chapter 389, O.S.L. 1997 (10 O.S. Supp. 1998, Section 7204.1), is amended to read as follows:

Section 7204.1 A. 1. A foster parent may report to the Office of Advocate Defender of the Department of Human Services an allegation that an employee of the Department or of a child-placing agency has threatened the foster parent with removal of a child from the foster parent, harassed or refused to place a child in a licensed or certified foster home, or disrupted a child placement as retaliation or discrimination towards a foster parent who has:

- a. filed a grievance pursuant to Section 7213 of this title,
- b. provided information to any state official or Department employee, or
- c. testified, assisted, or otherwise participated in an investigation, proceeding or hearing against the Department or child-placing agency.

2. The provisions of this subsection shall not be construed to include any complaints from foster parents resulting from

administrative, civil or criminal action taken by the employee or Department or child-placing agency for violations of law or rules, or contract provisions by the foster parent.

3. A reporter shall not be relieved of the duty to report incidents pursuant to the Oklahoma Child Abuse Reporting and Prevention Act.

4. The Advocate General shall establish rules and procedures for evaluating reports of complaints pursuant to paragraph 1 of this subsection and for conducting an investigation of such reports.

B. 1. The Office of Advocate Defender shall prepare and maintain written records from the reporting source that shall contain the following information to the extent known at the time the report is made:

- a. the names and addresses of the child and the person responsible for the child's welfare,
- b. the nature of the complaint, and
- c. the names of the persons or agencies responsible for the allegations contained in the complaint.

2. Any investigation conducted by the Office of Advocate Defender pursuant to such information shall not duplicate and shall be separate from the investigation mandated by the Oklahoma Child Abuse Reporting and Prevention Act or other investigation of the Department having notice and hearing requirements.

3. At the request of the reporter, the Office of Advocate Defender shall keep the identity of the reporter strictly confidential from the operation of the Department, until the Advocate General determines what recommendations shall be made to the Commission for Human Services and to the Director of the Department of Human Services.

C. The Commission shall ensure that a person making a report in good faith under this section is not adversely affected solely on the basis of having made such report.

D. Any person who knowingly and willfully makes a false or frivolous report or complaint or a report that the person knows lacks factual foundation, pursuant to the provisions of this section, may be subject to loss of foster parent certification or licensure status.

SECTION 13. AMENDATORY Section 13, Chapter 389, O.S.L. 1997, as amended by Section 8, Chapter 414, O.S.L. 1998 (10 O.S. Supp. 1998, Section 7206.1), is amended to read as follows:

Section 7206.1 A. A statement of foster parent's rights shall include, but not be limited to, the right to:

1. Be treated with dignity, respect, and consideration as a professional member of the child welfare team;

2. Be notified of and be given appropriate, ongoing education and continuing education and training ~~related to parental substitute~~

~~authority and behavioral management~~ to develop and enhance foster parenting skills;

3. Be informed about ways to contact the state agency or the child-placing agency in order to receive information and assistance to access supportive services for any child in the foster parent's care;

4. Receive timely financial reimbursement for providing foster care services;

5. Be notified of any costs or expenses for which the foster parent may be eligible for reimbursement;

6. Be provided a clear, written explanation of the individual treatment and service plan concerning the child in the foster parent's home, listing components of the plan pursuant to the provisions of the Oklahoma Children's Code and the Oklahoma Foster Care and Out-of-Home Placement Act;

7. Receive, at any time during which a child is placed with the foster parent, additional or necessary information that is relevant to the care of the child;

8. Be notified of scheduled ~~permanency planning~~ review meetings, permanency planning meetings and special staffing concerning the foster child in order to actively participate in the case planning and decision-making process regarding the child;

9. Provide input concerning the plan of services for the child and to have that input be given full consideration in the same manner as information presented by any other professional on the team;

10. Communicate with other foster parents in order to share information regarding the foster child. In particular, receive any information concerning the number of times a foster child has been moved and the reasons why, and the names and telephone numbers of the previous foster parent if the previous foster parent has authorized such release;

11. Communicate with other professionals who work with the foster child within the context of the team including, but not limited to, therapists, physicians, and teachers;

12. Be given, in a timely and consistent manner, any information regarding the child and the child's family which is pertinent to the care and needs of the child and to the making of a permanency plan for the child. Disclosure of information shall be limited to that information which is authorized by the provisions of Article V of the Oklahoma Children's Code for foster parents and Article VII of the Oklahoma Juvenile Code;

13. Be given reasonable notice of any change in or addition to the services provided to the child pursuant to the child's individual treatment and service plan;

14. a. Be given written notice of:

(1) plans to terminate the placement of the child with the foster parent pursuant to Section 7208 of this title, and

(2) the reasons for the changes or termination in placement, and

b. The notice shall be waived only in emergency cases pursuant to Section 7208 of this title;

15. Be notified by the ~~court~~ applicable state agency in a timely and complete manner of all court hearings, including notice of the date and time of any court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case;

16. Be informed of decisions made by the court, the state agency or the child-placing agency concerning the child;

17. Be considered as a preferred placement option when a foster child who was formerly placed with the foster parent is to reenter foster care at the same level and type of care, if that placement is consistent with the best interest of the child and other children in the foster parent's home;

18. Be provided a fair, timely, and impartial investigation of complaints concerning the foster parent's certification;

19. Be provided the opportunity to request and receive a fair and impartial hearing regarding decisions that affect certification retention or placement of children in the home;

20. Be allowed the right to exercise parental substitute authority;

21. Have timely access to the state agency's and child placement agency's appeals process and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal;

22. Be given the number of the statewide toll-free Foster Parent Hotline established in Section 7204 of this title; and

23. File a grievance and be informed of the process for filing a grievance.

B. The Department of Human Services, the Office of Juvenile Justice, and a child-placing agency under contract with the Department shall be responsible for implementing this section.

C. Nothing in this section shall be construed to create a private right of action or claim on the part of any individual, the Department of Human Services, the Office of Juvenile Justice or any child-placing agency.

SECTION 14. AMENDATORY Section 13, Chapter 353, O.S.L. 1996, as amended by Section 17, Chapter 389, O.S.L. 1997 (10 O.S. Supp. 1998, Section 7213), is amended to read as follows:

Section 7213. A. The Department of Human Services, the Department of Juvenile Justice and child-placing agencies shall each establish grievance procedures for foster parents with whom such state agencies or child-placing agencies contract.

B. The procedures for foster parents established by each state agency and child-placing agency shall contain the following minimum requirements:

1. Resolution of disputes with foster parents shall be accomplished quickly, informally and at the lowest possible level, but shall provide for access to impartial arbitration by management level personnel within the central office; and

2. Prompt resolution of grievances within established time frames.

C. Each state agency and child-placing agency shall designate an employee to receive and process foster care grievances.

D. Each state agency and child-placing agency shall maintain records of each grievance filed as well as summary information about the number, nature and outcome of all grievances filed. Agencies shall keep records of grievances separate and apart from other foster parent files. A foster parent or a former foster parent shall have a right of access to the grievance record of grievances such person filed after the grievance procedure has been completed.

E. 1. Each foster parent shall have the right, without fear of reprisal or discrimination, to present grievances with respect to the providing of foster care services.

2. Each state agency shall promptly initiate a plan of corrective discipline including, but not limited to, dismissal of any agency employee or cancellation or nonrenewal of the contract of a child-placing agency determined by the state agency, through an investigation to have retaliated or discriminated against a foster parent who has:

- a. filed a grievance pursuant to the provisions of this section,
- b. provided information to any official or Department employee, or
- c. testified, assisted, or otherwise participated in an investigation, proceeding or hearing against the Department or the child-placing agency.

3. The provisions of this paragraph shall not be construed to include any complaint by the foster parent resulting from an administrative, civil or criminal action taken by the employee or child-placing agency for violations of law or rules, or contract provisions by the foster parent.

SECTION 15. AMENDATORY Section 11, Chapter 366, O.S.L. 1997, as amended by Section 10, Chapter 415, O.S.L. 1998 (10 O.S. Supp. 1998, Section 7503-2.3), is amended to read as follows:

Section 7503-2.3 A. A permanent relinquishment may be executed by a person whose consent to the adoption of a minor is required by Section 7503-2.1 of this 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.

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 7503-2.7 of this 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; and

5. The name of the person or agency as described in subsection B of this section to whom the permanent relinquishment is being given and who shall have the right to give consent to the minor's adoption.

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 7503-2.5 of this 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 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~~ shall 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 16. AMENDATORY Section 14, Chapter 366, O.S.L. 1997, as amended by Section 12, Chapter 415, O.S.L. 1998 (10 O.S. Supp. 1998, Section 7503-2.6), is amended to read as follows:

Section 7503-2.6 A. A putative father at least eighteen (18) years of age, 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 7503-2.7 of this 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 7503-2.7 of this 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 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 7503-2.5 of this 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 7506-1.1 of this 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. The execution of an extrajudicial consent does not extinguish any duty of the putative father to support the mother or the minor until the adoption is completed.

SECTION 17. AMENDATORY Section 25, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1998, Section 7505-3.2), is amended to read as follows:

Section 7505-3.2 A. 1. An affidavit shall be attached to the petition for adoption, or may be filed after the filing of the petition for adoption, but prior to the final decree of adoption, which discloses to the court all of the costs, funds, or monies expended by the adoptive family or expected to be expended in connection with the adoption of a minor.

2. No final decree of adoption shall be entered until the court is satisfied that all costs and expenses have been disclosed, are reasonable, and that the costs and expenses do not violate the provisions of subsection B of this section. Upon its review of the

affidavit of monies expended, the court shall in writing disapprove any expenditure that the court deems unreasonable or in violation of Sections 865 through 869 of Title 21 of the Oklahoma Statutes and, to the extent necessary to comply with Oklahoma law, shall order reimbursement of any consideration given in violation of Sections 865 through 869 of Title 21 of the Oklahoma Statutes. Payments made pursuant to this section shall not be a violation of Sections 865 through 869 of Title 21 of the Oklahoma Statutes.

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

- a. reasonable attorney fees and court costs,
- b. reasonable medical expenses for birth mother and minor to be adopted,
- c. reasonable adoption counseling expenses for birth parents before and after the birth of the minor, not to exceed six (6) months from placement of the minor,
- d. reasonable fees of a licensed child-placement agency,
- e. in cases of extraordinary need, reasonable expenses for necessities of the birth mother that are incurred during or as a result of the pregnancy, not to exceed two (2) months from placement of the minor,
- f. reasonable costs for travel or transportation of the birth mother or minor as same is incurred for medical or adoption placement needs,
- g. reasonable expenses for a home study, and
- h. reasonable expenses legally required by any governmental entity related to the adoption of a minor.

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

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

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

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

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

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

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

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

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

D. 1. Except for the amount authorized by subsection C of this section, the payment of any living or transportation expenses for benefit of the birth mother as authorized in subparagraphs e and f of paragraph 1 of subsection B of this title shall be approved in advance by the court.

2. The person, attorney, or licensed child-placing agency desiring to pay living or transportation expenses on behalf of a birth mother which exceed the amount in subsection C of this section shall file a petition for an order approving payment of adoption-related expenses.

3. The petition for an order approving payment of adoption-related expenses may be filed in the district court where the birth mother resides, in the county where the petitioner, attorney, or child-placing agency is located, or in the county where the adoption petition is to be filed.

4. The petition shall be captioned: "In the matter of Baby (name)." The petition shall include a listing of all anticipated living or transportation expenses to be paid on behalf of the birth mother for which court approval is being sought. If additional expenditures not previously authorized by the court are needed on behalf of the birth mother, an amended petition may be filed with the court.

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

6. Any order authorizing payment shall be attached to a petition for adoption. If no adoption petition is filed, the court shall retain jurisdiction to enter any orders deemed appropriate regarding the reimbursement of costs and expenses paid. If the child is placed for adoption outside the State of Oklahoma, any such order shall be submitted to the Interstate Compact of the Placement of Children and to the court in the other state where the petition for adoption is to be filed.

SECTION 18. AMENDATORY Section 31, Chapter 366, O.S.L. 1997, as amended by Section 24, Chapter 415, O.S.L. 1998 (10 O.S. Supp. 1998, Section 7505-5.3), is amended to read as follows:

Section 7505-5.3 A. A home study satisfying Section 7505-5.1 or 7505-5.2 of this 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;

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

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

a. A background check shall be required for adoptive parents and all other household members eighteen (18) years of age and older, 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.~~

For each adoptive parent or other household member eighteen (18) years of age or older who has not maintained continuous residency in the state for ten (10) years prior to the home study or home study update, a national fingerprint-based criminal background check shall be performed in addition to the state criminal background check and child abuse registry check.

- c. Each prospective adoptive parent or other household member eighteen (18) years of age or older shall be required to cooperate with the requirements of the Department of Human Services and the Oklahoma State Bureau of Investigation with regard to the criminal background check and child abuse check, including but not limited to signing a release of information allowing the release of the results of any search to the agency or person conducting the home study or home study update.
- d. Upon completion of the criminal record checks and child abuse checks, the Department of Human Services and the Oklahoma State Bureau of Investigation shall forward all information obtained to the agency or other person authorized in Section 7505-5.4 of this title to conduct home study investigations who has requested the background searches.

B. A home study which is being updated or brought current in accordance with subsection A of Section 7505-5.1 of this title shall document appropriate inquiry into changes in the family situation since the last home study, a home visit, at least one joint interview, information on any children added to the family, experiences, if any, of the adoptive parents as parents since the last study, verification of current physical health, and three current letters of reference.

C. An updated home study as described in subsection B of this section shall include a review of criminal background checks and child abuse registry checks as described in subsection A of this section. However, when a national fingerprint background check has been done within the five (5) years previous to the completion of the updated home study and the results are available for review by the home study investigator, then a name-based search of the records of the Oklahoma State Bureau of Investigation on the adoptive parents and other household residents over the age of eighteen (18) for whom the fingerprint background check has been performed shall satisfy the requirements for a criminal background check for purposes of a home study update.

D. 1. A preplacement home study or update which is being used solely for purposes of international adoption shall not require a national fingerprint-based criminal background search in addition to the one required by the United States Immigration and Naturalization Service.

2. Such an international home study shall contain a review of a state 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.

3. An international home study or home study update as described in this section must include a statement that the home study recommendation is for international adoption purposes only and may not be used as the basis for a domestic adoption without the addition of a review of the results of a national fingerprint-based criminal background search if such would be required by subparagraph b of paragraph 4 of subsection A of this section.

~~B.~~ E. The report of such home study or home study update 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.~~ F. 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 7505-5.4 of this 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 19. AMENDATORY 10 O.S. 1991, Section 60.13, as last amended by Section 32, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1998, Section 7505-5.4), is amended to read as follows:

Section 7505-5.4 A. Home studies satisfying Sections ~~29, 30 and 31~~ 7505-5.1, 7505-5.2 and 7505-5.3 of this ~~act~~ title must be conducted and the reports prepared only by the following persons or agencies:

1. The agency having custody or legal guardianship of the child;

2. The Department of Human Services;

3. A licensed child-placing agency ~~or certified adoption agency;~~

4. A person designated by the court who meets one of the following qualifications:

a. a master's degree in social work and one (1) year of experience in children's services,

- b. a member of the Academy of Certified Social Workers (ACSW) and one (1) year of experience in children's services,
- c. a master's degree in a behavioral or social science and two (2) years' experience in children's services,
- d. a doctorate in a behavioral or social science and one (1) year of experience in children's services, or
- e. is a member of the clergy with two (2) years of experience in family counseling; or

5. A person who is supervised by a person described in paragraph 4 of this subsection, and who meets one of the following qualifications:

- a. a bachelor's degree in social work, or
- b. a bachelor's degree in behavioral or social science and one (1) year of experience in children's or family services.

B. Persons satisfying the qualifications listed in paragraphs 4 and 5 of subsection A of this section shall attend and satisfactorily complete at least once every three (3) years a minimum of a three-hour course in home study preparation and adoption trends taught by a licensed child-placing agency, by the Department of Human Services, or by a college or university. Documentation of having met this educational requirement shall be provided by the person to the court or others upon request.

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

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

SECTION 20. AMENDATORY 10 O.S. 1991, Section 60.28, as amended by Section 14, Chapter 297, O.S.L. 1996, and as renumbered by Section 59, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1998, Section 7510-1.4), is amended to read as follows:

Section 7510-1.4 A. Whenever significant emotional ties have been established between a child and his foster parent or parents, and the foster parent or parents seek to adopt the child, the child may be certified as eligible for an adoption maintenance subsidy conditioned upon adoption of the child under applicable adoption procedures by the foster parent or parents.

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

C. If the child is in the court-ordered custody of a child-placing agency or federally recognized Indian tribe as defined by the federal Indian Child Welfare Act, that agency or tribe shall present to the Department of Human Services:

1. Evidence of significant emotional ties between the child and the foster parent or parents of the child; or

2. Evidence of inability to place the child for adoption due to any of the conditions specified in Section ~~60-26~~ 7510-1.2 of this title. The agency or tribe shall present evidence that reasonable efforts have been made to place the child without subsidy, such as recruitment of a potential parent or parents, use of adoption resource exchanges, referral to appropriate specialized adoption agencies and efforts to place the child in a Department of Human Services nonsubsidy adoptive home.

SECTION 21. AMENDATORY 10 O.S. 1991, Section 70, as last amended by Section 1, Chapter 323, O.S.L. 1998 (10 O.S. Supp. 1998, Section 70), is amended to read as follows:

Section 70. A. Except as otherwise provided by law, a woman who gives birth to a child is the natural mother of the child.

B. Paternity may be established by:

1. A notarized written statement of the father and mother acknowledging paternity pursuant to Section 1-311.3 of Title 63 of the Oklahoma Statutes. A statement acknowledging paternity shall have the same legal effect as an order of paternity entered in a court or administrative proceeding.

a. The statement may be rescinded by the mother or acknowledging father within the earlier of:

(1) sixty (60) days after the statement is signed by filing a signed rescission of affidavit acknowledging paternity form with the Office of the State Registrar of Vital Statistics, or

(2) the date of an administrative or judicial proceeding relating to the child, including but not limited to a proceeding to establish a support order, in which the signatory is a party.

After the sixty-day period referred to in division (1) of this subparagraph, a signed voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger. Legal responsibilities, including but not limited to child support obligations, of any signatory arising from the acknowledgment shall not be suspended during the challenge, except for good cause shown.

This subparagraph shall not be interpreted to authorize the rescission of an acknowledgement of paternity if such rescission would be prohibited under applicable federal law.

- b. (1) If the mother was married at the time of conception or birth, and her husband is not the natural father of the child, ~~and the time to dispute paternity pursuant to Section 3 of this title has not expired,~~ the husband may sign a husband's denial of paternity form, which must be filed along with the affidavit acknowledging paternity.
- ~~e.~~ (2) The rescission of affidavit acknowledging paternity and the husband's denial of paternity forms shall be prescribed by the Department of Human Services and made available at the same locations as the affidavit acknowledging paternity provided for in Section 1-311.3 of Title 63 of the Oklahoma Statutes;

2. Scientifically reliable genetic tests, including but not limited to blood tests;

3. District or administrative court order; or

4. As otherwise provided by law.

C. 1. If the person signing the acknowledgment of paternity is determined in an administrative or judicial proceeding not to be the father of the child, on the basis of fraud, duress or material mistake of fact pursuant to subsection B of this section, the Department of Human Services, the Office of Administrative Hearings: Child Support, or the court shall dismiss any pending court or administrative collection proceedings against the father and the father will be released from any court-ordered or Department-ordered payments for the support and maintenance of the child.

2. The State Registrar of Vital Statistics shall remove the name of the person listed as the father from the birth certificate upon notice from the Department that such person has been judicially or administratively determined not to be the father. Once paternity is established, the State Registrar of Vital Statistics shall correct its records and amend the birth certificate to reflect the father's name.

D. Proceedings to establish paternity may be brought in the appropriate district court or through the Department ~~of Human Services, Office of Administrative Hearings: Child Support.~~ Proceedings may be brought by the mother, father, guardian, or custodian of the child, the Department ~~of Human Services,~~ the district attorney, a public or private agency or authority chargeable with the support of the child, or by the child. The court, after determining paternity in a civil action, shall enter an order providing for the support and maintenance of the child. The social security numbers of both parents and the child shall be included on the child support order summary form provided for in Section 120 of Title 43 of the Oklahoma Statutes which shall be filed with all orders establishing paternity. The district court may further make provision for custody and visitation based upon the best interests of the child.

~~D.~~ E. An action to establish paternity shall be available to a child if commenced within one (1) year after the child reaches the age of eighteen (18).

SECTION 22. AMENDATORY Section 6, Chapter 356, O.S.L. 1994, as amended by Section 21, Chapter 402, O.S.L. 1997 (56 O.S. Supp. 1998, Section 238.6B), is amended to read as follows:

Section 238.6B A. The Department of Human Services may serve a notice of paternity and support obligations on an individual alleged to be the parent of a child for whom paternity has not been judicially or administratively established. Venue for such action shall be, at the option of the plaintiff, in the county where the mother, father or child resides. Service of the notice shall be in the same manner as a summons in a civil action pursuant to Section 2004 of Title 12 of the Oklahoma Statutes.

B. The notice shall be verified and have attached to it a copy of any affidavit acknowledging paternity or any blood or other genetic test results, if available, and shall state:

1. The name and date of birth of any minor children, along with the name of the natural mother and custodian, if different than the mother or putative father;

2. The amount of child support and other support, including the amounts ordered pursuant to paragraph 3 of this subsection, to be ordered in accordance with the Child Support Guidelines provided in Section 118 of Title 43 of the Oklahoma Statutes;

3. The amount of reimbursement for the costs of the birth and the reasonable expenses of providing for said child which has accrued or is accruing, provided that the liability for the above costs shall be imposed for five (5) years preceding the issuance of the notice;

4. That health insurance for the child whenever such insurance is available through employment or other group health insurance plan and that payment of proportionate share of any unreimbursed health costs shall be required;

5. The amount of reimbursement requested for the costs of the genetic test to determine paternity, if any;

6. That an immediate income assignment will be effectuated for payment of current support and any judgments entered;

7. That in the absence of genetic test results or an affidavit acknowledging paternity a notice to appear and show cause why the administrative judge should not determine him to be the father will be issued;

~~8. That if the affidavit acknowledging paternity was signed within sixty (60) days prior to the date of the notice paternity may be disputed;~~

~~9. That a father may object to the notice of paternity and support obligations. To object he must, within twenty (20) days of the date of service, make a written request for a hearing to show cause why he should not appear for genetic testing, and be~~

determined to be the father of any such children, liable for the support requested in the notice, for the costs accrued and accruing or the amount to be paid thereon;

~~10. That if the affidavit acknowledging paternity was signed within sixty (60) days prior to the date of the notice, or in the absence of such affidavit, paternity may be disputed. If~~

9. That if paternity is disputed, the Administrative Law Judge shall enter an order directing genetic tests to determine paternity and advise the putative father that if he fails to appear he will be in default and an order will be entered against him. If the putative father is not excluded, and the statistical probability of paternity according to scientifically reliable genetic tests including but not limited to blood tests is ninety-eight percent (98%) or less and he is contesting the issue of paternity, he may request the Department to remove the action to district court to determine paternity. If the statistical probability of paternity is greater than ninety-eight percent (98%), or the statistical probability is ninety-eight percent (98%) or less and the father does not request the Department to remove to district court within fifteen (15) days of the Department mailing the genetic test or other test results, determination of paternity shall become final for all intents and purposes and may be overturned only by appeal to district court. Any such request shall be in writing and served on the Department personally or by registered or certified mail;

~~11. 10.~~ That if the putative father fails to appear at the genetic testing, show cause, or any subsequent hearing or if no notice to appear for genetic testing was served and no hearing is requested on or before twenty (20) days from the date of service, the finding of paternity shall become final and a support order entered. The order shall be docketed with the district court in the county of residence of the custodian or the child. If neither the custodian nor the child reside in the state, the order shall be docketed in the county of residence of the noncustodial parent. The support order shall be enforced in the same manner as an order of the district court; ~~and~~

~~12. At 11.~~ That at any time after paternity is determined, the Department may set a hearing to determine the child support obligation, if child support has not already been established. Failure to appear at such hearing will result in a support order being entered against the noncustodial parent; and

12. That if the mother and father have voluntarily signed an acknowledgment of paternity pursuant to Section 1-311.3 of Title 63 of the Oklahoma Statutes, the signed voluntary acknowledgment of paternity is considered a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within the earlier of:

- a. sixty (60) days, or
- b. the date of an administrative or judicial proceeding relating to the child, including but not limited to a proceeding to establish a support order, in which the signatory is a party.

After the sixty-day period referred to in subparagraph a of this paragraph, a signed voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger. The legal responsibilities, including but not limited to child support obligations, of any signatory arising from the acknowledgment may not be suspended during the challenge, except for good cause shown.

This paragraph shall not be interpreted to authorize the rescission of an acknowledgement of paternity if such rescission would be prohibited under applicable federal law.

C. The Department may accept voluntary acknowledgments of support liability and support amounts.

D. If the father's name has not been entered on the child's birth certificate, the Department of Human Services shall notify the State Registrar of Vital Statistics who shall enter the father's name on the birth certificate.

E. If child support services are being provided pursuant to Section 237 of this title, prior to the issuance of the notice of paternity and support obligation, a father who denies paternity may request that a genetic test or other test be administered. The request for testing shall be in writing and served on the Department personally or by registered or certified mail.

F. If a request for testing is made pursuant to subsection B or E of this section, the Department shall arrange for the test and, pursuant to rules promulgated by the Department, may advance the cost of such testing. The Department shall mail a copy of the test results by a certificate of mailing to the father's last-known address. If a request for genetic tests was made pursuant to subsection E of this section, the Department shall mail the notice of paternity and support obligations to the father by certificate of mailing to the father's last-known address.

G. If genetic testing excludes a person from being a natural parent, the Department shall dismiss any pending court or administrative collection proceedings against the person. The State Registrar of Vital Statistics shall remove the name of the person listed as the father from the birth certificate, upon notice from the Department that such person has been excluded by genetic testing. Once paternity is established, the State Registrar of Vital Statistics shall correct its records and amend the birth certificate to reflect the father's name.

H. If both the custodian and the father agree to change the surname of the child to that of the father, the Department may order the name changed. Upon receipt of an order changing the child's surname, the State Registrar of Vital Statistics shall correct its records and amend the birth certificate to reflect the name change.

I. All docketed administrative orders shall be modified and enforced in the same manner as an order of the district court.

SECTION 23. AMENDATORY Section 1 of Enrolled Senate Joint Resolution No. 9 of the 1st Session of the 47th Oklahoma Legislature, is amended to read as follows:

Section 1. A. There is hereby created, to continue until November 1, 2000, the Department of Human Services Staffing Task Force. The Task Force shall be composed of seven (7) members as follows:

1. Two employees of the Department who work directly with clients, appointed by the Director of Human Services, one of whom shall be a representative of an organization which represents the interests of employees of the Department;

2. Two employees of the Department, appointed by the Director, who serve as unit supervisors;

3. The Director of Human Services, or a designee; and

4. The chair of the Human Resources Committee of the Senate and the chair of the Human Services Committee of the House of Representatives, or their designees.

B. 1. Members shall serve at the pleasure of the appointing authority. A vacancy on the Task Force shall be filled by the original appointing authority.

2. A majority of the members present at a meeting shall constitute a quorum.

3. ~~Members~~ Nonlegislative members shall not be compensated for their service but shall be reimbursed by their appointing authorities for necessary expenses incurred in the performance of their duties, pursuant to the provisions of the State Travel Reimbursement Act.

4. Legislative members shall be reimbursed pursuant to Section 456 of Title 74 of the Oklahoma Statutes.

C. 1. The Task Force shall review the worker-to-caseload ratio for staff of the Department, and other staffing related issues. On or before November 1, 2000, the Task Force shall make recommendations to the Governor and the Legislature regarding what constitutes a manageable caseload, and the viability of establishing maximum worker-to-caseload ratios as a means of addressing the issue of understaffing.

2. The Task Force may solicit and accept written comments, recommendations and proposals from employees of the Department and the public.

D. The chairs of the legislative committees shall convene the first meeting of the Task Force by December 1, 1999, and shall jointly appoint a chair, vice-chair and secretary of the Task Force. The Task Force shall meet not less than quarterly.

SECTION 24. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

On and after September 1, 1999, in order to offer accessible and comprehensive services to clients of the Department of Human Services from Canadian and Lincoln Counties, the Commission for Human Services is authorized to enter into a lease-purchase agreement with the Oklahoma Development Finance Authority to provide

office space to the Department of Human Services in Canadian and Lincoln Counties.

SECTION 25. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. On and after September 1, 1999, the Oklahoma Department of Human Services is authorized to sell the following described property in whole or in part:

TEXAS COUNTY

NW 1/4 Section 14, Township 5 North, Range 13 East Cimarron Meridian, Texas County, Oklahoma

CUSTER COUNTY

NW 1/4 Section 15, Township 12 North, Range 16 West Indian Meridian, Custer County, Oklahoma

Such sale shall be contingent upon submission of the sale of this property for public auction or sealed bids by the Department of Central Services in compliance with Section 129.4 of Title 74 of the Oklahoma Statutes.

B. The Department of Central Services is directed to transfer any monies received from the sale of property described in subsection A of this section to the Department of Human Services, Property Management Fund.

SECTION 26. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 21.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

For purposes of Sections 27 and 28 of this act:

1. "Permanent care and custody" means the right and duty to exercise continuing general supervision of a child and includes but is not limited to the right and duty to protect, educate, nurture and to provide the child with food, clothing, shelter, medical care and a supportive environment;

2. "Abandonment" includes but is not limited to a state or condition in which the parent of a child:

- a. (1) if the child is twenty-four (24) months or less, has willfully failed to have had a significant or meaningful relationship with the child through visitation or communication with the child placed in the home of a relative related to the child within the third degree for at least six (6) continuous months after placement in the home of such relative, or
- (2) if the child is over twenty-four (24) months of age, has willfully failed to maintain a significant or meaningful relationship with the child through visitation or communication with the child for a period of twelve (12) consecutive months out of the last fourteen (14) months while

in the home of a relative related to the child within the third degree.

Infrequent or token visits, or communications shall not be construed or considered in establishing the proper exercise of parental rights or duties with regard to the child, or

- b. has for a period of twelve (12) consecutive months out of the last fourteen (14) months of placement of the child in the home of a relative related to the child within the third degree, willfully failed, refused or neglected to contribute to the support of such child:
 - (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 child's support if no provision for support is provided in an order.

Infrequent or token payments shall not be construed or considered in establishing whether a parent has maintained or contributed to the support of the child.

SECTION 27. AMENDATORY 10 O.S. 1991, Section 26, as amended by Section 44, Chapter 415, O.S.L. 1998, and as renumbered by Section 51, Chapter 415, O.S.L. 1998 (10 O.S. Supp. 1998, Section 7202.1), is amended to read as follows:

Section 7202.1 A. No person, other than ~~the parents, or persons~~ a relative related to the child within the third degree ~~of the child, the Department of Human Services, or a child-placing agency,~~ may accept the permanent care and custody of a child, except in accordance with the a 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.

B. A relative related to a child within the third degree may accept the permanent care and custody of the child:

1. Pursuant to a written relinquishment by a parent or parents of a child acknowledged before a court of competent jurisdiction which identifies the child or children relinquished;

2. In accordance with the provisions of the Oklahoma Children's Code, the Oklahoma Guardianship and Conservatorship Act or the Oklahoma Adoption Code; or

3. If the child has been abandoned by a parent or parents of a child in the physical custody of such relative.

C. 1. A child who has been abandoned in the physical custody of such relative by a parent or parents of the child may not be reclaimed or recovered by the parent or parents who abandoned the child except through order of a court of competent jurisdiction or by release of the child by such relative.

2. In determining custody of the child pursuant to the provisions of this subsection, the court shall base its findings on the best interests of the child and:

- a. the duration of the abandonment and integration of the child into the home of the relative,
- b. the preference of the child if the child is determined to be of sufficient maturity to express a preference,
- c. the mental and physical health of the child, and
- d. such other factors as are necessary in the particular circumstances.

D. The provisions of this section shall not apply to the acceptance of the permanent care and custody of a child by one parent of the child from the other parent of the child.

SECTION 28. AMENDATORY 10 O.S. 1991, Section 27, as amended by Section 45, Chapter 415, O.S.L. 1998, and as renumbered by Section 51, Chapter 415, O.S.L. 1998 (10 O.S. Supp. 1998, Section 7202.2), is amended to read as follows:

Section 7202.2 A. No person may surrender, assign, permanently relinquish, or otherwise transfer to another ~~his or her~~ the person's rights ~~or~~ and duties with respect to the permanent care ~~or~~ and custody of a child, ~~except with the parents, relatives of, other than to a relative related to the child within the third degree of the child, the Department of Human Services or a child-placing agency,~~ except as otherwise provided by in accordance with an order of the court of competent jurisdiction or by pursuant to the Oklahoma Children's Code, the Oklahoma Adoption Code, the Oklahoma Guardianship and Conservatorship Act or the Oklahoma Child Care Facilities Licensing Act.

B. A parent or parents of a child may surrender, assign, permanently relinquish or otherwise transfer such parent's rights and duties with respect to the permanent care and custody of a child to a relative of the child within the third degree:

1. Pursuant to a written relinquishment acknowledged before a court of competent jurisdiction which identifies the child or children relinquished;

2. In accordance with the provisions of the Oklahoma Children's Code, the Oklahoma Guardianship and Conservatorship Act, or the Oklahoma Adoption Code; or

3. By abandoning the child in the physical custody of such relative.

C. 1. A child who has been abandoned in the physical custody of such relative may not be reclaimed or recovered by the parent or parents who abandoned the child except through order of a court of competent jurisdiction or by release of the child by such relative.

2. In determining custody of the child pursuant to the provisions of this subsection, the court shall base its findings on the best interests of the child and:

- a. the duration of the abandonment and integration of the child into the home of the relative,
- b. the preference of the child if the child is determined to be of sufficient maturity to express a preference,
- c. the mental and physical health of the child, and
- d. such other factors as are necessary in the particular circumstances.

D. The provisions of this section shall not apply to the surrender, assignment, relinquishment, or other transfer of a child by one parent of the child to the other parent of the child.

SECTION 29. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 162.6 of Title 56, unless there is created a duplication in numbering, reads as follows:

In order to establish a public employee benefit program to encourage outstanding performance in the workplace, the Department of Human Services is hereby directed to establish an on-the-job employee performance recognition program which encourages outstanding job performance and productivity. In order to promote excellence in job performance and provide recognition for work units with exceptional performance, the Department of Human Services is authorized to expend from monies available in the Department of Human Services operating funds so much thereof as may be necessary for the purchase of recognition awards for presentation to the members of work units or individual employees with exceptional job performance records or for other significant contributions to the operation of the Department. Recognition awards shall consist of distinctive wearing apparel, service pins, or U.S. Savings Bonds, the value of which shall not exceed One Hundred Dollars (\$100.00) per employee, which recognize the achievement of the work unit or individual employees.

SECTION 30. RECODIFICATION 10 O.S. 1991, Section 26, as renumbered by Section 51, Chapter 415, O.S.L. 1998, and as last amended by Section 27 of this act, and 10 O.S. 1991, Section 27, as renumbered by Section 51, Chapter 415, O.S.L. 1998, and as last amended by Section 28 of this act, shall be recodified as Sections 21.3 and 21.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 31. REPEALER 10 O.S. 1991, Section 1125.1, as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1998, Section 7005-1.2), and as last amended by Section 3 of Enrolled House Bill No. 1845 of the 1st Session of the 47th Oklahoma Legislature and Section 11, Chapter 414, O.S.L. 1998 (10 O.S. Supp. 1998, Section 7209.1), are hereby repealed.

SECTION 32. Sections 24 and 25 of this act shall become effective September 1, 1999.

SECTION 33. 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 27th day of May, 1999.

Speaker of the House of
Representatives

Passed the Senate the 27th day of May, 1999.

President of the Senate