

ENROLLED HOUSE
BILL NO. 1337

By: Davis of the House

and

Smith of the Senate

An Act relating to children; amending Section 4, Chapter 366, O.S.L. 1997, as amended by Section 5, Chapter 415, O.S.L. 1998 (10 O.S. Supp. 1998, Section 7502-1.1), which relates to the Oklahoma Adoption Code; expanding state court jurisdiction over certain adoption cases; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 4, Chapter 366, O.S.L. 1997, as amended by Section 5, Chapter 415, O.S.L. 1998 (10 O.S. Supp. 1998, Section 7502-1.1), is amended to read as follows:

Section 7502-1.1 A. Except as otherwise provided in this section, a court of this state has jurisdiction over proceedings to terminate parental rights and proceedings for the adoption of a minor commenced pursuant to the Oklahoma Adoption Code if:

1. a. Immediately preceding commencement of the proceeding, the minor lived in this state with a parent, a guardian, a prospective adoptive parent, or another person acting as parent, for at least six (6) consecutive months, excluding periods of temporary absence, ~~or~~
- b. In the case of a minor under six (6) months of age, the minor lived in this state from soon after birth with any of those individuals listed in subparagraph a of this paragraph and there is available in this state substantial evidence concerning the minor's present or future care, or
- c. A child is born in this state and the mother of the child executes her consent or permanent relinquishment before a judge of a court of this state;

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

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

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

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

5. It appears that no other state would have jurisdiction under prerequisites substantially in accordance with paragraphs 1 through 4 of this subsection, or another state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum to hear a petition for adoption of the minor, and it is in the best interest of the minor that a court of this state assume jurisdiction.

B. 1. If a child is born in this state and the mother of the child executes her consent or permanent relinquishment before a judge of a court of this state, a court of this state may exercise jurisdiction over a proceeding for the termination of parental rights of a putative father pursuant to Section 7505-2.1 of this title. ~~The provisions of this subsection shall not be construed to extend jurisdiction of the court to the adoption proceeding.~~

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

3. A court of this state may exercise jurisdiction to issue a temporary order of custody pursuant to Section ~~16~~ 7503-4.1 of this ~~act~~ title for:

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

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

C. A Except as otherwise provided by this section, a court of this state shall not exercise jurisdiction over a proceeding for adoption of a minor or for termination of parental rights brought pursuant to Section 7505-2.1 or 7505-4.1 of this title if, at the time the petition for adoption or termination is filed, a proceeding concerning the custody or adoption of the minor is pending in a

court of another state exercising jurisdiction substantially in conformity with the Uniform Child Custody Jurisdiction Act, the Uniform Child Custody Jurisdiction and Enforcement Act or the Oklahoma Adoption Code, unless the proceeding is stayed by the court of the other state because this state is a more appropriate forum or for another reason.

D. If a court of another state has issued a decree or order concerning the custody of a minor who may be the subject of a proceeding for adoption or for termination of parental rights brought pursuant to Section 7505-2.1 or 7505-4.1 of this title in this state, a court of this state shall not exercise jurisdiction over a proceeding for adoption or termination of parental rights of the minor unless:

1. The court of this state finds that the court of the state which issued the decree or order:

- a. does not have continuing jurisdiction to modify the decree or order under the law of the state which issued the decree or order or has declined to assume jurisdiction to modify the decree or order, or
- b. does not have jurisdiction over a proceeding for adoption substantially in conformity with paragraphs 1 through 4 of subsection A of this section or has declined to assume jurisdiction over a proceeding for adoption; and

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

SECTION 2. 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 22nd day of February,
1999.

Speaker of the House of
Representatives

Passed the Senate the 29th day of March, 1999.

President of the Senate