

ENROLLED HOUSE
BILL NO. 2006

By: Roach, McCarter, Seikel,
Smith (Dale) and Stites of
the House

and

Long of the Senate

An Act relating to children; amending 10 O.S. 1991, Sections 26, as last amended by Section 27, Chapter 396, O.S.L. 1999, and as last renumbered by Section 30, Chapter 396, O.S.L. 1999, 27, as last amended by Section 28, Chapter 396, O.S.L. 1999, and as last renumbered by Section 30, Chapter 396, O.S.L. 1999 and 24, as last amended by Section 1, Chapter 342, O.S.L. 1998 (10 O.S. Supp. 1999, Sections 21.3, 21.4 and 24), which relate to the care and custody of children; providing for custody pending certain hearings; requiring transitional periods; granting parental authority to certain persons; providing for relative guardianships; providing for procedures and requirements; providing for effect of orders; requiring certain consents; providing exceptions; providing for certain authority; providing for termination of orders; providing for appointment of certain relative guardians and payment of fees; requiring home study; providing for effectiveness and terminations; providing for contents of petitions; providing for child support; requiring submission of certain records; providing for notice and hearing; providing for venue; providing for temporary orders; making certain sections of the Oklahoma Guardianship and Conservatorship Act apply to certain appointments; providing for the preparation of certain handbook and forms; providing for distribution; providing for legislative intent; creating a relative support program within the Department of Human Services; providing for eligibility; providing for assistance; subjecting assistance to available funding; specifying services; specifying use of certain funds; authorizing certain contracts; providing for publication; specifying contents; requiring report; authorizing attorney representation for certain relatives; amending 10 O.S. 1991, Sections 403, as last amended by Section 2, Chapter 233, O.S.L. 1999 and 404 (10 O.S. Supp. 1999, Section 403), which relate to the Oklahoma Child Care Facilities Act; removing certain exceptions; updating section; amending 10 O.S. 1991, Section 601.1, as last amended by Section 1, Chapter 416, O.S.L. 1998 (10 O.S. Supp. 1999, Section 601.1), which relates to the Oklahoma Commission on Children and Youth; changing and updating name of certain organization; amending 10 O.S. 1991, Section 60.17,

as last amended by Section 19, Chapter 366, O.S.L. 1997, and as renumbered by Section 58, Chapter 366, O.S.L. 1997, Section 12, Chapter 366, O.S.L. 1997, as amended by Section 11, Chapter 415, O.S.L. 1998 and Section 20, Chapter 366, O.S.L. 1997, as amended by Section 17, Chapter 415, O.S.L. 1998 (10 O.S. Supp. 1999, Sections 7503-2.4, 7505-1.1 and 7505-1.2), which relate to the Oklahoma Adoption Code; modifying who may consent to the adoption of a child who is in the custody of the Department of Human Services; modifying procedures for obtaining court orders and contents relating to confidential hearings and information; providing for certain verifications; adding to list of persons which may request appointment of a guardian ad litem for the child; providing for certain open adoption agreements; specifying parties; defining term; specifying certain conditions; requiring best interests of child; providing for failure to comply; requiring certain mediation; providing for attorney fees and costs; providing for modification; amending 30 O.S. 1991, Sections 1-112 and 2-108, which relate to the Oklahoma Guardianship and Conservatorship Act; providing for payment of child support; requiring provision in certain orders; exempting certain guardianships and custodianships from the Oklahoma Guardianship and Conservatorship Act; amending 28 O.S. 1991, Section 111, as last amended by Section 16, Chapter 69, O.S.L. 1996 (28 O.S. Supp. 1999, Section 111), which relates to fees chargeable by Secretary of State; clarifying language; providing for collection of fee for apostille for foreign adoption; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 26, as last amended by Section 27, Chapter 396, O.S.L. 1999, and as last renumbered by Section 30, Chapter 396, O.S.L. 1999 (10 O.S. Supp. 1999, Section 21.3), is amended to read as follows:

Section 21.3 A. No person, other than a an adult relative related to the child within the third degree, may accept the permanent care and custody of a child, except in accordance with a decree of a court of competent jurisdiction or 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 An adult 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, Section 3 of this act or the Oklahoma Adoption Code; or

3. ~~If~~ Without a court order and by operation of law, if the child has been abandoned by a parent or parents of a child in the physical custody of such relative pursuant to the provisions of this section.

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~~ Upon any action to determine custody of the child pursuant to the provisions of this subsection, the court shall base its findings and determination of custody 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.

3. During the pendency of any action to determine the custody of a child pursuant to this subsection, unless it is determined not to be in the best interests of the child, the child shall remain in the custody of the relative related to the child within the third degree.

4. If the court orders the child be returned to the parents of the child, the court may provide for a transitional period for the return in the best interests of the child.

D. An adult relative related to the child within the third degree accepting permanent care and custody of a child pursuant to this section shall have the same authority as a parent to consent on behalf of a child or on behalf of a parent of the child in all cases except that such relative may not consent to an adoption of the child.

E. 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 2. AMENDATORY 10 O.S. 1991, Section 27, as last amended by Section 28, Chapter 396, O.S.L. 1999, and as last renumbered by Section 30, Chapter 396, O.S.L. 1999 (10 O.S. Supp. 1999, Section 21.4), is amended to read as follows:

Section 21.4 A. No person may surrender, assign, permanently relinquish, or otherwise transfer to another the person's rights and duties with respect to the permanent care and custody of a child,

other than to ~~a~~ an adult relative related to the child within the third degree, except in accordance with an order of the court of competent jurisdiction or 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~~ an adult 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, Section 3 of this act or the Oklahoma Adoption Code; or

3. ~~By~~ Without a court order and by operation of law, by abandoning the child in the physical custody of such relative pursuant to the provisions of this section.

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~~ Upon any action to determine custody of the child pursuant to the provisions of this subsection, the court shall base its findings and determination of custody 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.

3. During the pendency of any action to determine the custody of a child pursuant to this subsection, unless it is determined not to be in the best interests of the child, the child shall remain in the custody of the relative related to the child within the third degree.

4. If the court orders the child be returned to the parents of the child, the court may provide for a transitional period for the return in the best interests of the child.

D. An adult relative related to the child within the third degree accepting permanent care and custody of a child pursuant to this section shall have the same authority as a parent to consent on behalf of a child or on behalf of a parent of the child in all cases

except that such relative may not consent to an adoption of the child.

E. 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 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 21.5 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. A judge of a district court who has juvenile docket responsibility may order a child's permanent care and custody transferred to an adult relative of the child within the third degree pursuant to the provisions of this subsection, upon the written consent of both parents of the child or upon the consent of one parent only if:

- a. the other parent is deceased,
- b. the other parent has been determined by a court of law to be incompetent or incapacitated,
- c. the whereabouts or identity of the other parent is unknown. This fact shall be attested to by affidavit of the consenting parent,
- d. the other parent, who is eighteen (18) years of age or older, has signed a statement consenting to the transfer, executed before a notary public,
- e. the parental rights of the other parent have been terminated,
- f. the other parent has been or is found by the court of law to be unfit or unable to exercise parental rights and responsibility for the child based upon situations enumerated in Section 7006-1.1 of Title 10 of the Oklahoma Statutes,
- g. the other parent is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state, or
- h. the other parent has abandoned the child as such term is defined by Section 21.2 of Title 10 of the Oklahoma Statutes, or is determined by the court to be otherwise unfit to assume custody of the child for any other reason.

2. To be appointed as a relative guardian for the child, an adult relative related to the child within the third degree must file a petition on a form developed pursuant to the provisions of this section with the judge.

3. Prior to the entry of an order transferring the custody of a child, the judge shall receive a home study regarding the background and home of the prospective relative guardian by a person qualified by training and experience authorized by the court.

4. Upon the entry of a court order providing for the transfer of the permanent care and custody of a child, the order shall remain in full force and effect until:

- a. the child reaches the age of eighteen (18) years,
- b. the child marries or is legally emancipated,
- c. the judge finds after evidentiary hearing:
 - (1) the child has been abused while in the care and custody of the relative, and
 - (2) it is in the best interests of the child that custody of the child be returned to a parent or the parents or other persons pursuant to the Oklahoma Guardianship and Conservatorship Act, the Oklahoma Children's Code or this section,
- d. the parent who consented to the transfer of the care and custody of the child petitions the judge for the recovery of the child and the judge finds after an evidentiary hearing that it is in the best interests of the child that custody of the child be returned to the parents, or custody of the child be given to another person pursuant to the Oklahoma Guardianship and Conservatorship Act, the Oklahoma Children's Code, or the provisions of this section,
- e. the attorney for the child or relative guardian petitions the judge for modification of the court order transferring care and custody and the court finds after an evidentiary hearing that it is in the best interests of the child for the order to be modified and the child be returned to the parents or custody of the child be given to another person pursuant to the Oklahoma Guardianship and Conservatorship Act, the Oklahoma Children's Code, or pursuant to the provisions of this section,
- f. the child is adopted, or
- g. the guardianship is otherwise terminated pursuant to Section 4-803 of Title 30 of the Oklahoma Statutes.

5. An order providing for the transfer of the permanent care and custody of a child:

- a. shall require that the placement be reviewed within one (1) year after transfer and may require the person to whom custody is transferred to submit any records or reports the court deems necessary for purposes of such review,
- b. shall not require periodic reviews by the court thereafter if the parties agree with the assent of the court that such reviews are not necessary to serve the best interests of the child,

- c. unless periodic reviews are required, may be closed by the judge, provided the order transferring the permanent care and custody of the child shall remain in full force and effect subject to the provisions of paragraph 4 of this subsection, and
- d. shall include conditions for the care, treatment, education and welfare of the child.

6. A court order appointing an adult relative guardian shall award custody of the child to the relative guardian subject only to such parental rights and responsibilities as determined by the judge. The adult relative guardian of a child shall have the authority as specified by the order to consent on behalf of the child in all cases except that a relative guardian may not consent to an adoption of the child.

B. 1. A judge of a district court who has juvenile docket responsibility may order a child's permanent care and custody transferred to an adult relative guardian related to the child within the third degree without the consent of the parent or parents pursuant to the provisions of this subsection.

2. To be appointed as a relative guardian for the child, an adult relative related to the child within the third degree must file a petition on a form developed pursuant to the provisions of this section with the judge. The petition shall allege that:

- a. a parent or the parents of the child have placed the child with the relative pursuant to Sections 21.3 and 21.4 of Title 10 of the Oklahoma Statutes and have abandoned the child,
- b. the child is currently residing with the relative and there exists a loving and emotional tie between the child and the relative,
- c. the parents of the child are presently and for the foreseeable future unable to provide proper adequate care for the child, are unavailable or their whereabouts are unknown,
- d. the child has no assets or limited assets, and
- e. it would be in the best interests of the child for the petition to be granted.

3. Prior to the entry of an order appointing an adult relative guardian, the court shall receive a home study regarding the background and home of the prospective relative guardian by a person qualified by training and experience authorized by the court.

4. If the judge finds that the elements of the petition have been proven based on a preponderance of the evidence, the judge shall grant the petition.

5. An order appointing the adult relative related to the child within the third degree as a relative guardian shall award custody of the child to the relative. The relative guardian shall have the same authority as a parent to consent on behalf of a child in all

cases, except that the relative guardian may not consent to an adoption of the child.

6. Upon the entry of an order and issuance of a relative guardian providing for the transfer of the permanent care and custody of a child to a relative related to the child within the third degree, the court order shall remain in full force and effect until:

- a. the child reaches the age of eighteen (18) years,
- b. the child is married or is legally emancipated,
- c. the judge finds after evidentiary hearing:
 - (1) the child has been abused while in the care and custody of the relative, and
 - (2) it is in the best interests of the child that custody of the child be returned to a parent or the parents or other persons pursuant to the Oklahoma Guardianship and Conservatorship Act, the Oklahoma Children's Code or this section,
- d. an attorney for the child or the relative petitions the judge for modification of the order transferring permanent care and custody to the relative and the judge finds after an evidentiary hearing that it is in the best interests of the child for the order to be modified and the child returned to the parents or other persons pursuant to the Oklahoma Guardianship and Conservatorship Act, the Oklahoma Children's Code, or this section,
- e. the child is adopted, or
- f. the guardianship is otherwise terminated pursuant to Section 4-803 of Title 30 of the Oklahoma Statutes.

7. An order appointing a relative guardian:

- a. shall require that the placement be reviewed within one (1) year after transfer and may require the relative guardian to whom custody is transferred to submit any records or reports the court deems necessary for purposes of such review,
- b. shall not require periodic reviews by the court thereafter if the parties agree with the assent of the court that such reviews are not necessary to serve the best interests of the child, unless periodic reviews are required by the court,
- c. unless periodic reviews are required, may be closed by the judge, provided the order transferring care and custody to a relative guardian shall remain in full force and effect subject to the provisions of paragraph 6 of this subsection, and

- d. shall include conditions for the care, treatment, education and welfare of the child.

C. 1. Before making an appointment pursuant to this section, the court must cause notice of a hearing on the petition for appointment to be given in the form required by the court to the minor, if the minor has attained the age of fourteen (14) as of the date the petition is filed. The court shall also cause notice to be sent to the then-living parents of the minor.

- 2. a. Such notice shall be mailed to each person, entitled to notice pursuant to this subsection, at that person's address as last-known to the petitioner, at least ten (10) days prior to the date set by the court for hearing on the petition. Provided the court may direct a shorter notice period if the court deems such shorter notice period to be appropriate under the circumstances, and

- b. If the identity or whereabouts of a parent is unknown, the court must determine whether the parent can be identified or located. Following an inquiry, if the court finds that the identity or whereabouts of the parent cannot be ascertained, and this fact is attested to by affidavit of the petitioner, it shall order that notice be given by publication. The notice shall be published once pursuant to the laws relating to the service of notice by publication in the county in which the petition for relative guardianship is filed, and the hearing shall not be held for at least fifteen (15) days after publication of the notice.

D. After a petition has been filed for a proceeding, pursuant to this section, the petitioner may request the court to issue a temporary order regarding child custody, child support, visitation or other relief proper in the circumstance.

E. The venue for a proceeding pursuant to this section is in the district court where the child resides. If the court finds that in the interest of justice a proceeding should be conducted in another court of this state, the court may transfer the proceeding to the other court.

F. 1. An appointment of a relative guardian made pursuant to this section is subject to only Article 1 of the Oklahoma Guardianship and Conservatorship Act and Sections 4-501, 4-503, 4-706, 4-707, 4-801, 4-802, 4-901 and 4-902 of Title 30 of the Oklahoma Statutes.

2. If the court determines that it is in the best interests of the child, the court may require the establishment of a guardianship or conservatorship pursuant to Title 30 of the Oklahoma Statutes.

3. The clerk of the district court in which the application for a relative guardianship is filed shall collect as court costs a fee of Fifty Dollars (\$50.00).

G. 1. Any order appointing a relative guardian of a minor pursuant to this section who has a parent living or legally responsible for the support of the child shall:

- a. provide for the payment of child support by the parent, and
- b. contain an income assignment provision pursuant to Section 115 of Title 43 of the Oklahoma Statutes.

2. The provisions of this subsection shall not apply to parents whose rights and responsibilities have been terminated to the child unless the termination order requires payment of child support.

H. The Administrative Office of the Courts shall prepare a handbook for distribution to the district courts for appointments made pursuant to this section. The handbook shall be written in clear, simple language and shall include information about the laws and procedures which apply to relative guardians made pursuant to this section. In addition, the Office of the Administrative Director of the Courts shall develop the forms and procedures necessary to effectuate this section. The Office of the Administrative Director of the Courts shall make such forms and handbook available to the public through the offices of the clerks of the district courts in this state, in the local offices of the Department of Human Services, and such other locations deemed necessary by the Administrator.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 22.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. The Oklahoma Legislature recognizes that:

- a. children who have been abused, who are dependent or neglected, or whose parents, for whatever reason, may be unable or unwilling to provide care for their children, are best served when they can be cared for by grandparents or other suitable relatives instead of placing those children in foster care with the State of Oklahoma, and
- b. while grandparents or other relatives are often willing to provide for the care of children who can no longer remain with their parents, there may exist financial obstacles to the provision of such care, or there may be a need for other services to enable the children to remain with their grandparents or other relatives in order to prevent those children's entry into the foster care system.

2. It is the intent of the Oklahoma Legislature in enacting this section to:

- a. recognize family relationships in which a grandparent or other relative within the third degree of relationship to the child is the head of a household that includes a child otherwise at risk of foster care placement by the Department of Human Services,
- b. enhance family preservation and stability by recognizing that most children in placements with grandparents and other relatives within the third degree of relationship to the child do not need

intensive supervision of the placement by the courts or by the Department of Human Services,

- c. provide additional placement options and incentives that will achieve permanency and stability for many children who are otherwise at risk of foster care placement by the Department of Human Services because of abuse, abandonment, or neglect, but who may successfully be able to reside in the care of relatives within the third degree of relationship to the child, and
- d. reserve the limited casework and supervisory resources of the Department of Human Services and the courts expended to care for children in state custody for those cases in which children do not have the option for safe, stable care within their immediate family.

B. The Department of Human Services shall establish and operate a relative support program pursuant to eligibility guidelines established in this section and by rules of the Department promulgated thereto which will divert children from the foster care program operated by the Department of Human Services. The relative support program shall provide assistance to relatives within the third degree of relationship to a child who are caring for the child on a full-time basis, regardless of whether there is a court order granting custody of the child to the relative.

C. Grandparents or other such relatives who qualify for and participate in the relative support program are not required to be certified as foster parents or to meet the foster care requirements but shall be capable of providing a physically safe environment and a stable, supportive home for the children under their care.

D. Upon request by grandparents or other relatives who are caring for a child on a full-time basis, the Department shall complete a needs assessment on such grandparents or other relatives to determine the appropriate services and support needed by the child and the grandparents or other such relatives.

E. Within available funding specified by this section, the relative support program may provide grandparents or other suitable relatives with:

- 1. Case management services;
- 2. Monthly stipends or other financial assistance, family support and preservation services;
- 3. Flexible funds to enable the grandparents or other relatives to meet unusual or crisis expenditures, including but not limited to, making housing deposits, utility deposits, or to purchase beds, clothing and food;
- 4. Subsidized child care and after school care;
- 5. Respite care;
- 6. Transportation;

7. Counseling;
8. Support groups;
9. Assistance in accessing parental child support payments;
10. Aid in accessing food stamps, Social Security and other public benefits;
11. Information about legal options for relative caregivers;
12. Assistance for establishing a relative guardianship or relative custodianship for the child;
13. Available volunteer attorney services;
14. Mediation/family group conferencing; and
15. Community-based services and state or federal programs available to the child and relatives to support the child's safety, growth and health development.

F. Children living with grandparents or other relatives within the third degree of relationship to the child who are receiving assistance pursuant to this section shall be eligible for Medicaid coverage.

G. Subject to availability of funding, and as may be permitted by federal law or regulations governing the Department of Human Services' block grant for Temporary Assistance for Needy Families (TANF), the Department of Human Services is specifically authorized to provide funding assistance from such block grant or other available funds for the development and operation of the relative support program by providing available funds which are not otherwise committed to or necessary for the provision of the Statewide Temporary Assistance Responsibility System. In addition, the Department may use any other state, federal or private funds available to the Department for such purposes to implement the provisions of this section.

H. 1. In order to qualify for the receipt of any monthly stipend, the grandparent or other relative shall meet any eligibility criteria determined by the Department of Human Services.

2. Within limits of available funding, monthly stipends may be paid to grandparents or other relatives with the third degree of relationship to the child who have physical full-time custody of a child who would be unable to serve in that capacity without a monthly stipend because of inadequate financial resources, thus exposing the child to the trauma of potential placement in a shelter or in foster care placement by the Department of Human Services. The statewide average monthly rate for children in the legal custody of grandparents or other relatives who are not certified as foster homes shall not exceed the cost of providing foster care.

I. Additional assistance may be made available to qualified grandparents or other relatives within the third degree of relationship and children, based upon specific needs of the grandparent or other relative of the child and the specific needs of

the child. Such assistance shall also be subject to available funding.

J. The relative support program established by the Department pursuant to this section may receive referrals from district courts of this state, from social service or child advocate agencies, from any other agency of this state, or other states or federal programs. In addition, the relative support program may be accessed directly by the grandparents or other relatives of the affected children by application made to the Department of Human Services.

K. The Department of Human Services may provide any services necessary to effectuate the purposes of this section by contract with any person or with any public or private entity.

L. The provisions of this section shall also be available to a legal guardian of a child who is within the fifth degree of relation to the child.

M. The Department of Human Services shall, pursuant to the provisions of the Administrative Procedures Act, promulgate any rules necessary to implement the provisions of this section.

N. As a part of the relative support program, the Department shall develop, publish, and distribute an informational brochure for grandparents and other relatives who provide full-time care for children. The information provided under the program authorized by this section may include, but is not limited to, the following:

1. The benefits available to children and grandparents or other relatives pursuant to this section providing full-time care;

2. The procedures to access the relative support program;

3. A list of support groups and resources located throughout the state;

4. Such other information deemed necessary by the Department; and

5. The brochure may be distributed through municipal and district courts, hospitals, public health nurses, child protective services, medical professional offices, county health departments, elementary and secondary schools, senior citizens centers, public libraries, local, city, county and state offices and community action agencies selected by the Department.

O. The Department of Human Services shall submit a report of the outcomes associated with the relative support program established pursuant to this section to the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the State Senate on or before January 15, 2002.

SECTION 5. AMENDATORY 10 O.S. 1991, Section 24, as last amended by Section 1, Chapter 342, O.S.L. 1998 (10 O.S. Supp. 1999, Section 24), is amended to read as follows:

Section 24. A. 1. When it appears to the court that a minor or the minor's parent or legal guardian desires counsel but is

indigent and cannot for that reason employ counsel, the court shall appoint counsel.

2. In any case in which it appears to the court that there is a conflict of interest between a parent or legal guardian and a child so that one attorney could not properly represent both, the court may appoint counsel, in addition to counsel already employed by a parent or guardian or appointed by the court to represent the minor or parent or legal guardian; provided, that in all counties having county indigent defenders, the county indigent defenders assume the duties of representation in proceedings such as above.

3. In no case shall the court appoint counsel to represent a grandparent or other relative of a minor, unless the grandparent or other relative is the duly appointed legal guardian of the minor or the court finds:

- a. that the grandparent or other relative is functioning as the guardian or relative custodian of the minor pursuant to Section 21.3 or 21.4 of this title, or
- b. that the appointment of counsel for the grandparent or other relative is in the best interests of the child.

4. The provisions of this subsection shall be for proceedings other than those provided pursuant to the Oklahoma Children's Code.

B. In all cases of juvenile delinquency proceedings and appeals, adult certification proceedings and appeals, reverse certification proceedings and appeals, youthful offender proceedings and appeals and any other proceedings and appeals pursuant to the Oklahoma Juvenile Code, except mental health proceedings and appeals and in-need-of-supervision proceedings and appeals, other than in counties where the county indigent defenders are appointed, the court shall, where counsel is appointed and assigned, allow and direct to be paid by the Oklahoma Indigent Defense System, a reasonable and just compensation to the attorney or attorneys for such services as they may render. In all other cases pursuant to this title and in juvenile mental health proceedings and appeals and in-need-of-supervision proceedings and appeals, except in counties where county indigent defenders are appointed, the court shall, if counsel is appointed and assigned, allow and direct to be paid from the local court fund, a reasonable and just compensation to the attorney or attorneys for such services as they may render; provided that any attorney appointed pursuant to this subsection shall not be paid a sum in excess of One Hundred Dollars (\$100.00) for services rendered in preliminary proceedings, and such compensation shall not exceed Five Hundred Dollars (\$500.00) for services rendered during trial and not to exceed One Hundred Dollars (\$100.00) for services rendered at each subsequent post-disposition hearing.

SECTION 6. AMENDATORY 10 O.S. 1991, Section 403, as last amended by Section 2, Chapter 233, O.S.L. 1999 (10 O.S. Supp. 1999, Section 403), is amended to read as follows:

Section 403. A. The provisions of the Oklahoma Child Care Facilities Licensing Act shall not apply to:

1. Care provided in a child's own home or by relatives;

2. Informal arrangements which parents make with friends or neighbors for the occasional care of their children;

3. Programs in which school-aged children are participating in home-schooling;

4. Programs operated during typical school hours by a public school district;

5. Programs operated during typical school hours by a private school that offers elementary education in grades kindergarten through third grade;

6. Summer youth camps for children at least five (5) years of age that are accredited by the American Camping Association or other national standard-setting agency or church camp accreditation program;

7. Programs in which children attend on a drop-in basis and parents are on the premises and readily accessible;

8. A program of specialized activity or instruction for children that is not designed or intended for child care purposes including, but not limited to, scouts, 4-H clubs and summer resident youth camps, and single-activity programs such as academics, athletics, gymnastics, hobbies, art, music, dance and craft instruction;

9. Nursery schools, kindergartens or other facilities the purposes of which are primarily educational, recreational or medical, and that operate part-day child care programs which provide care and supervision for eight (8) or more children for fifteen (15) or fewer hours per week;

10. Facilities whose primary purpose is medical treatment;

11. Day treatment programs and maternity homes operated by a licensed hospital; or

12. Juvenile facilities certified by the Office of Juvenile Affairs or certified by any other state agency authorized by law to license such facilities.

B. ~~1.~~ The provisions of the Oklahoma Child Care Facilities Licensing Act shall be equally incumbent upon all private and public child care facilities.

~~2. Any institution furnishing full-time care for children for ten (10) years prior to May 23, 1963, shall, upon written notification to the Department of Human Services, be exempt from the provisions of the Oklahoma Child Care Facilities Licensing Act, if it is not receiving any state or federal funds for furnishing food, clothing, shelter, or upkeep for such children.~~

~~3. Any institution being operated by a war veterans' organization and furnishing full-time care for children as of May 23, 1963, shall be exempt from the provisions of the Oklahoma Child Care Facilities Licensing Act, regardless of whether it is receiving state or federal funds.~~

SECTION 7. AMENDATORY 10 O.S. 1991, Section 404, is amended to read as follows:

Section 404. ~~(a)~~ A. The Department of Human Services shall appoint advisory committees of representatives of child care facilities and others to prepare minimum requirements and desirable standards for ~~adoption~~ promulgation by the Department, ~~provided that~~ a. A majority of any committee appointed to prepare requirements and standards for ~~institutions and homes~~ child care facilities shall be representatives of ~~voluntary, nonprofit child care institutions and homes~~ facilities. These standards shall include, but not be limited to, requirements for ~~a constructive~~ :

1. A constructive program and services to meet the needs of each child and family; ~~staff~~

2. Staff of good moral character and ability for child care; ~~adequate~~

3. Adequate and safe housing, sanitation, and equipment; ~~good~~

4. Good health care; ~~full~~

5. Full educational and religious opportunities; ~~good~~

6. Good community relationships; ~~essential~~

7. Essential records and administrative methods; and ~~sufficient~~

8. Sufficient funds for sound operation.

~~(b)~~ B. The Department shall ~~prescribe and publish such~~ promulgate rules and ~~regulations~~ establishing minimum requirements and desirable standards as may be deemed necessary or advisable to carry out the provisions of ~~this act~~ the Oklahoma Child Care Facilities Licensing Act.

~~(c)~~ C. Such rules and ~~regulations~~ shall not be ~~made,~~ prescribed, or published promulgated until after consultation with the ~~Departments~~ State Department of Health and, the Department of Education, and the Oklahoma State Bureau of Investigation or other agency performing, the ~~duties of State Fire Marshal, provided, that~~ not and any other agency deemed necessary by the Department. Not less than sixty (60) days' notice, by ordinary mail, shall be given to all current licensees before any changes are made in such rules and ~~regulations~~.

~~(d)~~ D. In order to improve the standards of child care, the Department shall also advise and cooperate with the governing bodies and staffs of child care facilities and assist the staffs thereof through advice of progressive methods and procedures and suggestions for the improvement of services.

~~(e)~~ E. The Department may participate in federal programs for day care services, and enter into agreements or plans on behalf of the state for such purpose, in accordance with ~~the Act of Congress, known as the Public Welfare Amendments of 1962 (Public Law 87-543), or other federal laws and regulations, and for such purpose, and notwithstanding any other provisions of this act,~~ the Department may

~~approve unlicensed facilities (including private homes) as meeting the standards established for licensing of day care facilities.~~

F. Foster family homes, group homes, and day care homes which have been selected by and which are supervised by a licensed child care facility, and which meet the standards established for licensing under this act pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act, may be maintained and operated on the basis of permits issued by such child care facility.

SECTION 8. AMENDATORY 10 O.S. 1991, Section 601.1, as last amended by Section 1, Chapter 416, O.S.L. 1998 (10 O.S. Supp. 1999, Section 601.1), is amended to read as follows:

Section 601.1 A. There is hereby created the Oklahoma Commission on Children and Youth which shall be composed of eighteen (18) members. The membership shall include:

1. The Director of the Department of Human Services, the State Commissioner of Health, the Commissioner of the Department of Mental Health and Substance Abuse Services, the State Superintendent of Public Instruction, the Administrator of the Oklahoma Health Care Authority, and the Chair of the SJR 13 Oversight Committee;

2. The Executive Director of the Office of Juvenile Affairs;

3. Six members who shall be appointed by the Governor from a list submitted by the governing board of each of the following organizations:

- a. the Oklahoma ~~Association of Children's Institutions and Agencies~~ and Residential Enterprises,
- b. two statewide associations of youth services,
- c. the Oklahoma Bar Association,
- d. the Oklahoma District Attorney's Association, and
- e. a statewide court-appointed Special Advocate Association;

4. One member appointed by the Governor who shall represent one of the metropolitan juvenile bureaus;

5. One member from the public at large, appointed by the Governor;

6. One member, from the public at large, appointed by the Speaker of the House of Representatives;

7. One member, from the public at large, appointed by the President Pro Tempore of the Senate; and

8. One member elected by the Oklahoma Planning and Coordinating Council for Services to Children and Youth as provided by Section 601.8 of this title. The elected member shall serve a two-year term and may be reelected.

The appointed members shall have had active experience in services to children and youth, shall serve for a term of two (2) years, and may be reappointed.

B. The Oklahoma Commission on Children and Youth shall provide a monthly report on commission member attendance to the appointing authorities.

SECTION 9. AMENDATORY Section 12, Chapter 366, O.S.L. 1997, as amended by Section 11, Chapter 415, O.S.L. 1998 (10 O.S. Supp. 1999, Section 7503-2.4), is amended to read as follows:

Section 7503-2.4 A. A consent to an adoption of a minor shall be in writing, recorded by a court reporter, and executed before a judge of the district court in this state and contain:

1. The date, place, and time of the execution of the consent;
2. The name and date of birth of the person executing the consent;
3. The current mailing address, telephone number, and social security number of the person executing the consent; and
4. Instructions that the consent is irrevocable, except upon the specific grounds specified in Section 7503-2.7 of this title, upon which the consent can be revoked and the manner in which a motion to set aside the consent must be filed.

B. A consent must state:

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

person's original certificate of birth unless affidavits of nondisclosure have been filed pursuant to Section 7503-2.5 of this title and that the consenting parent may file an affidavit of nondisclosure.

C. Before executing a consent, a minor twelve (12) years of age or older must have been informed by the court of the meaning and consequences of the adoption and the availability of social and medical history information, pursuant to Section 7504-1.2 of this title, when the minor turns eighteen (18) years of age.

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

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

F. The Except as otherwise provided by subsection K of this section, verification of the court shall be in substantially the following form:

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

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

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

was the biological parent, such parent was advised regarding the affidavit of nondisclosure.

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

H. 1. a. If an individual whose consent is necessary resides in a country or place other than the United States of America, other than a member of the United States Armed Services stationed abroad, the consent of the individual to the adoption may be obtained by a written instrument signed by such person and acknowledged before an officer of the legal subdivision of the government of the place of such person's residence who is authorized to administer oaths under the laws of such country or place.

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

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

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

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

K. 1. When the person whose consent is required is the Director or designee of the Department of Human Services for minors in the custody of the Department of Human Services, the contents of the consent need only contain the full name of the person executing the consent, that the person executing the consent is duly

authorized by the Director to consent to the adoption, the full name of the child being adopted, and the names and addresses of adoptive petitioners.

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

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

SECTION 10. AMENDATORY 10 O.S. 1991, Section 60.17, as last amended by Section 19, Chapter 366, O.S.L. 1997 and renumbered by Section 58, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 1999, Section 7505-1.1), is amended to read as follows:

Section 7505-1.1 A. Unless otherwise ordered by the district court exercising jurisdiction over the adoption proceeding, all hearings held in proceedings pursuant to the Oklahoma Adoption Code shall be confidential and shall be held in closed court without admittance of any person other than interested parties and their counsel.

B. All papers, records, and books of proceedings in adoption cases and any papers, records, and books relating to such proceedings:

1. Shall be kept as a permanent record of the court and maintained in a separate file by the court clerk; and

2. Shall be confidential and shall not be open to inspection or copy except as authorized in Sections ~~18, 38, 45~~ 7504-1.2, 7505-6.6, 7508-1.2 and ~~46~~ 7508-1.3 of this ~~act~~ title or upon order of a court of record for good cause shown.

C. Upon application and notice to the person or agency in whose possession the records being sought are held, and for good cause being shown, any court of record may, by written order reciting its findings, permit the necessary information to be released, or may restrict the purposes for which it shall be used. The findings shall include the reasons the information being sought cannot be obtained through the methods authorized by Sections 7504-1.2, 7505-6.6, 7508-1.2 and 7508-1.3 of this title.

D. The provisions of this section shall not prohibit persons employed by the court, the Department of Human Services, a child-placing agency, an attorney participating or assisting in a direct placement adoption or any physician, minister or other person or entity assisting or participating in an adoption from providing partial or complete identifying information between a biological parent and prospective adoptive or adoptive parent if a biological parent and a prospective adoptive or adoptive parent mutually agree to share specific identifying information and each gives written, signed notice of their agreement to the court, the Department of Human Services, the child-placing agency, or any attorney participating or assisting in the direct placement adoption pursuant to the Oklahoma Adoption Code.

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

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7505-1.5 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. If a child has resided with a birth relative before being adopted, the adoptive parents and that birth relative may enter into an agreement pursuant to the provisions of this section regarding communication with, visitation of or contact between the child, adoptive parents and the birth relative after or during pendency of the adoption proceedings.

B. For purposes of this section, "birth relative" means a parent, stepparent, grandparent, great grandparent, brother, sister, uncle or aunt of a minor adoptee. This relationship may be by blood or marriage. For an Indian child, birth relative includes members of the extended family as defined by the laws or customs of the Indian child's tribe or, in the absence of laws or customs, shall be a person who is eighteen (18) years of age or older and who is the Indian child's great-grandparent, grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece, nephew, first or second cousins, or stepparent, as provided in the Indian Child Welfare Act, United States Code, Title 25, Section 1903.

C. 1. An agreement regarding communication with, visitation of or contact between the child, adoptive parents and a birth relative is not legally enforceable unless the terms of the agreement are contained in a written court order entered in accordance with this section.

2. An order must be sought and shall be filed in the adoption action.

3. The court shall not enter a proposed order unless the terms of the order have been approved in writing by the prospective adoptive parents, and the birth relative who desires to be a party to the agreement.

D. The court shall not enter a proposed order unless the court finds that the communication, visitation or contact between the child, the adoptive parents and the birth relative as agreed upon and contained in the proposed order would be in the child's best interests and poses no threat to the safety of the child or integrity of the adoptive placement.

E. Failure to comply with the terms of an agreed order regarding communication, visitation or contact that has been entered by the court pursuant to this section shall not be grounds for:

1. Setting aside an adoption decree;

2. Revocation of a written consent to an adoption after that consent has become irrevocable; or

3. An action for citation of indirect contempt of court.

F. 1. An agreed order entered pursuant to the provisions of this section may be enforced or modified by filing a petition or motion with the court that includes a certified copy of the order granting the communication, contact or visitation, but only if the petition or motion is accompanied by an affidavit with supporting documentation that the parties have mediated or attempted to mediate any dispute under the agreement or that the parties agree to a proposed modification.

2. The prevailing party may be awarded reasonable attorney fees and costs.

3. The court shall not modify an agreed order pursuant to this section unless it finds that the modification is necessary to serve the best interests of the child, and:

- a. the modification is agreed to by the adoptive parent and the birth relative, or
- b. exceptional circumstances have arisen since the agreed order was entered that justify modification of the order.

SECTION 12. AMENDATORY Section 20, Chapter 366, O.S.L. 1997, as amended by Section 17, Chapter 415, O.S.L. 1998 (10 O.S. Supp. 1999, Section 7505-1.2), is amended to read as follows:

Section 7505-1.2 A. 1. In a proceeding pursuant to the Oklahoma Adoption Code, the court shall appoint an attorney for a minor in a contested proceeding pursuant to the Oklahoma Adoption Code and may appoint an attorney for a child in an uncontested proceeding.

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

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

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

B. 1. The court may appoint a separate guardian ad litem for the minor in a contested proceeding and shall appoint a separate guardian ad litem upon the request of a party, the minor, the attorney of the minor ~~or~~, prospective adoptive parent, or a person or agency having physical or legal custody of the child.

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

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

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

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

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

SECTION 13. AMENDATORY 30 O.S. 1991, Section 1-112, is amended to read as follows:

Section 1-112. A. Except as otherwise specifically provided by law, the Oklahoma Guardianship and Conservatorship Act applies to:

1. Minors in this state. Guardianships for minors established pursuant to Section 3 of this act shall only be subject to provisions of the Oklahoma Guardianship and Conservatorship Act as provided in subsection B of this section;

2. Incapacitated and partially incapacitated persons in this state; and

3. Property located in this state of nondomiciliaries who are minors or incapacitated or partially incapacitated persons, or

property coming into the control of a guardian who is subject to the laws of this state.

B. Guardianships, subject to Section 3 of this act, shall be subject to Article 1 of the Oklahoma Guardianship and Conservatorship Act and Sections 4-501, 4-503, 4-706, 4-707, 4-801, 4-802, 4-901 and 4-902 of Title 30 of the Oklahoma Statutes.

C. No person, whether a parent or otherwise, has any power as a guardian, except by appointment by a court. The provisions of the Oklahoma Guardianship and Conservatorship Act shall not be construed to limit the parental rights of parents as the natural guardians of their children.

SECTION 14. AMENDATORY 30 O.S. 1991, Section 2-108, is amended to read as follows:

Section 2-108. A. If any minor, having a parent or parents living, has property, the income of which is sufficient for his maintenance and education in a manner more expensive than such parent or parents can reasonably afford, regard being had to all of the circumstances of the case, the expenses of the education and maintenance of such minor may be defrayed out of the income of the property of the minor in whole or in part, as judged reasonable and as directed by the court. The charges therefore may be allowed accordingly in the settlement of the accounts of the guardian of the minor.

B. 1. Any order appointing a guardian of the minor who has a parent living or other person legally responsible for the support of the child shall:

- a. provide for the payment of child support by the parent or other responsible party pursuant to the Oklahoma child support guidelines, and
- b. contain an income assignment provision pursuant to Section 115 of Title 43 of the Oklahoma Statutes.

2. The provisions of this subsection shall not apply to parents whose rights and responsibilities have been terminated to the child unless the termination order requires payment of child support.

3. Any guardianship or conservatorship for a minor created on or after December 1, 2000, shall comply with the provisions of this subsection. Guardianships or conservatorships for a minor in existence prior to December 1, 2000, shall comply with the provisions of this subsection as ordered by the court.

SECTION 15. AMENDATORY 28 O.S. 1991, Section 111, as last amended by Section 16, Chapter 69, O.S.L. 1996 (28 O.S. Supp. 1999, Section 111), is amended to read as follows:

Section 111. A. In addition to other fees provided for by law, the Secretary of State shall collect the following fees:

- 1. For affixing the certificate of the Secretary and the seal of the State of Oklahoma, Ten Dollars (\$10.00) ~~+~~;

2. For ~~copy of copying~~ any paper or document ~~to be paid for by the person demanding the same~~, One Dollar (\$1.00) per page, provided the minimum charge shall not be less than Two Dollars (\$2.00) ~~;~~ ;

3. For filing an effective financing statement in the office of the Secretary of State pursuant to Section 9-307.6 of Title 12A of the Oklahoma Statutes, Ten Dollars (\$10.00) ~~;~~ ;

4. For filing a continuation statement, partial release, assignment of or amendment to an effective financing statement filed in the office of the Secretary of State pursuant to Section 9-307.6 of Title 12A of the Oklahoma Statutes, Ten Dollars (\$10.00) ~~;~~ ;

5. For filing a termination statement for an effective financing statement filed in the office of the Secretary of State pursuant to Section 9-307.6 of Title 12A of the Oklahoma Statutes, Ten Dollars (\$10.00) ~~;~~ ;

6. For registering a buyer of farm products, commission merchant or selling agent as provided for in Section 9-307.6 of Title 12A of the Oklahoma Statutes, Fifty Dollars (\$50.00) per year ~~;~~ ;

7. For distributing a copy of the master list or portions thereof to buyers of farm products, commission merchants, and selling agents, as provided for in Section 9-307.6 of Title 12A of the Oklahoma Statutes, or for providing a copy of such master list or portions thereof to other interested parties, in accordance with the following fee schedule. Such fees may be paid annually or semi-annually:

a. For information requested for five or less counties:

	Number of Farm Products	Photostatic Reproduction	Microfiche
(1)	1 to 5 products	\$150 per year ...	\$25 per year
(2)	6 to 10 products	\$200 per year ...	\$50 per year
(3)	11 to 20 products	\$250 per year ...	\$75 per year
(4)	over 20 products	\$300 per year ..	\$100 per year

b. For information requested for six to twenty-five counties:

	Number of Farm Products	Photostatic Reproduction	Microfiche
(1)	1 to 10 products	\$200 per year ...	\$50 per year
(2)	11 to 20 products	\$250 per year ...	\$75 per year
(3)	over 20 products	\$300 per year ..	\$100 per year

c. For information requested for twenty-six (26) to fifty counties:

	Number of Farm Products	Photostatic Reproduction	Microfiche
--	-------------------------	--------------------------	------------

Products	Reproduction
----------	--------------

- (1) 1 to 10 products \$250 per year ...\$75 per year
- (2) 11 to 20 products \$300 per year ...\$100 per year
- (3) over 20 products \$350 per year ...\$125 per year

d. For information requested for over fifty counties:

Number of Farm Products	Photostatic Reproduction	Microfiche
----------------------------	-----------------------------	------------

- (1) 1 to 10 products \$300 per year ...\$100 per year
- (2) 11 to 20 products \$350 per year ...\$125 per year
- (3) over 20 products\$400 per year ...\$150 per year;

- 8. a. The Secretary of State is authorized to provide for the distribution of the master list or portions thereof to those persons specified in paragraph 7 of this subsection through electronic data or machine readable equipment or other communication media in such form and manner as is specified by the Secretary of State.
- b. The Secretary of State is authorized to establish a fee system for such transfer of information pursuant to this paragraph. Such fee shall not exceed the amount necessary to cover the costs of the Secretary of State in providing such transfer of information.
- c. In providing for the transfer of the information specified by this paragraph, the Secretary of State shall ensure the integrity of confidential information within the office of the Secretary of State through data security measures, internal controls and appropriate data base management-;

9. For issuing a written confirmation of the existence or nonexistence of any effective financing statement on file in the office of the Secretary of State, Six Dollars (\$6.00)-;

10. The Secretary of State shall collect a fee of Twenty-five Dollars (\$25.00) for every apostille, ~~which~~ issued. For the purposes of this paragraph, an apostille is a special certificate which is attached to a public foreign document in order record, as required by the 1961 Hague Convention, Fed. R. Civ. P. 44 (28 U.S.C.A.), to certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears, issued; provided, however, a fee of Ten Dollars (\$10.00) shall be collected for any apostille requested for an international adoption; and

11. For each service rendered and not specified in this section, such fees as are allowed for similar services in other cases.

B. All ~~of said~~ fees shall be properly accounted for and shall be paid into the State Treasury monthly. The fees generated by paragraphs 1, 2 ~~and~~, 10 and 11 of subsection A of this section shall be deposited to the credit of the Revolving Fund for the Office of the Secretary of State created pursuant to Section 276.1 of Title 62 of the Oklahoma Statutes. The fees generated by paragraphs 3 through 9 of subsection A of this section shall be deposited to the credit of the Central Filing System Revolving Fund created pursuant to Section 276.3 of Title 62 of the Oklahoma Statutes.

SECTION 16. This act shall become effective November 1, 2000.

Passed the House of Representatives the 23rd day of May, 2000.

Speaker of the House of
Representatives

Passed the Senate the 24th day of May, 2000.

President of the Senate