

ENROLLED HOUSE
BILL NO. 1821

By: Winchester, Balkman,
Calvey, Cargill, Claunch,
Dank, Ericson, Graves,
Greenwood, Liotta, Maddux,
Nance, Sullivan, Vaughn,
Wilt and Worthen of the
House

and

Smith of the Senate

An Act relating to children; amending 10 O.S. 2001, Section 7502-1.4, which relates to foreign adoptions; providing exception to recognition to be afforded to foreign judgments; providing for registration of a foreign adoption decree, judgment, or order; allowing combined petitions; requiring certain orders; modifying application of adoption process for certain minors born outside the United States; providing for severability; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7502-1.4, is amended to read as follows:

Section 7502-1.4 A. The courts of this state shall recognize a decree, judgment, or final order creating the relationship of parent and child by adoption, issued by a court or other governmental authority with appropriate jurisdiction in a foreign country or in another state or territory of the United States. The rights and obligations of the parties as to matters within the jurisdiction of this state shall be determined as though the decree, judgment, or final order were issued by a court of this state. Except that, this state, any of its agencies, or any court of this state shall not recognize an adoption by more than one individual of the same sex from any other state or foreign jurisdiction.

B. An adoptive parent of a minor adopted outside of the United States with a decree, judgment or final order issued by a court or other governmental authority with appropriate jurisdiction in a foreign country may present the decree, judgment, or final order or present proof that the minor has United States citizenship to the court in combination with a petition for a name change. Upon presentation of a decree, judgment, or final order or if the minor presents proof of United States citizenship, the court shall order the State Registrar to prepare a supplementary certificate of birth for the child as provided for in Section 7505-6.6 of this title, unless good cause is shown why the certificate should not be issued.

C. A minor born outside of the United States without a decree, judgment, or final adoption order issued by a court or other governmental authority with appropriate jurisdiction in a foreign country may be adopted in Oklahoma if one or both of the petitioners for adoption are citizens of Oklahoma and the minor is residing in Oklahoma at the time the petition for adoption is filed.

~~C.~~ D. An adoptive parent of a minor adopted outside of the United States may petition to readopt the minor under Oklahoma law, if one or both of the petitioners are citizens of Oklahoma and the minor is residing in Oklahoma at the time the petition for adoption is filed.

~~D.~~ E. A proceeding to adopt ~~or readopt~~ a minor born outside of the United States as provided for in subsection C of this section shall proceed pursuant to the Oklahoma Adoption Code, with the following provisions:

1. The court may grant a decree of adoption without requiring notice to the biological parent and without requiring the consent of the biological parent, if the petitioner files with the petition for adoption a copy of the ~~decree of adoption or~~ termination of parental rights granted by a judicial, administrative, or executive body of the country of origin, or a document or documents from such a governmental body stating that the biological parent has consented to the adoption, or stating that the parental rights of the biological parent of the minor have been terminated, or stating that the minor to be adopted has been relinquished by the biological parent or stating that the minor has been abandoned. Any document in a foreign language shall be translated into English by the Department of State or by a translator who shall certify the accuracy of the translation, and a copy of the translation and certification shall be filed with the court along with a copy of the original documents;

2. If a minor born outside of the United States is in the legal custody of a child-placing agency at the time that the petition for adoption is filed, notice of the proceedings shall be given to the child-placing agency prior to the hearing on the petition, and the consent of the child-placing agency to the adoption shall be obtained pursuant to Section ~~9~~ 7503-2.1 of this ~~act~~ title prior to the granting of the decree of adoption; and

~~3. In a proceeding to readopt a minor previously adopted by a petitioner in a foreign country, the~~ The court may waive the issuance of an interlocutory decree of adoption and the waiting period of six (6) months provided in Sections ~~33~~ 7505-6.1 and ~~35~~ 7505-6.3 of this ~~act~~ title, and grant a final decree of adoption, if:

- a. the minor has been in the home of petitioner for at least six (6) months prior to the filing of the petition for adoption, and
- b. a postplacement report has been submitted to the court.

SECTION 2. If any provision of this act or its application to any person or circumstances is held invalid, the invalidity does not

affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 3. This act shall become effective July 1, 2004.

SECTION 4. 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 26th day of April, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 12th day of April, 2004.

Presiding Officer of the Senate