

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB1821:

Winchester

AS INTRODUCED

An Act relating to children; amending 10 O.S. 2001, Section 7502-1.4, which relates to foreign adoptions; 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 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.

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 register the decree, judgment, or final order in this state. A petition for registration of a foreign adoption may be combined with a petition for a name change. Upon issuing an order accepting the petition for registration the court shall order the State Registrar to register a certificate of such decree and

prepare a supplementary certificate of birth for the child as provided for in Section 7505-6.6 of this title.

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

SECTION 3. 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.

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