

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3055

By: Winchester

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to adoption; providing for an
9 adoption full disclosure statement; specifying
10 contents of statement; requiring the statement be
11 provided to birth parents and adoptive parents;
12 requiring signature acknowledging understanding of
13 statement; providing for the attachment of the
14 statement to the petition for adoption; providing for
15 codification; and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 7503-1.2 of Title 10, unless
19 there is created a duplication in numbering, reads as follows:

20 A. An adoption full disclosure statement shall be prepared in
21 writing by the attorney or person facilitating in a direct placement
22 adoption of a minor in this state. The statement shall include:

23 1. The name and address of the attorney or person facilitating
24 the direct placement of the minor;

2. The Oklahoma statutes relating to child trafficking;

1 3. The Oklahoma statutes relating to allowable adoption-related
2 costs and expenses;

3 4. The scope of services provided by the attorney or person
4 facilitating in a direct placement adoption of a minor to birth
5 parents, adoptive parents, and adopted children including, but not
6 limited to, services that aid in:

7 a. coping with the particular behaviors and developmental
8 history of the child,

9 b. understanding the psychological needs of the child
10 that are related to the racial, ethnic, or cultural
11 background of the child,

12 c. explaining how to help the child understand adoption,

13 d. understanding the perspective of the birth parent,

14 e. coping with the loss of the child by the birth parent,
15 and

16 f. understanding search and reunion issues;

17 5. A procedure for grievances;

18 6. The fees charged for an adoption, the refund policy, other
19 related fees and expenses, and a schedule of payments;

20 7. The legal risk of placement, and a provision notifying
21 adoptive parents of the requirement for written verification of
22 acceptance of the legal risk of placement;

23 8. Provisions informing persons that coercion of birth parents
24 is prohibited;

1 9. Provisions addressing the circumstance of birth parents
2 deciding not to relinquish parental rights;

3 10. Provisions for avoiding conflicts of interest among birth
4 parents, adoptive parents, and the attorney or person facilitating
5 in a direct placement adoption of a minor in this state;

6 11. Information addressing open and closed adoptions;

7 12. Search and reunion resources;

8 13. The meaning of relinquishment of parental rights;

9 14. An overview of the legal process for an adoption;

10 15. The specified time frame for completing an adoption;

11 16. A provision notifying adoptive parents of the opportunity
12 to decide whether they consider themselves suitable for the child;
13 and

14 17. Information regarding the Indian Child Welfare Act
15 including, but not limited to, a statement explaining that the
16 Indian Child Welfare Act is a federal law that preempts state
17 adoption laws and gives Native American Indian Nations and Tribes,
18 including the Alaskan Aleuts, the right to control adoptions that
19 involve:

20 a. their tribal members,

21 b. the children of their tribal members,

22 c. those individuals who could become tribal members, or

23 d. those individuals whom a tribe would otherwise give
24 appropriate recognition to under the terms of the

1 Indian Child Welfare Act, though the required tribal
2 affiliation has not yet been formally established.

3 B. Every adoptive parent and birth parent engaged in a direct
4 placement adoption of a minor in this state shall:

5 1. Be provided an adoption full disclosure statement as
6 provided for in subsection A of this section; and

7 2. Read and sign the adoption full disclosure statement
8 acknowledging that they have read and understand the statement.

9 C. The signed adoption full disclosure statement shall be
10 attached to the petition for adoption filed with the court in each
11 direct placement adoption of a minor in this state. The statement
12 shall be a public record, provided that any information identifying
13 the adoptive or birth parents shall not be made public.

14 SECTION 2. This act shall become effective November 1, 2008.

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