

THE HOUSE OF REPRESENTATIVES
Tuesday, February 26, 2008

Committee Substitute for
House Bill No. 3055

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3055 - By: WINCHESTER AND
PITTMAN of the House.

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

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

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

4 A. An adoption full disclosure statement shall be prepared in writing by the
5 attorney or person facilitating in a direct placement adoption of a minor in this state.

6 The statement shall include:

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

9 2. The Oklahoma statutes relating to child trafficking;

- 1 3. The Oklahoma statutes relating to allowable adoption-related costs and
2 expenses;
- 3 4. The scope of services provided by the attorney or person facilitating in a direct
4 placement adoption of a minor to birth parents, adoptive parents, and adopted children
5 including, but not limited to, services that aid in:
- 6 a. coping with the particular behaviors and developmental history of the
7 child,
- 8 b. understanding the psychological needs of the child that are related to
9 the racial, ethnic, or cultural background of the child,
- 10 c. explaining how to help the child understand adoption,
- 11 d. understanding the perspective of the birth parent,
- 12 e. coping with the loss of the child by the birth parent, and
- 13 f. understanding search and reunion issues;
- 14 5. A procedure for grievances;
- 15 6. The fees charged for an adoption, the refund policy, other related fees and
16 expenses, and a schedule of payments;
- 17 7. The legal risk of placement, and a provision notifying adoptive parents of the
18 requirement for written verification of acceptance of the legal risk of placement;
- 19 8. Provisions informing persons that coercion of birth parents is prohibited;
- 20 9. Provisions addressing the circumstance of birth parents deciding not to
21 relinquish parental rights;

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

4 11. Information addressing open and closed adoptions;

5 12. Search and reunion resources;

6 13. The meaning of relinquishment of parental rights;

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

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

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

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

15 a. their tribal members,

16 b. the children of their tribal members,

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

18 d. those individuals whom a tribe would otherwise give appropriate

19 recognition to under the terms of the Indian Child Welfare Act, though

20 the required tribal affiliation has not yet been formally established.

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

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

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

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

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

10 COMMITTEE REPORT BY: COMMITTEE ON HUMAN SERVICES, dated 02-25-08 -
11 DO PASS, As Amended and Coauthored.