

1 ENGROSSED SENATE
2 BILL NO. 1029

By: Russell, Corn, Paddack and
Sykes of the Senate

3 and

4 Nelson of the House

5
6
7 [adoption - full disclosure statement - home studies -
8 codification -
9 effective date]

10

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

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

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

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

20 2. The Oklahoma statutes relating to child trafficking;

21 3. The Oklahoma statutes relating to allowable adoption-related
22 costs and expenses;

23 4. The scope of services provided by the attorney or person
24 facilitating in a direct placement adoption of a minor to birth

1 parents, if living, adoptive parents, and adopted children
2 including, but not limited to, services, if rendered, that aid in:

- 3 a. coping with the particular behaviors and developmental
4 history of the child,
- 5 b. understanding the psychological needs of the child
6 that are related to the racial, ethnic, or cultural
7 background of the child,
- 8 c. explaining how to help the child understand adoption,
- 9 d. understanding the perspective of the birth parent,
- 10 e. coping with the loss of the child by the birth parent,
11 and
- 12 f. understanding search and reunion issues;

13 5. A procedure for grievances;

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

16 7. The legal risk of placement, and a provision notifying
17 adoptive parents of the requirement for written verification of
18 acceptance of the legal risk of placement;

19 8. Provisions informing persons that coercion of birth parents
20 is prohibited;

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

23
24

1 10. Provisions for avoiding conflicts of interest among birth
2 parents, adoptive parents, and the attorney or person facilitating
3 in a direct placement adoption of a minor 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
10 to decide whether they consider themselves suitable for the child;

11 and

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

18 a. their tribal members,

19 b. the children of their tribal members,

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

21 d. those individuals whom a tribe would otherwise give
22 appropriate recognition to under the terms of the
23 Indian Child Welfare Act, though the required tribal
24 affiliation has not yet been formally established.

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

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

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

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

12 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7505-5.1, as
13 amended by Section 7, Chapter 196, O.S.L. 2007 (10 O.S. Supp. 2008,
14 Section 7505-5.1), is amended to read as follows:

15 Section 7505-5.1 A. Except as otherwise provided in this
16 section, only a person for whom a favorable written preplacement
17 home study has been prepared may accept custody of a minor for
18 purposes of adoption. A preplacement home study is favorable if it
19 contains a finding that the person is suited to be an adoptive
20 parent, either in general or for a particular minor, and it is
21 completed or brought current within twelve (12) months next
22 preceding a placement of a minor with the person for adoption.

23 B. ~~A court may waive the requirement of a preplacement home~~
24 ~~study for good cause shown, but a person who is the subject of a~~

1 ~~waiver must be evaluated during the pendency of a proceeding for~~
2 ~~adoption.~~

3 ~~C.~~ A preplacement home study is not required if a parent or
4 guardian places a minor directly with a relative of the minor for
5 purposes of adoption, but a home study of the relative is required
6 during the pendency of a proceeding for adoption.

7 ~~D.~~ C. A prospective adoptive parent shall not be approved for
8 placement of a child if the petitioners or any other person residing
9 in the home of the petitioners has been convicted of any of the
10 following felony offenses:

11 1. Within the five-year period preceding the date of the
12 petition, physical assault, domestic abuse, battery or a drug-
13 related offense;

14 2. Child abuse or neglect;

15 3. A crime against a child, including, but not limited to,
16 child pornography; and

17 4. A crime involving violence, including, but not limited to,
18 rape, sexual assault or homicide, but excluding those crimes
19 specified in paragraph 1 of this subsection.

20 ~~E.~~ D. Under no circumstances shall a child be placed in the
21 custody of an individual subject to the Oklahoma Sex Offenders
22 Registration Act or an individual who is married to or living with
23 an individual subject to the Oklahoma Sex Offenders Registration
24 Act.

1 SECTION 3. This act shall become effective November 1, 2009.
2 Passed the Senate the 26th day of February, 2009.

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4 _____
5 Presiding Officer of the Senate

6 Passed the House of Representatives the ____ day of _____,
7 2009.

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9 _____
10 Presiding Officer of the House
11 of Representatives