

1 ENGROSSED SENATE
2 BILL NO. 2274

By: Russell and Leftwich of the
Senate

3 and

4 Nelson of the House
5
6

7 An Act relating to children; amending 10 O.S. 2001,
8 Sections 7505-1.1 and 7505-5.1, as last amended by
9 Section 3, Chapter 288, O.S.L. 2009 (10 O.S. Supp.
10 2009, Section 7505-5.1), which relate to
11 confidentiality and home study; expanding certain
12 exception; establishing exemption from home study
under certain circumstances; and declaring an
emergency.

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

14 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7505-1.1, is
15 amended to read as follows:

16 Section 7505-1.1. A. Unless otherwise ordered by the district
17 court exercising jurisdiction over the adoption proceeding, all
18 hearings held in proceedings pursuant to the Oklahoma Adoption Code
19 shall be confidential and shall be held in closed court without
20 admittance of any person other than interested parties and their
21 counsel.

22 B. All papers, records, and books of proceedings in adoption
23 cases and any papers, records, and books relating to such
24 proceedings:

1 1. Shall be kept as a permanent record of the court and
2 maintained in a separate file by the court clerk; and

3 2. Shall be confidential and shall not be open to inspection or
4 copy except as authorized in Sections 7504-1.2, 7505-3.2, 7505-6.6,
5 7508-1.2 and 7508-1.3 of this title or upon order of a court of
6 record for good cause shown.

7 C. Upon application and notice to the person or agency in whose
8 possession the records being sought are held, and for good cause
9 being shown, any court of record may, by written order reciting its
10 findings, permit the necessary information to be released, or may
11 restrict the purposes for which it shall be used. The findings
12 shall include the reasons the information being sought cannot be
13 obtained through the methods authorized by Sections 7504-1.2, 7505-
14 6.6, 7508-1.2 and 7508-1.3 of this title.

15 D. The provisions of this section shall not prohibit persons
16 employed by the court, the Department of Human Services, a child-
17 placing agency, an attorney participating or assisting in a direct
18 placement adoption or any physician, minister or other person or
19 entity assisting or participating in an adoption from providing
20 partial or complete identifying information between a biological
21 parent and prospective adoptive or adoptive parent if a biological
22 parent and a prospective adoptive or adoptive parent mutually agree
23 to share specific identifying information and each gives written,
24 signed notice of their agreement to the court, the Department of

1 Human Services, the child-placing agency, or any attorney
2 participating or assisting in the direct placement adoption pursuant
3 to the Oklahoma Adoption Code.

4 E. Any person in charge of adoption records or having access to
5 adoption records or information who discloses any information,
6 including, but not limited to, all records and reports relevant to
7 the case and any records and reports of examination of the minor's
8 parent or other custodian pertaining to an adoption proceeding,
9 contrary to the provisions of this section, upon conviction thereof,
10 shall be guilty of a misdemeanor.

11 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7505-5.1, as
12 last amended by Section 3, Chapter 288, O.S.L. 2009 (10 O.S. Supp.
13 2009, Section 7505-5.1), is amended to read as follows:

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

22 B. A preplacement home study is not required if a parent or
23 guardian places a minor directly with a relative of the minor for
24 purposes of adoption, or if the minor has been residing with a birth

1 parent's spouse for not less than one (1) year as of the date the
2 petition for adoption is filed, but a home study of the relative or
3 stepparent is required during the pendency of a proceeding for
4 adoption. If the minor resides with a birth parent and the birth
5 parent's spouse and the birth parent's spouse has filed a petition
6 for adoption, no home study shall be required.

7 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 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.

