

SB 1029

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THE STATE SENATE
Monday, February 23, 2009

Senate Bill No. 1029
As Amended

SENATE BILL NO. 1029 - By: Russell, Corn, Paddock and Sykes of the Senate and Nelson of the House.

[adoption - full disclosure statement - home studies -
codification - effective date]

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

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

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

- 1. The name and address of the attorney or person facilitating the direct placement of the minor;
- 2. The Oklahoma statutes relating to child trafficking;
- 3. The Oklahoma statutes relating to allowable adoption-related costs and expenses;
- 4. The scope of services provided by the attorney or person facilitating in a direct placement adoption of a minor to birth parents, if living, adoptive parents, and adopted children including, but not limited to, services, if rendered, that aid in:

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

- 1 11. Information addressing open and closed adoptions;
- 2 12. Search and reunion resources;
- 3 13. The meaning of relinquishment of parental rights;
- 4 14. An overview of the legal process for an adoption;
- 5 15. The specified time frame for completing an adoption;
- 6 16. A provision notifying adoptive parents of the opportunity
- 7 to decide whether they consider themselves suitable for the child;
- 8 and
- 9 17. Information regarding the Indian Child Welfare Act
- 10 including, but not limited to, a statement explaining that the
- 11 Indian Child Welfare Act is a federal law that preempts state
- 12 adoption laws and gives Native American Indian Nations and Tribes,
- 13 including the Alaskan Aleuts, the right to control adoptions that
- 14 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
- 19 appropriate recognition to under the terms of the
- 20 Indian Child Welfare Act, though the required tribal
- 21 affiliation has not yet been formally established.
- 22 B. Every adoptive parent and birth parent engaged in a direct
- 23 placement adoption of a minor in this state shall:

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

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

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

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

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

21 B. ~~A court may waive the requirement of a preplacement home~~
22 ~~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

1 an individual subject to the Oklahoma Sex Offenders Registration
2 Act.

3 SECTION 3. This act shall become effective November 1, 2009.

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-17-09 - DO
5 PASS, As Amended and Coauthored.