

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 1029

By: Russell

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5
6 AS INTRODUCED

7 An Act relating to adoption; providing for an
8 adoption full disclosure statement; specifying
9 contents of statement; requiring the statement be
10 provided to birth parents and adoptive parents;
11 requiring signature acknowledging understanding of
12 statement; providing for the attachment of the
13 statement to the petition for adoption; amending 10
14 O.S. 2001, Section 7505-5.1, as amended by Section 7,
15 Chapter 196, O.S.L. 2007 (10 O.S. Supp. 2008, Section
16 7505-5.4), which relates to home studies; removing
17 certain waiver; providing for codification; and
18 providing an effective date.

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- 1 2. The Oklahoma statutes relating to child trafficking;
- 2 3. The Oklahoma statutes relating to allowable adoption-related
- 3 costs and expenses;
- 4 4. The scope of services provided by the attorney or person
- 5 facilitating in a direct placement adoption of a minor to birth
- 6 parents, if living, adoptive parents, and adopted children
- 7 including, but not limited to, services, if rendered, that aid in:
- 8 a. coping with the particular behaviors and developmental
- 9 history of the child,
- 10 b. understanding the psychological needs of the child
- 11 that are related to the racial, ethnic, or cultural
- 12 background of the child,
- 13 c. explaining how to help the child understand adoption,
- 14 d. understanding the perspective of the birth parent,
- 15 e. coping with the loss of the child by the birth parent,
- 16 and
- 17 f. understanding search and reunion issues;
- 18 5. A procedure for grievances;
- 19 6. The fees charged for an adoption, the refund policy, other
- 20 related fees and expenses, and a schedule of payments;
- 21 7. The legal risk of placement, and a provision notifying
- 22 adoptive parents of the requirement for written verification of
- 23 acceptance of the legal risk of placement;
- 24

- 1 8. Provisions informing persons that coercion of birth parents
2 is prohibited;
- 3 9. Provisions addressing the circumstance of birth parents
4 deciding not to relinquish parental rights;
- 5 10. Provisions for avoiding conflicts of interest among birth
6 parents, adoptive parents, and the attorney or person facilitating
7 in a direct placement adoption of a minor in this state;
- 8 11. Information addressing open and closed adoptions;
- 9 12. Search and reunion resources;
- 10 13. The meaning of relinquishment of parental rights;
- 11 14. An overview of the legal process for an adoption;
- 12 15. The specified time frame for completing an adoption;
- 13 16. A provision notifying adoptive parents of the opportunity
14 to decide whether they consider themselves suitable for the child;
15 and
- 16 17. Information regarding the Indian Child Welfare Act
17 including, but not limited to, a statement explaining that the
18 Indian Child Welfare Act is a federal law that preempts state
19 adoption laws and gives Native American Indian Nations and Tribes,
20 including the Alaskan Aleuts, the right to control adoptions that
21 involve:
- 22 a. their tribal members,
23 b. the children of their tribal members,
24 c. those individuals who could become tribal members, or

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

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

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

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

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

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

19 Section 7505-5.1 A. Except as otherwise provided in this
20 section, only a person for whom a favorable written preplacement
21 home study has been prepared may accept custody of a minor for
22 purposes of adoption. A preplacement home study is favorable if it
23 contains a finding that the person is suited to be an adoptive
24 parent, either in general or for a particular minor, and it is

1 completed or brought current within twelve (12) months next
2 preceding a placement of a minor with the person for adoption.

3 ~~B. A court may waive the requirement of a preplacement home
4 study for good cause shown, but a person who is the subject of a
5 waiver must be evaluated during the pendency of a proceeding for
6 adoption.~~

7 ~~C.~~ A preplacement home study is not required if a parent or
8 guardian places a minor directly with a relative of the minor for
9 purposes of adoption, but a home study of the relative is required
10 during the pendency of a proceeding for adoption.

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

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

18 2. Child abuse or neglect;

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

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

24

1 ~~E.~~ D. Under no circumstances shall a child be placed in the
2 custody of an individual subject to the Oklahoma Sex Offenders
3 Registration Act or an individual who is married to or living with
4 an individual subject to the Oklahoma Sex Offenders Registration
5 Act.

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

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