

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 1748

6 By: Nelson

7 COMMITTEE SUBSTITUTE

8 An Act relating to children; amending 10 O.S. 2011,  
9 Section 7505-3.2, which relates to adoption cost  
10 disclosure requirements; modifying requirements;  
11 requiring certain affidavit; specifying contents of  
12 affidavit; and providing an effective date.

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

14 SECTION 1. AMENDATORY 10 O.S. 2011, Section 7505-3.2, is  
15 amended to read as follows:

16 Section 7505-3.2 A. 1. In order to prevent fraudulent  
17 adoption schemes or violations of the child trafficking provisions  
18 of Sections 865 through 869 of Title 21 of the Oklahoma Statutes,  
19 before court approval of any living or transportation expenses for a  
20 birth mother the court shall require the following:

21 a. the presentation by the birth mother of valid  
22 identification, which shall be verified by the court,  
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- 1           b. an affidavit signed by the birth mother describing the  
2           financial needs and all expected expenses of the  
3           pregnancy,
- 4           c. a statement on the affidavit that the birth mother is  
5           pregnant and will not accept birth-related expenses  
6           from more than one prospective adoptive family during  
7           the pregnancy in violation of Section 866 of Title 21  
8           of the Oklahoma Statutes, and
- 9           d. the birth mother shall sign a waiver allowing for the  
10           release of prenatal examination results or will allow  
11           a representative of the prospective adoptive parents  
12           to accompany the birth mother to a prenatal medical  
13           appointment in order to verify the pregnancy.

14           2. An affidavit shall be attached to the petition for adoption,  
15 or may be filed after the filing of the petition for adoption, but  
16 prior to the final decree of adoption, which discloses to the court  
17 all of the costs, funds, or monies expended by the adoptive family  
18 or expected to be expended in connection with the adoption of a  
19 minor.

20           ~~2.~~ 3. No final decree of adoption shall be entered until the  
21 court is satisfied that all costs and expenses have been disclosed,  
22 are reasonable, and that the costs and expenses do not violate the  
23 provisions of subsection B of this section. Upon its review of the  
24 affidavit of monies expended, the court shall in writing disapprove

1 any expenditure that the court deems unreasonable or in violation of  
2 Sections 865 through 869 of Title 21 of the Oklahoma Statutes and,  
3 to the extent necessary to comply with Oklahoma law, shall order  
4 reimbursement of any consideration given in violation of Sections  
5 865 through 869 of Title 21 of the Oklahoma Statutes. Payments made  
6 pursuant to this section shall not be a violation of Sections 865  
7 through 869 of Title 21 of the Oklahoma Statutes.

8 B. 1. Except as otherwise specifically provided by law, the  
9 following list of adoption-related costs and expenses specified in  
10 this paragraph may be deemed proper items for a person to pay in  
11 connection with an adoption:

- 12 a. reasonable attorney fees and court costs,
- 13 b. reasonable medical expenses for birth mother and minor  
14 to be adopted,
- 15 c. reasonable adoption counseling expenses for birth  
16 parents before and after the birth of the minor, not  
17 to exceed six (6) months from placement of the minor,
- 18 d. reasonable fees of a licensed child-placement agency,  
19 including social service fees,
- 20 e. (1) reasonable and necessary living expenses of the  
21 birth mother that are incurred during the  
22 adoption planning process or during the  
23 pregnancy, not to exceed two (2) months after the  
24 birth of the minor or after the consent or

1                   relinquishment of the birth mother. Reasonable  
2                   and necessary living expenses include but are not  
3                   limited to:

- 4                   (a) housing expenses,
- 5                   (b) utilities, such as electric, gas, water, or  
6                   telephone bills,
- 7                   (c) food for the birth mother and any minor  
8                   child of the birth mother residing in the  
9                   home of the birth mother,
- 10                  (d) travel expenses for transportation to  
11                  support the pregnancy, such as gasoline, bus  
12                  fares, or providing for the temporary use of  
13                  a vehicle during the pregnancy, and
- 14                  (e) child care or foster care for any minor  
15                  child of the birth mother associated with  
16                  pregnancy-related medical care.

17                  (2) Reasonable and necessary living expenses shall  
18                  not include:

- 19                  (a) any expenses met by existing resources of  
20                  the birth mother,
- 21                  (b) any expenses used for the support of family  
22                  members who are not minor children of the  
23                  mother,

1 (c) any expenses for recreational or leisure  
2 activities, and

3 (d) the purchase or gift of an automobile,

4 f. reasonable expenses for a home study,

5 g. reasonable and necessary costs associated with an  
6 international adoption,

7 h. reasonable expenses legally required by any  
8 governmental entity related to the adoption of a  
9 minor, and

10 i. a one-time gift to the birth mother from the  
11 prospective adoptive parents of no greater value than  
12 One Hundred Dollars (\$100.00).

13 2. In addition, all expenses approved by the court should be  
14 commensurate with other customary fees for similar services by  
15 persons of equivalent experience and training where the services are  
16 performed. Any services provided outside this state shall be  
17 allowed in an amount as if the services had been performed within  
18 the State of Oklahoma.

19 3. The provisions of this subsection shall apply to living and  
20 transportation expenses incurred after the biological mother of the  
21 minor contacts the child-placing agency or attorney for adoption  
22 services.

23 4. The provisions of this subsection shall not prohibit a court  
24 from extending any time period, or including any additional costs

1 and expenses in connection with an adoption other than those  
2 specified in this subsection based on unusual circumstances or need.

3 5. Except as otherwise ordered by the court except for good  
4 cause shown, all payments made pursuant to this section shall be  
5 paid directly to the third-party provider of services or goods. Any  
6 living expense paid on behalf of a birth mother in a domestic  
7 adoption which is not supported by an itemized receipt shall not be  
8 allowed for payment. If gift cards are issued to pay expenses, an  
9 itemized receipt verifying purchases shall be required for approval  
10 by the court. The accounting shall include vouchers for all monies  
11 expended, copies of all checks written and receipts for all cash  
12 payments attesting to the accuracy of the accounting.

13 C. Any person, attorney, or licensed child-placement agency  
14 desiring to pay living and transportation expenses on behalf of a  
15 birth mother is authorized to expend an initial amount not to exceed  
16 One Thousand Dollars (\$1,000.00) plus deposits for housing and  
17 utilities for such costs and expenses without first obtaining court  
18 approval as required by paragraph 1 of subsection D of this section.  
19 Any such costs and expenses shall be disclosed as is otherwise  
20 required by the Oklahoma Adoption Code.

21 D. 1. Except for the amount authorized by subsection C of this  
22 section, the payment of any living or transportation expenses for  
23 benefit of the birth mother as authorized in subparagraph e of  
24

1 paragraph 1 of subsection B of this section shall be approved in  
2 advance by the court.

3 2. The person, attorney, or licensed child-placing agency  
4 desiring to pay living or transportation expenses on behalf of a  
5 birth mother which exceed the amount in subsection C of this section  
6 shall file a petition for an order approving payment of adoption-  
7 related expenses.

8 3. The petition for an order approving payment of adoption-  
9 related expenses shall be filed in the district court where the  
10 adoption petition is to be filed, as provided in Section 7502-1.2 of  
11 this title.

12 4. The petition shall be captioned: "In the matter of Baby  
13 (name)." The petition shall include a listing of all anticipated  
14 living or transportation expenses to be paid on behalf of the birth  
15 mother for which court approval is being sought. If additional  
16 expenditures not previously authorized by the court are needed on  
17 behalf of the birth mother, an amended petition may be filed with  
18 the court.

19 5. The petition shall be heard by the court within ten (10)  
20 days of filing. The court clerk shall charge the same cost for a  
21 petition for payment of expenses as is charged for the filing of an  
22 adoption petition. In the event an adoption petition is later filed  
23 in the same county, the adoption petition shall be filed as an  
24 amended petition within the same case in which payment for expenses

1 was approved and no additional court costs shall be required. In  
2 the event a petition for preadoption termination of parental rights  
3 is later filed in the same county, the court clerk shall not assess  
4 an additional filing fee and may use the same case number as for the  
5 petition for adoption.

6 6. Any order authorizing payment shall be attached to a  
7 petition for adoption. If no adoption petition is filed, the court  
8 shall retain jurisdiction to enter any orders deemed appropriate  
9 regarding the reimbursement of costs and expenses paid. If the  
10 child is placed for adoption outside the State of Oklahoma, any such  
11 order shall be submitted to the Interstate Compact of the Placement  
12 of Children and to the court in the other state where the petition  
13 for adoption is to be filed.

14 E. 1. In addition to the adoptive family affidavit requirement  
15 of subsection A of this section, a Disclosure Statement of Adoption-  
16 related Costs and Expenditures shall be prepared in writing by the  
17 person, attorney or child-placing agency in a direct-placement  
18 adoption. The Disclosure Statement of Adoption-related Costs and  
19 Expenditures shall include a declaration of all fees, expenses, and  
20 costs charged or expected to be charged for the adoption including,  
21 but not limited to, the following:

22 a. retainer fees, the hourly rate, and the number of  
23 hours billed for the adoption,  
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- 1           b. any fee charged for preplacement or other home studies  
2           of any prospective birth parents, regardless of  
3           whether the home study was performed by an outside  
4           agency,
- 5           c. any costs, fees or expenses or any other thing of  
6           value paid to or on behalf of the birth parents  
7           related to the adoption of a minor by any party other  
8           than the adoptive parents, and
- 9           d. any other fees and expenses related to the adoption  
10          not otherwise specifically listed in this section.

11          2. The Disclosure Statement of Adoption-related Costs and  
12 Expenditures containing true and accurate information shall be filed  
13 before or when the final decree of adoption is ordered in each  
14 adoption of a minor in this state. The statement shall be a public  
15 record; provided, that any information identifying the person,  
16 attorney or child-placing agency in the direct adoption shall not be  
17 made public. In addition, the identity of the child, the adoptive  
18 parents, and the birth parents shall not be made public.

19          SECTION 2. This act shall become effective November 1, 2012.

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