

1 ENGROSSED SENATE
2 BILL NO. 510

By: Russell of the Senate

and

Nelson of the House

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5
6 An Act relating to adoption procedures; amending 10
7 O.S. 2001, Sections 7501-1.3, as amended by Section
8 8, Chapter 445, O.S.L. 2002, 7502-1.1, as amended by
9 Section 2, Chapter 69, O.S.L. 2005, 7504-1.2, as
10 amended by Section 1, Chapter 324, O.S.L. 2010, 7505-
11 3.1, 7505-3.2, as last amended by Section 2, Chapter
12 288, O.S.L. 2009, 7505-5.1, as last amended by
13 Section 3, Chapter 288, O.S.L. 2009, 7505-5.4 and
14 7508-1.1 (10 O.S. Supp. 2010, Sections 7501-1.3,
15 7502-1.1, 7504-1.2, 7505-3.2 and 7505-5.1), which
16 relate to the Oklahoma Adoption Code; modifying
17 definition; adding definition; providing that
18 jurisdiction shall be determined by certain law;
19 modifying court discretion in disclosing certain
20 records; requiring certain statement concerning the
21 Oklahoma Indian Child Welfare Act; directing the
22 Administrative Director of the Courts to develop
23 certain form; directing court clerks to provide form
24 to Administrative Director of the Courts; directing
Administrative Director of the Courts to provide
information to the Department of Human Services;
directing the Department of Human Services to publish
certain information; specifying deadlines for the
distribution of report; specifying required contents
of form; modifying adoption cost disclosure
requirements; specifying certain allowable expenses;
specifying certain disallowed expenses; modifying
procedure; establishing exemption from home study
under certain circumstances; directing courts to
consider certain conflicts of interest in the
appointment of home study providers; modifying
educational requirements of persons eligible to
perform home studies; authorizing certain
organizations to provide continuing education
requirements; extending period certain records shall
be retained; amending 10 O.S. 2001, Section 7005-1.3,
as renumbered by Section 271, Chapter 233, O.S.L.

1 2009, and as last amended by Section 14, Chapter 278,
2 O.S.L. 2010 (10A O.S. Supp. 2010, Section 1-6-103),
3 which relates to the inspection of certain court
4 records without court orders; authorizing the release
5 of certain information to out-of-state entities;
6 amending 21 O.S. 2001, Section 866, as last amended
7 by Section 4, Chapter 107, O.S.L. 2009 (21 O.S. Supp.
8 2010, Section 866), which relates to the crime of
9 child trafficking; providing that any violation of
10 statute shall be a felony; and providing an effective
11 date.

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

13 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7501-1.3, as
14 amended by Section 8, Chapter 445, O.S.L. 2002 (10 O.S. Supp. 2010,
15 Section 7501-1.3), is amended to read as follows:

16 Section 7501-1.3. As used in the Oklahoma Adoption Code:

17 1. "Abandonment" includes, but is not limited to, the
18 following:

19 a. the parent has left the minor alone or in the care of
20 another who is not the parent of the minor without
21 identifying the minor or furnishing a means of
22 identification for the minor, the whereabouts of the
23 parents are unknown, and the minor's identity cannot
24 be ascertained by the exercise of reasonable
25 diligence,

26 b. the parent has voluntarily left the minor alone or in
27 the care of another who is not the parent of the minor

1 and expressed a willful intent by words, actions, or
2 omissions not to return for the minor, or

3 c. the parent fails to maintain a substantial and
4 positive relationship with the minor for a period of
5 six (6) consecutive months out of the last fourteen
6 (14) months immediately preceding the filing of a
7 petition for termination of parental rights. For
8 purposes of this section, "establish and/or maintain a
9 substantial, positive relationship" includes but is
10 not limited to:

11 (1) frequent and regular contact with the minor
12 through frequent and regular visitation or
13 frequent, regular communication to or with the
14 minor, and

15 (2) exercising parental rights and responsibilities.
16 Incidental or token visits or communications
17 shall not be sufficient to establish or maintain
18 a substantial and positive relationship with the
19 minor.

20 The term "abandonment" shall not include when a parent has
21 relinquished a minor to or placed the minor in the custody of a
22 licensed child-placing agency or other court-appointed individual;

23 2. "Adoptee" means an individual who is adopted or is to be
24 adopted;

1 3. "Adult" means an individual who has attained eighteen (18)
2 years of age;

3 4. "Minor" means any person who has not attained the age of
4 eighteen (18) years;

5 5. "Child-placing agency" means any child welfare agency
6 licensed pursuant to the Oklahoma Child Care Facilities Licensing
7 Act and authorized to place minors for adoption;

8 6. "Contested proceeding" means any proceeding pursuant to the
9 Oklahoma Adoption Code in which an interested party enters an
10 appearance to contest the petition;

11 7. "Department" means the Department of Human Services;

12 8. "Direct placement adoption" means any adoption in which the
13 minor is not placed for adoption by the Department of Human Services
14 or a child-placing agency. A stepparent or relative adoption shall
15 not be considered a direct placement adoption;

16 9. "Guardian" means an individual, other than a parent,
17 appointed by a court to be the guardian of the person of a minor;

18 10. "Parent" means an individual who is the biological or
19 adoptive parent of a child or who is legally recognized as a mother
20 or father of a child. The term "parent" does not include an
21 individual whose parental relationship to a child has been
22 terminated;

23 11. "Permanent relinquishment" means the voluntary surrender of
24 the rights of the parent or guardian with respect to a minor,

1 including legal and physical custody of the minor, to a child-
2 placing agency, Department of Human Services or any person with the
3 assent of the court, by a minor's parent or guardian, for purposes
4 of the minor's adoption;

5 12. "Putative father" means the father of a minor born out of
6 wedlock or a minor whose mother was married to another person at the
7 time of the birth of the minor or within the ten (10) months prior
8 to the birth of the minor and includes, but is not limited to, a man
9 who has acknowledged or claims paternity of a minor, a man named by
10 the mother of the minor to be the father of the minor, or any man
11 who is alleged to have engaged in sexual intercourse with a woman
12 during a possible time of conception;

13 13. "Relative adoption" means the placement of a child for
14 adoption with a parent, grandparent, stepparent, brother, sister,
15 first cousin, nephew, niece, uncle or aunt, who is related to the
16 child by either birth or marriage;

17 14. "State" means any state, territory, or possession of the
18 United States, the commonwealth of Puerto Rico, and the District of
19 Columbia; and

20 ~~14.~~ 15. "Stepparent" means an individual who is the spouse or
21 surviving spouse of a parent of a minor, but who is not a legal
22 parent of the minor.

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1 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7502-1.1, as
2 amended by Section 2, Chapter 69, O.S.L. 2005 (10 O.S. Supp. 2010,
3 Section 7502-1.1), is amended to read as follows:

4 Section 7502-1.1. ~~A. Except as otherwise provided in this~~
5 ~~section, a court of this state has jurisdiction~~ Jurisdiction over
6 proceedings to terminate parental rights and proceedings for the
7 adoption of a minor commenced pursuant to the Oklahoma Adoption Code
8 ~~if:~~

- 9 ~~1. a. Immediately preceding commencement of the proceeding,~~
10 ~~the minor lived in this state with a parent, a~~
11 ~~guardian, a prospective adoptive parent, or another~~
12 ~~person acting as parent, for at least six (6)~~
13 ~~consecutive months, excluding periods of temporary~~
14 ~~absence,~~
- 15 ~~b. In the case of a minor under six (6) months of age,~~
16 ~~the minor lived in this state from soon after birth~~
17 ~~with any of those individuals listed in subparagraph a~~
18 ~~of this paragraph and there is available in this state~~
19 ~~substantial evidence concerning the minor's present or~~
20 ~~future care, or~~
- 21 ~~c. A child is born in this state and the mother of the~~
22 ~~child has been a legal resident of this state for six~~
23 ~~(6) months prior to the birth or, if not a legal~~
24 ~~resident for six (6) months prior to birth, verifies~~

1 ~~compliance with or exemption from the Interstate~~
2 ~~Compact on the Placement of Children and executes her~~
3 ~~consent or permanent relinquishment before a judge of~~
4 ~~a court of this state;~~

5 ~~2. Immediately preceding commencement of the proceeding, the~~
6 ~~prospective adoptive parent lived in this state for at least six (6)~~
7 ~~consecutive months, excluding periods of temporary absence, and~~
8 ~~there is available in this state substantial evidence concerning the~~
9 ~~minor's present or future care;~~

10 ~~3. The child placing agency that placed the minor for adoption~~
11 ~~is located in this state and it is in the best interest of the minor~~
12 ~~that a court of this state, assume jurisdiction because:~~

13 ~~a. the minor and the minor's parents, or the minor and~~
14 ~~the prospective adoptive parent, have a significant~~
15 ~~connection with this state, and~~

16 ~~b. there is available in this state substantial evidence~~
17 ~~concerning the minor's present or future care;~~

18 ~~4. The minor and the prospective adoptive parent are physically~~
19 ~~present in this state, and the minor has been abandoned or it is~~
20 ~~necessary in an emergency to protect the minor because the minor has~~
21 ~~been subjected to or threatened with mistreatment or abuse or is~~
22 ~~otherwise neglected; or~~

23 ~~5. It appears that no other state would have jurisdiction under~~
24 ~~prerequisites substantially in accordance with paragraphs 1 through~~

1 ~~4 of this subsection, or another state has declined to exercise~~
2 ~~jurisdiction on the ground that this state is the more appropriate~~
3 ~~forum to hear a petition for adoption of the minor, and it is in the~~
4 ~~best interest of the minor that a court of this state assume~~
5 ~~jurisdiction.~~

6 B. ~~1. If a child is born in this state and the mother of the~~
7 ~~child executes her consent or permanent relinquishment before a~~
8 ~~judge of a court of this state, a court of this state may exercise~~
9 ~~jurisdiction over a proceeding for the termination of parental~~
10 ~~rights of a putative father pursuant to Section 7505 2.1 of this~~
11 ~~title.~~

12 ~~2. If a parent has signed a permanent relinquishment in the~~
13 ~~presence of a court of this state pursuant to Section 7503 2.3 of~~
14 ~~this title, the court may exercise jurisdiction to issue an order~~
15 ~~terminating the parental rights of the parent to the child pursuant~~
16 ~~to Section 7503 2.3 of this title.~~

17 ~~3. A court of this state may exercise jurisdiction to issue a~~
18 ~~temporary order of custody pursuant to Section 7503 4.1 of this~~
19 ~~title for:~~

- 20 a. ~~a minor born in this state, or~~
- 21 b. ~~a minor brought into this state in compliance with the~~
22 ~~Interstate Compact on the Placement of Children, if~~
23 ~~the court is exercising jurisdiction pursuant to this~~

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1 ~~section over an adoption proceeding concerning the~~
2 ~~minor that is pending before the court.~~

3 ~~4. If the court does not have jurisdiction over an adoption~~
4 ~~proceeding pursuant to subsection A of this section, any order~~
5 ~~issued pursuant to this subsection shall include a finding by the~~
6 ~~court that states that the court is declining jurisdiction over the~~
7 ~~adoption proceeding and is deferring jurisdiction to the more~~
8 ~~appropriate state.~~

9 ~~C. Except as otherwise provided by this section, a court of~~
10 ~~this state shall not exercise jurisdiction over a proceeding for~~
11 ~~adoption of a minor or for termination of parental rights brought~~
12 ~~pursuant to Section 7505 2.1 or 7505 4.1 of this title if, at the~~
13 ~~time the petition for adoption or termination is filed:~~

14 ~~1. Another court of this state is exercising jurisdiction~~
15 ~~pursuant to Section 7002-1.1 of this title, unless after notice to~~
16 ~~the parties to such deprived action, the written consent of such~~
17 ~~court is obtained and filed in the adoption proceeding, or,~~

18 ~~2. A proceeding concerning the custody or adoption of the minor~~
19 ~~is pending in a court of another state exercising jurisdiction~~
20 ~~substantially in conformity with the Uniform Child Custody~~
21 ~~Jurisdiction Act, the Uniform Child Custody Jurisdiction and~~
22 ~~Enforcement Act or the Oklahoma Adoption Code, unless the proceeding~~
23 ~~is stayed by the court of the other state because this state is a~~
24 ~~more appropriate forum or for another reason.~~

1 ~~D. In any instance when a court of this state is exercising~~
2 ~~jurisdiction over a proceeding for adoption of a minor who is a~~
3 ~~resident of this state by adoptive parents who are not legal~~
4 ~~residents of this state at the time of the filing of the petition~~
5 ~~for adoption, the court shall require, prior to the granting of a~~
6 ~~final decree of adoption, either proof of compliance with the~~
7 ~~Interstate Compact on the Placement of Children or verification that~~
8 ~~this adoptive placement is otherwise exempt from the Interstate~~
9 ~~Compact on the Placement of Children.~~

10 ~~E. If a court of another state has issued a decree or order~~
11 ~~concerning the custody of a minor who may be the subject of a~~
12 ~~proceeding for adoption or for termination of parental rights~~
13 ~~brought pursuant to Section 7505-2.1 or 7505-4.1 of this title in~~
14 ~~this state, a court of this state shall not exercise jurisdiction~~
15 ~~over a proceeding for adoption or termination of parental rights of~~
16 ~~the minor unless:~~

17 ~~1. The court of this state finds that the court of the state~~
18 ~~which issued the decree or order:~~

19 ~~a. does not have continuing jurisdiction to modify the~~
20 ~~decree or order under the law of the state which~~
21 ~~issued the decree or order or has declined to assume~~
22 ~~jurisdiction to modify the decree or order, or~~

23 ~~b. does not have jurisdiction over a proceeding for~~
24 ~~adoption substantially in conformity with paragraphs 1~~

1 ~~through 4 of subsection A of this section or has~~
2 ~~declined to assume jurisdiction over a proceeding for~~
3 ~~adoption, and~~

4 ~~2. The court of this state has jurisdiction pursuant to this~~
5 ~~section over the proceeding for adoption or termination of parental~~
6 ~~rights shall be governed by the Uniform Child Custody Jurisdiction~~
7 ~~and Enforcement Act as provided in Sections 551-101 through 551-402~~
8 ~~of Title 43 of the Oklahoma Statutes.~~

9 SECTION 3. AMENDATORY 10 O.S. 2001, Section 7504-1.2, as
10 amended by Section 1, Chapter 324, O.S.L. 2010 (10 O.S. Supp. 2010,
11 Section 7504-1.2), is amended to read as follows:

12 Section 7504-1.2. A. Whenever the disclosure of medical and
13 social history is permitted under this section, all identifying
14 information shall be deleted from the copy of the report or record
15 that is disclosed, unless the court, Department, agency, attorney,
16 or person authorized to disclose information by this section has
17 been informed in writing by both a biological parent and an adoptive
18 parent or prospective adoptive parent of their mutual agreement to
19 share identifying information. When such an agreement has been
20 made, identifying information shall be released only to the extent
21 specifically permitted by the written agreement. When a minor is in
22 the legal custody of the Department, medical and social history may
23 be disclosed to the prospective adoptive parent without any
24 agreement and without redacting identifying information when the

1 prospective adoptive parent is a kinship or relative caregiver for
2 the minor, or the minor has lived in the prospective adoptive
3 parent's home for two (2) or more years, unless the Department
4 determines redaction of such information is in the best interest of
5 the child.

6 B. As early as practicable before the first meeting of the
7 prospective adoptive parent with a minor and before the prospective
8 adoptive parent accepts physical custody of the minor, the
9 Department or child-placing agency that is placing the minor for
10 adoption, or the attorney for the adoptive parent in a direct
11 placement adoption, or the person who is placing the minor for
12 adoption in a direct placement adoption in which the adoptive parent
13 is not represented by an attorney, shall furnish to the prospective
14 adoptive parent a copy of the medical and social history report,
15 containing all of the medical and social history information and
16 records regarding the minor reasonably available at that time. If
17 placement of the minor with the prospective adoptive parent does not
18 subsequently occur, the prospective adoptive parent shall return the
19 medical and social history report to the Department, agency,
20 attorney or other person who furnished it to the prospective
21 adoptive parent.

22 C. Before a hearing on the petition for adoption, the
23 Department or child-placing agency that placed the minor for
24 adoption, or the attorney for the adoptive parent in a direct

1 placement adoption, or the person who placed the minor for adoption
2 in a direct placement adoption in which the adoptive parent is
3 unrepresented, shall furnish to the adoptive parent a supplemental
4 written report containing information or records required by Section
5 7505-1.1 of this title, which was unavailable before the minor was
6 placed for adoption, but which becomes reasonably available to the
7 Department, agency, attorney, or person who placed the minor after
8 the placement.

9 D. A petition for adoption may not be granted until a copy of
10 the medical and social history report is filed with the court. If
11 the court finds that information or records required by Section
12 7505-1.1 of this title cannot be obtained by the reasonable efforts
13 of the Department or child-placing agency placing the minor, or by
14 the attorney for the adoptive parent in a direct placement adoption,
15 or by the person who placed the minor for adoption in a direct
16 placement adoption in which the adopted parent is unrepresented, the
17 court may accept the report and proceed with the adoption.

18 E. 1. Any additional information about an adopted person, the
19 adopted person's biological parents, or the adopted person's genetic
20 history that is submitted to the clerk of the district court that
21 issues the final decree of adoption, before or after the final
22 decree of adoption is issued, shall be made a part of the court's
23 permanent record of the adoption, pursuant to Section 7505-1.1 of
24

1 this title. No filing fee shall be charged for filing this
2 supplemental information with the court clerk.

3 2. An adoptive parent, a biological parent, or an adult adopted
4 person may file with the clerk of the district court that issued the
5 final decree of adoption a notice of the individual's current
6 mailing address. A legal guardian of an adopted minor may file with
7 the clerk of the district court that issued the final decree of
8 adoption a notice of the guardian's current mailing address and
9 proof of legal guardianship. No filing fee shall be charged for
10 filing this notification of address or guardianship with the court
11 clerk.

12 3. Upon filing with the court clerk supplemental information
13 concerning the biological parents or the adopted person's genetic
14 history, the court clerk shall send notice by ordinary mail, at the
15 most recent address, if any, listed in the court records, to the
16 adoptive parent or legal guardian of a minor adopted person or to
17 the adult adopted person. The notice shall state that supplemental
18 information has been received and is available from the court clerk
19 upon request.

20 4. Upon filing with the court clerk supplemental information
21 concerning the adopted person that may be genetically significant
22 for a biological parent or biological relative, the court clerk
23 shall send notice by ordinary mail, at the most recent address, if
24 any, listed in the court records, to the biological parent. The

1 notice shall state that supplemental information has been received
2 and is available from the court clerk upon request.

3 F. If any additional information about an adopted person, the
4 adopted person's biological parents, or the adopted person's genetic
5 history is submitted to the Department, agency, attorney, or person
6 who prepared the original report, the Department, agency, attorney,
7 or person shall:

8 1. Retain this supplemental information with their other
9 records of the adoption for as long as these records are maintained;

10 2. File a copy of the supplemental information with the clerk
11 of the court that issued the decree of adoption, to be made a part
12 of the court's permanent record of the adoption pursuant to
13 subsection E of this section; and

14 3. Furnish a copy of the supplemental information to:

15 a. the adoptive parent or current legal guardian of the
16 child, if the adopted person is under the age of
17 eighteen (18), or the adult adopted person, if the
18 location of the adoptive parent, guardian or adult
19 adopted person is known to the Department, agency,
20 attorney, or person, or

21 b. the biological parents, if the supplemental
22 information is submitted by an adoptive parent or
23 adopted person and concerns genetically significant
24 information about the adopted person that is relevant

1 to the health or childbearing decisions of the
2 biological parents or other biological relatives, if
3 the location of the biological parents is known to the
4 Department, agency, attorney, or person.

5 G. 1. The clerk of the district court that issues the final
6 adoption decree or the Department, agency, attorney, or person who
7 prepared the medical and social history report shall provide a copy
8 of the medical and social history report and any additional medical
9 and social history information in its possession to the following
10 persons upon request:

- 11 a. the adoptive parent or legal guardian of a minor
12 adopted person,
- 13 b. an adopted person who has attained eighteen (18) years
14 of age, and
- 15 c. an adult whose biological mother's and biological
16 father's parental rights were terminated and who was
17 never adopted.

18 2. The clerk of the district court that issues the final
19 adoption decree or the Department, agency, attorney, or person who
20 prepared the medical and social history report shall provide a copy
21 of the medical report and any additional medical information in its
22 possession to the following persons upon request:

- 23 a. an adult direct descendant of a deceased adopted
24 person or of a deceased person whose biological

1 mother's and biological father's parental rights were
2 terminated and who was never adopted, and

- 3 b. the parent or guardian of a minor direct descendant of
4 a deceased adopted person or of a deceased person
5 whose biological mother's and biological father's
6 rights were terminated and who was never adopted.

7 3. The clerk of the district court that issues the final
8 adoption decree or the Department, child-placing agency, attorney,
9 or person who prepared the medical and social history report shall
10 provide to the following persons upon request, a copy of genetically
11 significant supplemental information about an adopted person, or
12 about a person whose parents' parental rights were terminated, which
13 became available subsequent to the issuance of the decree of
14 adoption or termination order:

- 15 a. a biological parent or biological relative of an
16 adopted person, and
17 b. a biological parent or biological relative of a person
18 whose biological mother's and biological father's
19 rights were terminated and who was never adopted.

20 4. The clerk of the district court that issues the final
21 adoption decree shall provide a copy of any medical and social
22 history information contained in the court records to the
23 Department, or child-placing agency that placed the minor for
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1 adoption or to the attorney representing the adoptive parent upon
2 request.

3 5. A copy of the report and supplemental medical and social
4 history information may not be furnished under this subsection to a
5 person who cannot furnish satisfactory proof of identity and legal
6 entitlement to receive a copy.

7 6. A person requesting a copy of a report or other medical and
8 social history information under this subsection shall pay only the
9 actual and reasonable costs of providing the copy.

10 H. The Department, a child-placing agency, or an attorney for
11 an adoptive parent who facilitated or participated in an adoption
12 proceeding prior to the effective date of this act shall be subject
13 to the same requirements and duties set forth in subsections F and G
14 of this section that are required in those subsections for the
15 Department, agency, or attorney who prepared the medical or social
16 history.

17 I. In consideration of a request for the disclosure of birth-
18 parent medical records to an adult adoptee, the court shall
19 authorize the disclosure of such records only if the rights of the
20 adult adoptee to the information outweigh the privacy rights of the
21 birth parent.

22 SECTION 4. AMENDATORY 10 O.S. 2001, Section 7505-1.1, is
23 amended to read as follows:

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1 Section 7505-1.1. A. Unless otherwise ordered by the district
2 court exercising jurisdiction over the adoption proceeding, all
3 hearings held in proceedings pursuant to the Oklahoma Adoption Code
4 shall be confidential and shall be held in closed court without
5 admittance of any person other than interested parties and their
6 counsel.

7 B. All papers, records, and books of proceedings in adoption
8 cases and any papers, records, and books relating to such
9 proceedings:

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

12 2. Shall be confidential and shall not be open to inspection or
13 copy except as authorized in Sections 7504-1.2, 7505-3.2, 7505-6.6,
14 7508-1.2 and 7508-1.3 of this title or upon order of a court of
15 record for good cause shown.

16 C. Upon application and notice to the person or agency in whose
17 possession the records being sought are held, and for good cause
18 being shown, any court of record may, by written order reciting its
19 findings, permit the necessary information to be released, or may
20 restrict the purposes for which it shall be used. The findings
21 shall include the reasons the information being sought cannot be
22 obtained through the methods authorized by Sections 7504-1.2, 7505-
23 3.2, 7505-6.6, 7508-1.2 and 7508-1.3 of this title.

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1 D. The provisions of this section shall not prohibit persons
2 employed by the court, the Department of Human Services, a child-
3 placing agency, an attorney participating or assisting in a direct
4 placement adoption or any physician, minister or other person or
5 entity assisting or participating in an adoption from providing
6 partial or complete identifying information between a biological
7 parent and prospective adoptive or adoptive parent if a biological
8 parent and a prospective adoptive or adoptive parent mutually agree
9 to share specific identifying information and each gives written,
10 signed notice of their agreement to the court, the Department of
11 Human Services, the child-placing agency, or any attorney
12 participating or assisting in the direct placement adoption pursuant
13 to the Oklahoma Adoption Code.

14 E. Any person in charge of adoption records or having access to
15 adoption records or information who discloses any information,
16 including, but not limited to, all records and reports relevant to
17 the case and any records and reports of examination of the minor's
18 parent or other custodian pertaining to an adoption proceeding,
19 contrary to the provisions of this section, upon conviction thereof,
20 shall be guilty of a misdemeanor.

21 SECTION 5. AMENDATORY 10 O.S. 2001, Section 7505-3.1, is
22 amended to read as follows:

23 Section 7505-3.1. A. A petition for adoption shall be verified
24 by the petitioner, and shall specify:

- 1 1. The full names, ages and places of residence of the
2 petitioner or petitioners and, if married, the place and date of the
3 marriage;
- 4 2. When the petitioner acquired or intends to acquire custody
5 of the minor and from what person or agency custody is to be
6 acquired;
- 7 3. The date, place of birth, gender and race of the minor;
- 8 4. The name used for the minor in the proceeding and, if a
9 change in name is desired, the new name requested;
- 10 5. That it is the desire of the petitioner that the
11 relationship of parent and child be established between the
12 petitioner and the minor;
- 13 6. A full description and statement of value of all property
14 owned or possessed by the minor, if any;
- 15 7. The name or relationship of the minor to any individual who
16 has executed a consent, extrajudicial consent for adoption or a
17 permanent relinquishment to the adoption, and the name or
18 relationship to the minor of any individual whose consent,
19 extrajudicial consent for adoption or permanent relinquishment may
20 be required, and any fact or circumstance that may excuse the lack
21 of consent;
- 22 8. That a previous petition by the petitioner to adopt has or
23 has not been made in any court, and its disposition;

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1 9. That a copy of the preplacement home study completed
2 pursuant to subsection A of Sections 7505-5.1 and 7505-5.3 of this
3 title is attached to or filed with the petition. If the
4 preplacement home study has not been completed, the petition shall
5 specify that a waiver has been signed by a court pursuant to
6 subsection B of Section 7505-5.1 of this title, and that a copy of
7 the waiver is attached to or filed with the petition; or shall
8 include a statement regarding why the preplacement home study is not
9 required pursuant to subsection C of Section 7505-5.1 of this title;
10 or shall specify that the minor is not yet in the physical custody
11 of the petitioner;

12 10. Whether any other home study or professional custody
13 evaluation has been conducted regarding one or both of the
14 petitioners, whether performed for this adoption or for any other
15 purpose. If such a study or evaluation has been completed, a copy
16 of the study or evaluation shall be attached to the petition, if
17 reasonably available;

18 11. A description of any previous court order, litigation or
19 pending proceeding known to the petitioner concerning custody of or
20 visitation with the minor or adoption of the minor and any other
21 fact known to the petitioner and needed to establish the
22 jurisdiction of the court;

23 12. The county in which the minor is currently residing, the
24 places where the minor has lived within the last five (5) years and

1 the name and present addresses, if known, of the persons with whom
2 the minor has lived during that period, and the name of any person,
3 if known, not a party to the proceeding who has physical custody of
4 the minor or claims to have custody or visitation rights with
5 respect to the minor; and

6 13. A statement that to the best of the petitioner's actual
7 knowledge and belief, as of the date of filing, the minor is or is
8 not an Indian child, as defined by the Oklahoma Indian Child Welfare
9 Act, and identification of the minor's known or suspected Indian
10 tribe, if any. If the minor is an Indian child, as defined by the
11 Oklahoma Indian Child Welfare Act, the petition shall specify that
12 the requirements of the Oklahoma Indian Child Welfare Act have been
13 met pursuant to Sections 40 through 40.9 of this title. In
14 addition, the attorney shall provide notice to the parents or to the
15 Indian custodians, if any, and to the tribe that is or may be the
16 tribe of the Indian child pursuant to Section 40.4 of this title.

17 B. Any written consent, extrajudicial consent for adoption or
18 permanent relinquishment required by the Oklahoma Adoption Code may
19 be attached to the petition, or may be filed, after the filing of
20 the petition.

21 C. 1. The Administrative Director of the Courts (ADC) shall
22 develop a form no later than February 1, 2012, to be used to collect
23 data related to the adoption of each child. At the time of the
24 filing of the final decree of adoption, each court clerk shall

1 collect demographic data related to the adoption and shall make an
2 annual report to be delivered to the ADC no later than February 15
3 of each year. The ADC shall deliver all information received
4 pursuant to this section to the Department of Human Services no
5 later than March 15 of each year. The Department of Human Services
6 shall compile the information and make available to the public all
7 adoption-related information received.

8 2. The following information shall be included in the form to
9 be developed by the ADC:

- 10 a. the age of each child at the time of the adoption,
- 11 b. the gender of each child,
- 12 c. the ethnicity of each child,
- 13 d. the status of the adoptive parent, such as a relative
14 adoption, adoption by a married couple, or adoption by
15 a single parent,
- 16 e. the type of adoption services provider, such as the
17 Department of Human Services, a licensed child-
18 placement agency, an attorney, or a tribe, and
- 19 f. whether it is a domestic adoption subject to the
20 requirements of the Oklahoma Indian Child Welfare Act,
21 or the Interstate Compact on the Placement of
22 Children, or an international adoption to include the
23 country of origin.

24

1 SECTION 6. AMENDATORY 10 O.S. 2001, Section 7505-3.2, as
2 last amended by Section 2, Chapter 288, O.S.L. 2009 (10 O.S. Supp.
3 2010, Section 7505-3.2), is amended to read as follows:

4 Section 7505-3.2. A. 1. An affidavit shall be attached to the
5 petition for adoption, or may be filed after the filing of the
6 petition for adoption, but prior to the final decree of adoption,
7 which discloses to the court all of the costs, funds, or monies
8 expended by the adoptive family or expected to be expended in
9 connection with the adoption of a minor.

10 2. No final decree of adoption shall be entered until the court
11 is satisfied that all costs and expenses have been disclosed, are
12 reasonable, and that the costs and expenses do not violate the
13 provisions of subsection B of this section. Upon its review of the
14 affidavit of monies expended, the court shall in writing disapprove
15 any expenditure that the court deems unreasonable or in violation of
16 Sections 865 through 869 of Title 21 of the Oklahoma Statutes and,
17 to the extent necessary to comply with Oklahoma law, shall order
18 reimbursement of any consideration given in violation of Sections
19 865 through 869 of Title 21 of the Oklahoma Statutes. Payments made
20 pursuant to this section shall not be a violation of Sections 865
21 through 869 of Title 21 of the Oklahoma Statutes.

22 B. 1. Except as otherwise specifically provided by law, the
23 following list of adoption-related costs and expenses specified in
24

1 this paragraph may be deemed proper items for a person to pay in
2 connection with an adoption:

- 3 a. reasonable attorney fees and court costs,
- 4 b. reasonable medical expenses for birth mother and minor
5 to be adopted,
- 6 c. reasonable adoption counseling expenses for birth
7 parents before and after the birth of the minor, not
8 to exceed six (6) months from placement of the minor,
- 9 d. reasonable fees of a licensed child-placement agency,
10 including social service fees,
- 11 e. (1) reasonable and necessary living expenses for
12 housing, food, clothing, utilities, and other
13 necessities of the birth mother that are incurred
14 during the adoption planning process or during
15 the pregnancy, not to exceed two (2) months after
16 the birth of the minor or after the consent or
17 relinquishment of the birth mother. Reasonable
18 and necessary living expenses include but are not
19 limited to:
 - 20 (a) housing expenses,
 - 21 (b) utilities, such as electric, gas, water, or
22 telephone bills,

1 (c) food for the birth mother and any minor
2 child of the birth mother residing in the
3 home of the birth mother,

4 (d) travel expenses for transportation to
5 support the pregnancy, such as gasoline, bus
6 fares, or providing for the temporary use of
7 a vehicle during the pregnancy, and

8 (e) child care or foster care for any minor
9 child of the birth mother associated with
10 pregnancy-related medical care.

11 (2) Reasonable and necessary living expenses shall
12 not include:

13 (a) any expenses met by existing resources of
14 the birth mother,

15 (b) any expenses used for the support of family
16 members who are not minor children of the
17 mother,

18 (c) any expenses for recreational or leisure
19 activities, and

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

21 ~~f. reasonable costs for travel or transportation of the~~
22 ~~birth mother or minor as same is incurred for medical~~
23 ~~or adoption placement needs,~~

24 ~~g. reasonable expenses for a home study, and~~

1 g. reasonable and necessary costs associated with an
2 international adoption,

3 h. reasonable expenses legally required by any
4 governmental entity related to the adoption of a
5 minor, and

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

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

15 3. The provisions of this subsection shall apply to living and
16 transportation expenses incurred after the biological mother of the
17 minor contacts the child-placing agency or attorney for adoption
18 services.

19 4. The provisions of this subsection shall not prohibit a court
20 from extending any time period, or including any additional costs
21 and expenses in connection with an adoption other than those
22 specified in this subsection based on unusual circumstances or need.

23 5. Except as otherwise ordered by the court except for good
24 cause shown, all payments made pursuant to this section shall be

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

9 C. Any person, attorney, or licensed child-placement agency
10 desiring to pay living and transportation expenses ~~to or~~ on behalf
11 of a birth ~~parent~~ mother is authorized to expend an initial amount
12 not to exceed ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars
13 (\$1,000.00) plus deposits for housing and utilities for such costs
14 and expenses without first obtaining court approval as required by
15 paragraph 1 of subsection D of this section. Any such costs and
16 expenses shall be disclosed as is otherwise required by the Oklahoma
17 Adoption Code.

18 D. 1. Except for the amount authorized by subsection C of this
19 section, the payment of any living or transportation expenses for
20 benefit of the birth mother as authorized in ~~subparagraphs~~
21 subparagraph e and f of paragraph 1 of subsection B of this ~~title~~
22 section shall be approved in advance by the court.

23 2. The person, attorney, or licensed child-placing agency
24 desiring to pay living or transportation expenses on behalf of a

1 birth mother which exceed the amount in subsection C of this section
2 shall file a petition for an order approving payment of adoption-
3 related expenses.

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

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

15 5. The petition shall be heard by the court within ten (10)
16 days of filing. The court clerk shall charge the same cost for a
17 petition for payment of expenses as is charged for the filing of an
18 adoption petition. In the event an adoption petition is later filed
19 in the same county, the adoption petition shall be filed as an
20 amended petition within the same case in which payment for expenses
21 was approved and no additional court costs shall be required. In
22 the event a petition for preadoption termination of parental rights
23 is later filed in the same county, the court clerk shall not assess
24

1 an additional filing fee and may use the same case number as for the
2 petition for adoption.

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

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

- 19 a. retainer fees, the hourly rate, and the number of
20 hours billed for the adoption,
21 b. any fee charged for preplacement or other home studies
22 of any prospective birth parents, regardless of
23 whether the home study was performed by an outside
24 agency,

- 1 c. any costs, fees or expenses or any other thing of
2 value paid to or on behalf of the birth parents
3 related to the adoption of a minor by any party other
4 than the adoptive parents, and
- 5 d. any other fees and expenses related to the adoption
6 not otherwise specifically listed in this section.

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

15 SECTION 7. AMENDATORY 10 O.S. 2001, Section 7505-5.1, as
16 last amended by Section 3, Chapter 288, O.S.L. 2009 (10 O.S. Supp.
17 2010, Section 7505-5.1), is amended to read as follows:

18 Section 7505-5.1. A. Except as otherwise provided in this
19 section, only a person for whom a favorable written preplacement
20 home study has been prepared may accept custody of a minor for
21 purposes of adoption. A preplacement home study is favorable if it
22 contains a finding that the person is suited to be an adoptive
23 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 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, or if the minor has been residing with a birth
6 parent's spouse for not less than one (1) year as of the date the
7 petition for adoption is filed, but a home study of the relative or
8 stepparent is required during the pendency of a proceeding for
9 adoption. If the minor resides with a birth parent and the birth
10 parent's spouse, and the birth parent's spouse has filed a petition
11 for adoption, no home study shall be required.

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

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

19 2. Child abuse or neglect;

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

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

1 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 8. AMENDATORY 10 O.S. 2001, Section 7505-5.4, is
7 amended to read as follows:

8 Section 7505-5.4. A. Home studies satisfying Sections 7505-
9 5.1, 7505-5.2 and 7505-5.3 of this title must be conducted and the
10 reports prepared only by the following persons or agencies:

- 11 1. The agency having custody or legal guardianship of the
12 child;
- 13 2. The Department of Human Services;
- 14 3. A licensed child-placing agency; or
- 15 4. A person designated by the court who does not have an
16 interest in the outcome of the home study and who meets one of the
17 following qualifications:

- 18 a. ~~a master's degree in social work and one (1) year of~~
19 ~~experience in children's services~~ Licensed Clinical
20 Social Worker (LCSW),
- 21 b. ~~a member of the Academy of Certified Social Workers~~
22 ~~(ACSW) and one (1) year of experience in children's~~
23 ~~services~~ Licensed Professional Counselor (LPC),

24

1 c. ~~a master's degree in a behavioral or social science~~
2 ~~and two (2) years' experience in children's services~~
3 Licensed Marriage and Family Therapist (LMFT),

4 d. a doctorate in a behavioral or social science and one
5 (1) year of experience in children's services, or

6 e. is a member of the clergy with two (2) years of
7 experience in family counseling, ~~or~~

8 ~~5. A person who is supervised by a person described in~~
9 ~~paragraph 4 of this subsection, and who meets one of the following~~
10 ~~qualifications:~~

11 a. ~~a bachelor's degree in social work, or~~

12 b. ~~a bachelor's degree in behavioral or social science~~
13 ~~and one (1) year of experience in children's or family~~
14 ~~services and is not the clergy for the adoptive~~
15 ~~parents.~~

16 B. Persons satisfying the qualifications listed in ~~paragraphs~~
17 paragraph 4 and 5 of subsection A of this section shall attend and
18 satisfactorily complete at least once every three (3) years a
19 minimum of a three-hour course in home study preparation and
20 adoption trends taught by a licensed child-placing agency, by the
21 Department of Human Services, a statewide organization composed of
22 public and private adoption professionals, or by a college or
23 university. Documentation of having met this educational
24

1 requirement shall be provided by the person to the court or others
2 upon request.

3 C. The court may order agencies named in subsection A of this
4 section located in one or more counties to make separate
5 investigations on separate parts of the inquiry, as may be
6 appropriate.

7 D. The Department of Human Services shall not be required by
8 the court to make a home study and report to the court on adoptive
9 placements made by private adoption agencies or persons providing
10 private adoption services.

11 SECTION 9. AMENDATORY 10 O.S. 2001, Section 7508-1.1, is
12 amended to read as follows:

13 Section 7508-1.1. A. All records of any adoption finalized in
14 this state shall be maintained for ~~twenty two (22)~~ ninety-nine (99)
15 years by the child-placing agency, entity, organization or person
16 arranging or facilitating the adoption.

17 B. Child-placing agencies, attorneys, or other entities that
18 facilitate adoptions who cease to operate or to practice in this
19 state shall transfer their adoption records to the Department of
20 Human Services, Adoption Division, or, after giving notice to the
21 Department of Human Services, to a transferee agency that is
22 assuming responsibility for the preservation of the agency's
23 adoption records.

24

1 SECTION 10. AMENDATORY 10 O.S. 2001, Section 7005-1.3,
2 as renumbered by Section 271, Chapter 233, O.S.L. 2009, and as last
3 amended by Section 14, Chapter 278, O.S.L. 2010 (10A O.S. Supp.
4 2010, Section 1-6-103), is amended to read as follows:

5 Section 1-6-103. A. Juvenile court records and Department of
6 Human Services agency records pertaining to a child may be
7 inspected, and their contents shall be disclosed, without a court
8 order to the following persons upon showing of proper credentials
9 and pursuant to their lawful duties:

10 1. The court having the child currently before it in any
11 proceeding pursuant to this title, any district court or tribal
12 court to which such proceedings may be transferred, employees and
13 officers of the court in the performance of their duties, including
14 but not limited to guardians ad litem appointed by the court, and
15 court-appointed special advocates;

16 2. A district attorney, United States Attorney, or Attorney
17 General of this or another state and the employees of such offices
18 in the course of their official duties pursuant to this title or the
19 prosecution of crimes against children, or upon their request in
20 their official capacity as advisor in a grand jury proceeding;

21 3. The attorney representing a child who is the subject of a
22 proceeding pursuant to the provisions of this title or other
23 proceeding where child custody or visitation is at issue;

24

1 4. Employees of juvenile bureaus in the course of their
2 official duties pursuant to this title, and employees of the
3 Department of Human Services in the course of their official duties;

4 5. Employees of a law enforcement agency of this or another
5 state or military enclave and employees of a child protective
6 service of another state or military enclave in the course of their
7 official duties pertaining to investigations of a report of known or
8 suspected child abuse or neglect or crimes against children or for
9 the purpose of determining whether to place a child in protective
10 custody;

11 6. The Oklahoma Commission on Children and Youth as provided by
12 Sections 601.2 and 601.6 of Title 10 of the Oklahoma Statutes;

13 7. The Office of Juvenile Affairs;

14 8. A federally recognized Indian tribe in which the child who
15 is the subject of the record is a member or is eligible to become a
16 member of the tribe and is the biological child of a member of an
17 Indian tribe pursuant to the provisions of the Federal Indian Child
18 Welfare Act and the Oklahoma Indian Child Welfare Act; provided such
19 Indian tribe, in the course of its official duties, is:

20 a. investigating a report of known or suspected child
21 abuse or neglect or crimes against children or for the
22 purpose of determining whether to place a child in
23 protective custody,

24

- 1 b. providing services to or for the benefit of a child
2 including, but not limited to, protective, emergency,
3 social and medical services, or
- 4 c. the tribe, the tribal court or the tribal child
5 welfare program has asserted jurisdiction or
6 intervened in any case in which the child is the
7 subject of the proceedings or is a party to the
8 proceedings pursuant to the authority provided in the
9 Oklahoma Indian Child Welfare Act.

10 The records that are to be provided to Indian tribes under this
11 subsection shall include all case records, reports, and documents as
12 defined in Section 1-6-101 of this title;

13 9. The Governor or to any person the Governor designates, in
14 writing;

15 10. Any federal official of the United States Department of
16 Health and Human Services;

17 11. Any member of the Legislature approved in writing by the
18 Speaker of the House of Representatives or the President Pro Tempore
19 of the Senate;

20 12. A foster parent, with regard to records concerning the
21 social, medical, psychological, or educational needs of a child
22 currently placed with that foster parent or of a child being
23 considered for placement with that foster parent;

1 13. An employee of any state or federal corrections or law
2 enforcement agency in the performance of the official duties of the
3 employee concerning presentence investigations or supervision of a
4 parent of an alleged or adjudicated deprived child, or the legal
5 guardian, custodian, or any other adult member of the child's home
6 who is responsible for the health, safety, or welfare of the child;
7 and

8 14. An employee of a state agency of this or another state in
9 the performance of the official duties of the employee concerning
10 the establishment of paternity or the establishment or enforcement
11 of a child support order or other entitlement for the benefit of a
12 child; provided, disclosure shall be limited to information directly
13 related to the purpose of such disclosure.

14 B. In addition to the persons listed in subsection A of this
15 section, juvenile court records may be inspected, and their contents
16 shall be disclosed, without a court order to the following persons
17 upon showing of proper credentials and pursuant to their lawful
18 duties:

19 1. Employees of court-appointed special advocate programs, as
20 defined in Section 1-1-105 of this title, in the course of their
21 official duties pertaining to recruiting, screening, training,
22 assigning cases, supervising, and supporting volunteers in their
23 roles as guardian ad litem pursuant to Section 1-4-306 of this
24 title;

1 2. Members of postadjudication review boards established
2 pursuant to the provisions of Section 1116.2 of Title 10 of the
3 Oklahoma Statutes, the Child Death Review Board, and
4 multidisciplinary personnel. In addition to juvenile court records,
5 members of such postadjudication review boards may inspect, without
6 a court order, information that includes, but is not limited to:

- 7 a. psychological and medical records,
- 8 b. placement history and information, including the names
9 and addresses of foster parents,
- 10 c. family assessments,
- 11 d. treatment or service plans, and
- 12 e. school records;

13 3. The Department of Human Services or other public or private
14 agency or individual having court-ordered custody or physical
15 custody pursuant to Department placement of the child who is the
16 subject of the record;

17 4. The child who is the subject of the record and the parents,
18 legal guardian, custodian, or foster parent of such child; ~~and~~

19 5. A person authorized by the court to conduct bona fide
20 research, provided such research may not publish the names or
21 identities of parents, children, or other persons contained in the
22 records; and

23 6. An employee of an out-of-state entity which is licensed to
24 perform home studies or adoptions in that state. Provided, however,

1 the Department of Human Services shall limit disclosure to
2 confirmation as to whether the parent has had parental rights to a
3 child in Oklahoma terminated or whether the parent has relinquished
4 parental rights to a child in Oklahoma.

5 C. In addition to the persons and entities named in subsection
6 A of this section, Department of Human Services agency records may
7 be inspected, and their contents shall be disclosed, without a court
8 order to the following persons upon showing of proper credentials
9 and pursuant to their lawful duties:

10 1. Postadjudicatory review boards, court-appointed special
11 advocates, and members of the Child Death Review Board;

12 2. Any district court which has ordered a home study by the
13 Department in an action for divorce, annulment, custody of a child,
14 or appointment of a legal guardian of a child, or any subsequent
15 proceeding in such actions; provided, however, the Department may
16 limit disclosure in the home study to summaries or to information
17 directly related to the purpose of the disclosure;

18 3. Members of multidisciplinary teams or multidisciplinary
19 personnel designated by the Department, investigating a report of
20 known or suspected child abuse or neglect or providing services to a
21 child or family which is the subject of the report;

22 4. A physician who has before him or her a child whom the
23 physician reasonably suspects may be abused or neglected or any
24 health care or mental health professionals involved in the

1 evaluation or treatment of the child or the parents, legal guardian,
2 foster parent, custodian, or other family members of the child;

3 5. Any public or private agency or person authorized by the
4 Department to diagnose, or provide care, treatment, supervision, or
5 other services to a child who is the subject of a report or record
6 of child abuse or neglect; provided, the Department may limit such
7 disclosure to summaries or to information directly necessary for the
8 purpose of such disclosure;

9 6. Any person or agency for research purposes, if all of the
10 following conditions are met:

11 a. the person or agency conducting the research is
12 employed by the State of Oklahoma or is under contract
13 with this state and is authorized by the Department to
14 conduct the research, and

15 b. the person or agency conducting the research ensures
16 that all documents containing identifying information
17 are maintained in secure locations and access to the
18 documents by unauthorized persons is prohibited; that
19 no identifying information is included in documents
20 generated from the research conducted; and that all
21 identifying information is deleted from documents used
22 in the research when the research is completed;

23 7. The Oklahoma Health Care Authority; and

24

1 8. A medical examiner when such person is determining the cause
2 of death of a child.

3 D. In accordance with the rules promulgated for such purpose
4 pursuant to Section 620.6 of ~~this title~~ Title 10 of the Oklahoma
5 Statutes, records listed in subsection A of Section 1-6-102 of this
6 title may be inspected and their contents disclosed without a court
7 order to participating agencies.

8 E. Nothing in this section shall be construed as prohibiting
9 the Department from disclosing such confidential information as may
10 be necessary to secure appropriate care, treatment, protection or
11 supervision of a child alleged to be abused or neglected.

12 SECTION 11. AMENDATORY 21 O.S. 2001, Section 866, as
13 last amended by Section 4, Chapter 107, O.S.L. 2009 (21 O.S. Supp.
14 2010, Section 866), is amended to read as follows:

15 Section 866. A. 1. The crime of trafficking in children is
16 defined to consist of any of the following acts or any part thereof:

17 a. the acceptance, solicitation, offer, payment or
18 transfer of any compensation, in money, property or
19 other thing of value, at any time, by any person in
20 connection with the acquisition or transfer of the
21 legal or physical custody or adoption of a minor
22 child, except as ordered by the court or except as
23 otherwise provided by Section 7505-3.2 of Title 10 of
24 the Oklahoma Statutes,

1 b. the acceptance or solicitation of any compensation, in
2 money, property or other thing of value, by any person
3 or organization for services performed, rendered or
4 purported to be performed to facilitate or assist in
5 the adoption or foster care placement of a minor
6 child, except by the Department of Human Services, a
7 child-placing agency licensed in Oklahoma pursuant to
8 the Oklahoma Child Care Facilities Licensing Act, or
9 an attorney authorized to practice law in Oklahoma.
10 The provisions of this paragraph shall not prohibit an
11 attorney licensed to practice law in another state or
12 an out-of-state licensed child-placing agency from
13 receiving compensation when working with an attorney
14 licensed in this state who is, or when working with a
15 child-placing agency licensed in this state which is,
16 providing adoption services or other services
17 necessary for placing a child in an adoptive
18 arrangement,

19 c. bringing or causing to be brought into this state or
20 sending or causing to be sent outside this state any
21 child for the purpose of placing such child in a
22 foster home or for the adoption thereof and thereafter
23 refusing to comply upon request with the Interstate
24 Compact on the Placement of Children. Provided,

1 however, that this provision shall have no application
2 to the parent or guardian of the child nor to a person
3 bringing said child into this state for the purpose of
4 adopting the child into such person's own family,

5 d. the solicitation or receipt of any money or any other
6 thing of value for expenses related to the placement
7 of a child for the purpose of an adoption by the birth
8 parent of the child who at the time of the
9 solicitation or receipt had no intent to consent to
10 eventual adoption,

11 e. the solicitation or receipt of any money or any other
12 thing of value for expenses related to the placement
13 of a child for adoption by a woman who knows she is
14 not pregnant but who holds herself out to be pregnant
15 and offers to place a child upon birth for adoption,

16 f. (1) the receipt of any money or any other thing of
17 value for expenses related to the placement of a
18 child for adoption by a birth parent, child-
19 placing agency or attorney who receives, from one
20 or more parties, any money or any other thing of
21 value without disclosing to each prospective
22 adoptive parent, child-placing agency, and
23 attorney the receipt of any money or any other
24 thing of value immediately upon receipt,

1 (2) the solicitation or receipt of any money or any
2 other thing of value by a birth parent, an
3 attorney or child-placing agency for expenses
4 related to the placement of a child for the
5 purpose of adoption from more than one
6 prospective adoptive family for the adoption of
7 one child. A birth parent, child-placing agency
8 or attorney shall not represent that a child is,
9 or will be, available for adoption to more than
10 one prospective adoptive family at one time,

11 g. advertising of services for compensation to assist
12 with or effect the placement of a child for adoption
13 or for care in a foster home by any person or
14 organization except by the Department of Human
15 Services, or a child-placing agency licensed in this
16 state. Nothing in this paragraph shall prohibit an
17 attorney authorized to practice law in Oklahoma from
18 the advertisement of legal services related to the
19 adoption of children, and

20 h. ~~(1)~~ advertisements for and solicitation of a woman
21 who is pregnant to induce her to place her child
22 upon birth for adoption, except by a child-
23 placing agency licensed in this state or an
24 attorney authorized to practice law in Oklahoma.

1 Nothing in this section shall prohibit a person
2 from advertising to solicit a pregnant woman to
3 consider adoptive placement with the person or to
4 locate a child for an adoptive placement into the
5 person's own home, provided that such person has
6 received a favorable preplacement home study
7 recommendation in accordance with Section 7505-
8 5.1 of Title 10 of the Oklahoma Statutes, which
9 shall be verified by the signed written statement
10 of the person or agency which performed the home
11 study, and provided that no money or other thing
12 of value is offered as part of such an inducement
13 except as ordered by the court or except as
14 otherwise provided by Section 7505-3.2 of Title
15 10 of the Oklahoma Statutes.

16 ~~(2) Any person violating the provisions of this~~
17 ~~paragraph shall, upon conviction thereof, be~~
18 ~~guilty of a misdemeanor.~~

- 19 2. a. Except as otherwise provided by this ~~subsection~~
20 section, the violation of any of the subparagraphs in
21 paragraph 1 of this subsection shall constitute a
22 felony and shall be punishable by imprisonment of up
23 to ten (10) years or a fine of up to Ten Thousand
24

1 Dollars (\$10,000.00) per violation or both such fine
2 and imprisonment.

3 b. Prospective adoptive parents who violate subparagraph
4 a of paragraph 1 of this subsection, upon conviction
5 thereof, shall be guilty of a misdemeanor and may be
6 punished by a fine not to exceed Five Thousand Dollars
7 (\$5,000.00) per violation.

8 B. 1. No person shall knowingly publish for circulation within
9 the borders of the State of Oklahoma an advertisement of any kind in
10 any print, broadcast or electronic medium, including, but not
11 limited to, newspapers, magazines, telephone directories, handbills,
12 radio or television, which violates subparagraph g or h of paragraph
13 1 of subsection A of this section.

14 2. Any person violating the provisions of this subsection
15 shall, upon conviction thereof, be guilty of a misdemeanor and shall
16 be punished by a fine not to exceed Five Thousand Dollars
17 (\$5,000.00) per violation.

18 C. The payment or acceptance of costs and expenses listed in
19 Section 7505-3.2 of Title 10 of the Oklahoma Statutes shall not be a
20 violation of this section as long as the petitioner or birth parent
21 has complied with the applicable procedure specified in Section
22 7505-3.2 of Title 10 of the Oklahoma Statutes and such costs and
23 expenses are approved by the court.

24

1 D. Any person knowingly failing to file an affidavit of all
2 adoption costs and expenses before the final decree of adoption as
3 required by Sections 7505-3.2 and 7505-6.2 of Title 10 of the
4 Oklahoma Statutes shall be guilty of a misdemeanor.

5 SECTION 12. This act shall become effective November 1, 2011.

6 Passed the Senate the 10th day of March, 2011.

7

8

Presiding Officer of the Senate

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10 Passed the House of Representatives the ____ day of _____,
11 2011.

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Presiding Officer of the House
of Representatives

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