

An Act

ENROLLED HOUSE
BILL NO. 1194

By: McDaniel (Jeannie) of the
House

and

Anderson of the Senate

An Act relating to children; amending 10 O.S. 2001, Section 7504-1.1, which relates to certain history report requirements; specifying the Department of Human Services shall prescribe and furnish certain forms; and providing an effective date.

SUBJECT: Oklahoma Adoption Code

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7504-1.1, is amended to read as follows:

Section 7504-1.1 A. 1. Except as otherwise provided by the Oklahoma Adoption Code, before placing a minor for adoption, the Department of Human Services or a child-placing agency shall compile a written medical and social history report of the minor to be adopted, containing:

- a. all of the information required in subsections B and C of this section that is reasonably available from each biological parent, from any person who has had legal or physical custody of the minor, and from any other relative, or other person or entity who can provide information that cannot otherwise reasonably be obtained from the biological parents or a person who has had legal or physical custody of the minor,

- b. a copy of all medical, dental and psychological records of the minor obtained from anyone who has provided medical, dental or psychological services to the minor, and
- c. a copy of all educational records of the minor.

2. If a minor is not being placed for adoption through the Department or a child-placing agency, the attorney representing the adoptive parent in the adoption proceedings shall compile the report. If the adoptive parent is not represented by an attorney in a direct placement adoption, the person placing the minor for adoption shall compile the report.

B. 1. The Department ~~of Health~~ shall prescribe the form to be used to record the medical history of the minor and the minor's biological relatives. The Department ~~of Health~~ shall furnish the forms to any child-placing agency, ~~to the Department of Human Services~~ and to any person who is authorized to place a minor for adoption or who provides services with respect to placements for adoption.

2. The medical history form shall include, but is not limited to:

- a. a current medical and psychological history of the minor, including information concerning:
 - (1) any prenatal, neonatal, medical, dental, psychiatric or psychological diagnoses, examinations or reports,
 - (2) any diseases, illnesses, accidents, allergies, and congenital or birth defects,
 - (3) a record of any immunization and other health care received,
 - (4) the minor's developmental history, including the age at which the minor developed basic gross motor, fine motor, language and cognitive skills,
 - (5) any behavioral problems the minor has exhibited,

- (6) any physical, sexual or emotional abuse suffered by the minor, and
 - (7) any other information necessary to determine the child's eligibility for state or federal benefits, including subsidies for adoption and other financial, medical, or similar assistance, and
- b. relevant information concerning the medical and psychological history of the minor's biological parents and relatives, including information concerning:
- (1) the gynecologic and obstetric history of the biological mother,
 - (2) the health of the biological mother during her pregnancy with the minor,
 - (3) the consumption of drugs, medication or alcohol by the biological father or the biological mother at the time of conception and by the biological mother during her pregnancy with the minor,
 - (4) the exposure of the biological mother to toxic substances, fumes or occupational hazards during her pregnancy that could affect the health of the minor,
 - (5) whether the minor's biological mother and biological father are related to each other and to what degree,
 - (6) any history of venereal disease afflicting either biological parent,
 - (7) physical characteristics of the biological parents, other children of either biological parent, and the biological grandparents, including age at the time of the minor's birth, height, weight, color of eyes, hair, skin and other information of a similar nature,

- (8) unusual physical characteristics of any biological parent, other children of either biological parent, biological grandparents and other biological relatives,
- (9) potentially inheritable genetic, psychological, or physical diseases, disorders, traits, or tendencies of the biological parents, other children of either biological parent, the biological grandparents or other biological relatives,
- (10) allergies, diseases, illnesses, and other medical history of biological parents, other children of either biological parent, biological grandparents and other biological relatives, including but not limited to diabetes, high blood pressure, alcoholism, heart disease, cancer, and epilepsy or predisposition thereto,
- (11) any addiction or predisposition to addiction to drugs or alcohol by the biological parents, other children of either biological parent, biological grandparents or other biological relatives,
- (12) if the death of either biological parent, other children of either biological parent, or a biological grandparent has occurred, the fact of the death, the age of the decedent at the time of death, and the cause, if known,
- (13) the psychological history of the biological parents, other children of either biological parent, biological grandparents and other biological relatives, including any psychiatric or psychological evaluations, the date of the evaluation, any diagnoses, and a summary of any psychiatric or psychological findings or treatment, and
- (14) any other useful or unusual health-related information that the biological parents or relatives are willing to provide.

C. The social history report regarding the minor to be adopted, the biological parents, other children of either biological parent and other biological relatives shall include, but is not limited to:

1. The educational history of the minor including, but not limited to, the minor's enrollment and performance in school, the results of educational testing, special educational needs of the minor, if any, and the number of years of school completed at the time of the adoption;

2. The age of the minor, the biological parents, other children of either biological parent, and the biological grandparents at the time of the adoption, and the gender of the other children of either biological parent;

3. The circumstances leading to the adoption;

4. The heritage of the minor including, but not limited to, the minor's nationality, ethnic background, tribal affiliation, if any, and race;

5. The occupation of the biological parents and the biological grandparents, but not specific titles or places of employment;

6. The talents, hobbies and special interests of the minor, the biological parents, and the biological grandparents;

7. Nonidentifying information about the extended family of the biological parents and biological grandparents;

8. The level of educational and vocational achievement of the minor's biological parents and relatives and any noteworthy accomplishments;

9. An account of the minor's past and existing relationship with any individual with whom the minor has regularly lived or visited;

10. A criminal conviction, judicial order terminating parental rights, or other proceeding in which a biological parent of the minor was alleged to have abused, neglected, abandoned or otherwise mistreated the minor to be adopted, a sibling of the minor to be adopted, or the other biological parent; and

11. A criminal conviction or delinquency adjudication of the minor.

D. A report prepared pursuant to this section must indicate who prepared the report.

E. 1. Whenever it is feasible, biological parents, legal or physical custodians of the minor and other biological relatives should be assisted in providing information for the medical and social history report by trained professionals employed by the Department or the licensed child-placing agency, by the attorney for the adoptive parents or by trained professionals employed by the attorney for the adoptive parent.

2. The Department or agency, attorney for the adoptive parent, or person who prepares the medical and social history report shall advise the biological parents, any other persons who submitted information for the report and the adoptive parent that additional information about the adopted person, the biological parents, and the adopted person's genetic history that becomes available may be submitted to the Department, agency, attorney, or person who prepared the report or if the location is known to them, to the clerk of the court that issues the decree of adoption. Nothing in this section shall require that the location of the court in which the adoption action is filed be revealed to the biological parents, biological relatives or other persons who submitted information for the report, if the location is not otherwise known to them.

F. The court may request that a biological parent, a present or former legal or physical custodian of the minor, a biological relative, a school, or a medical, dental or psychological care provider for the child supply the information or records required by this section.

G. Information contained in a medical and social history report compiled pursuant to this section shall not be used as evidence in any criminal proceeding against the individual who furnished the information. This is a use immunity and not a transactional immunity.

H. 1. If the petitioner for the adoption of a minor is a stepparent of the minor and the minor will remain in the custody of one biological parent and the stepparent following the adoption, only the medical and social history of the parent whose parental

rights are sought to be terminated and that parent's biological relatives must be compiled in the medical and social history report.

2. If the petitioner for the adoption of a minor is related to the child, only the medical and social history of the parent who is not related to the petitioner and the biological relatives of such parent must be completed in the medical and social history report.

SECTION 2. This act shall become effective November 1, 2011.

Passed the House of Representatives the 17th day of March, 2011.

Presiding Officer of the House of
Representatives

Passed the Senate the 5th day of April, 2011.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this _____
day of _____, 20____,
at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma the _____ day of
_____, 20____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
_____ day of _____, 20____,
at _____ o'clock _____ M.

By: _____