

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1194

By: McDaniel (Jeannie)

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6 AS INTRODUCED

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

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

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

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

- 20 a. all of the information required in subsections B and C
21 of this section that is reasonably available from each
22 biological parent, from any person who has had legal
23 or physical custody of the minor, and from any other
24 relative, or other person or entity who can provide

1 information that cannot otherwise reasonably be
2 obtained from the biological parents or a person who
3 has had legal or physical custody of the minor,

4 b. a copy of all medical, dental and psychological
5 records of the minor obtained from anyone who has
6 provided medical, dental or psychological services to
7 the minor, and

8 c. a copy of all educational records of the minor.

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

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

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

1 a. a current medical and psychological history of the
2 minor, including information concerning:

- 3 (1) any prenatal, neonatal, medical, dental,
4 psychiatric or psychological diagnoses,
5 examinations or reports,
6 (2) any diseases, illnesses, accidents, allergies,
7 and congenital or birth defects,
8 (3) a record of any immunization and other health
9 care received,
10 (4) the minor's developmental history, including the
11 age at which the minor developed basic gross
12 motor, fine motor, language and cognitive skills,
13 (5) any behavioral problems the minor has exhibited,
14 (6) any physical, sexual or emotional abuse suffered
15 by the minor, and
16 (7) any other information necessary to determine the
17 child's eligibility for state or federal
18 benefits, including subsidies for adoption and
19 other financial, medical, or similar assistance,
20 and

21 b. relevant information concerning the medical and
22 psychological history of the minor's biological
23 parents and relatives, including information
24 concerning:

- 1 (1) the gynecologic and obstetric history of the
2 biological mother,
- 3 (2) the health of the biological mother during her
4 pregnancy with the minor,
- 5 (3) the consumption of drugs, medication or alcohol
6 by the biological father or the biological mother
7 at the time of conception and by the biological
8 mother during her pregnancy with the minor,
- 9 (4) the exposure of the biological mother to toxic
10 substances, fumes or occupational hazards during
11 her pregnancy that could affect the health of the
12 minor,
- 13 (5) whether the minor's biological mother and
14 biological father are related to each other and
15 to what degree,
- 16 (6) any history of venereal disease afflicting either
17 biological parent,
- 18 (7) physical characteristics of the biological
19 parents, other children of either biological
20 parent, and the biological grandparents,
21 including age at the time of the minor's birth,
22 height, weight, color of eyes, hair, skin and
23 other information of a similar nature,
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- 1 (8) unusual physical characteristics of any
2 biological parent, other children of either
3 biological parent, biological grandparents and
4 other biological relatives,
- 5 (9) potentially inheritable genetic, psychological,
6 or physical diseases, disorders, traits, or
7 tendencies of the biological parents, other
8 children of either biological parent, the
9 biological grandparents or other biological
10 relatives,
- 11 (10) allergies, diseases, illnesses, and other medical
12 history of biological parents, other children of
13 either biological parent, biological grandparents
14 and other biological relatives, including but not
15 limited to diabetes, high blood pressure,
16 alcoholism, heart disease, cancer, and epilepsy
17 or predisposition thereto,
- 18 (11) any addiction or predisposition to addiction to
19 drugs or alcohol by the biological parents, other
20 children of either biological parent, biological
21 grandparents or other biological relatives,
- 22 (12) if the death of either biological parent, other
23 children of either biological parent, or a
24 biological grandparent has occurred, the fact of

1 the death, the age of the decedent at the time of
2 death, and the cause, if known,

3 (13) the psychological history of the biological
4 parents, other children of either biological
5 parent, biological grandparents and other
6 biological relatives, including any psychiatric
7 or psychological evaluations, the date of the
8 evaluation, any diagnoses, and a summary of any
9 psychiatric or psychological findings or
10 treatment, and

11 (14) any other useful or unusual health-related
12 information that the biological parents or
13 relatives are willing to provide.

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

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

22 2. The age of the minor, the biological parents, other children
23 of either biological parent, and the biological grandparents at the
24

1 time of the adoption, and the gender of the other children of either
2 biological parent;

3 3. The circumstances leading to the adoption;

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

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

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

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

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

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

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

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

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

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

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

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

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

11 H. 1. If the petitioner for the adoption of a minor is a
12 stepparent of the minor and the minor will remain in the custody of
13 one biological parent and the stepparent following the adoption,
14 only the medical and social history of the parent whose parental
15 rights are sought to be terminated and that parent's biological
16 relatives must be compiled in the medical and social history report.

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

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

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23 53-1-5856 SDR 12/10/10
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