

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2275

By: Murphey

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5
6 AS INTRODUCED

7 An Act relating to children; amending 10 O.S. 2011,
8 Section 7503-2.1, which relates to consent for
9 adoption; modifying age of consent for certain
10 adoptions; 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. 2011, Section 7503-2.1, is
14 amended to read as follows:

15 Section 7503-2.1 A. A minor may be adopted when there has been
16 filed written consent to adoption or a permanent relinquishment for
17 adoption executed by:

- 18 1. Both parents of the minor;
- 19 2. One parent of the minor, alone, if:
 - 20 a. the other parent is dead,
 - 21 b. the parental rights of the other parent have been
22 terminated, or
 - 23 c. the consent of the other parent is otherwise not
24 required pursuant to Section 7505-4.2 of this title;

1 3. The legal guardian of the person of the minor or the
2 guardian ad litem of the minor if both parents are dead or if the
3 rights of the parents have been terminated by judicial proceedings,
4 or the consent of both parents is otherwise not required pursuant to
5 Section 7505-4.2 of this title, and such guardian or guardian ad
6 litem has authority by order of the court appointing the guardian to
7 consent to the adoption;

8 4. The executive head of a licensed child-placing agency if:

9 a. the minor has been permanently relinquished to such
10 agency by:

11 (1) both parents, or

12 (2) one parent alone if the other parent is dead, the
13 parental rights of the other parent have been
14 terminated, or the consent of the other parent is
15 otherwise not required pursuant to Section 7505-
16 4.2 of this title, or

17 b. the rights of both parents have been judicially
18 terminated and custody of the minor has been legally
19 vested in such agency with authority to consent to
20 adoption of the minor; or

21 5. Any person having legal custody of a minor by court order
22 if:

23 a. the parental rights of both parents have been
24 judicially terminated, and

1 b. the court that issued the custody order for the minor
2 has consented to adoption and a certified copy of its
3 order containing its consent is filed before the final
4 decree.

5 B. 1. A parent of a minor born in wedlock or a parent who is
6 ~~sixteen (16)~~ eighteen (18) years of age or older shall be deemed
7 capable of giving consent to the adoption of a minor.

8 2. If the parent of a minor born out of wedlock is under
9 ~~sixteen (16)~~ eighteen (18) years of age, that parent's consent to
10 the adoption shall be deemed sufficient when:

11 a. given by such minor parent before a judge of the
12 district court, and

13 b. accompanied by the written consent of:

14 (1) the legal guardian of the minor parent,

15 (2) the parents of the minor parent,

16 (3) the parent having custody of the minor parent, if
17 the other parent of the minor parent is deceased
18 or the parents of the minor parent are divorced,
19 or

20 (4) the person having physical custody of the minor
21 parent, if both parents of the minor parent are
22 deceased, or

23 c. accompanied by a finding of the court issuing the
24 decree of adoption, if consent cannot be secured from

1 any individual whose consent is required by
2 subparagraph b of this paragraph, that:

3 (1) either notice was given by mail by the court to
4 such person directing the person to show cause at
5 a time appointed by the court, which shall be not
6 less than ten (10) days from the date of mailing,
7 why the adoption should not be granted without
8 the individual's consent, or that notice was
9 waived by the personal appearance of the
10 individual, and

11 (2) the individual did not appear to contest the
12 adoption, or the consent of the individual is
13 unreasonably withheld.

14 C. If a minor to be adopted is twelve (12) years of age or
15 older, the consent of the minor to the adoption is required in
16 addition to the consents required by subsections A and B of this
17 section before a decree of adoption may be granted, unless the court
18 makes a finding that it is not in the best interest of the minor to
19 require the minor's consent. The consent of the minor must be given
20 before the court in such form as the court shall direct.

21 D. 1. When consent for adoption is necessary for minors in the
22 custody of the Department of Human Services, the Director of the
23 Department of Human Services or the designee of the Director may
24 designate, authorize, and direct in writing an employee of the

1 Department to appear in the court of the county in which said
2 adoption proceedings are to be completed and to give written consent
3 for the adoption of such minor by the family whose application for
4 adoption has been approved by the Department of Human Services; ~~or.~~

5 2. The executive head of a licensed child-placing agency whose
6 consent is required for the adoption of a minor who is in the
7 custody of the licensed child-placing agency may designate,
8 authorize and direct in writing an employee of the agency to appear
9 in the district court of the county in which the adoption
10 proceedings are to be completed or before anyone authorized by law
11 to take acknowledgements and to give written consent for the
12 adoption of the minor.

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

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