

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2963

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5
6 AS INTRODUCED

7 An Act relating to adoption; amending 10 O.S. 2011,
8 Section 7505-3.2, which relates to adoption expenses;
9 updating statutory citation; prohibiting exemption
10 from prosecution if information provided is
11 fraudulent; clarifying reasonable social services
12 staff fees; directing court to specify approval of
13 unusual circumstances; requiring disclosure of
14 financial interest in a third-party provider;
15 providing for public disclosure of costs and fees;
16 directing court clerk to maintain disclosure
17 statement for public inspection; providing for the
18 redacting of identifying information prior to filing;
19 including statutory form for disclosure statement;
20 providing additional language for disclosure
21 statement available to the public; barring revocation
22 of adoption in specified cases; providing for
23 codification; and providing an effective date.
24

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

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

Section 7505-3.2 A. 1. An affidavit shall be attached to the
petition for adoption, or may be filed after the filing of the
petition for adoption, but prior to the final decree of adoption,
which discloses to the court all of the costs, funds, or monies

1 expended by the adoptive family or expected to be expended in
2 connection with the adoption of a minor.

3 2. No final decree of adoption shall be entered until the court
4 is satisfied that all costs and expenses have been disclosed, are
5 reasonable, and that the costs and expenses do not violate the
6 provisions of subsection B of this section. Upon its review of the
7 affidavit of monies expended, the court shall in writing disapprove
8 any expenditure that the court deems unreasonable or in violation of
9 Sections 865 through ~~869~~ 870 of Title 21 of the Oklahoma Statutes
10 and, to the extent necessary to comply with Oklahoma law, shall
11 order reimbursement of any consideration given in violation of
12 Sections 865 through ~~869~~ 870 of Title 21 of the Oklahoma Statutes.
13 Payments made pursuant to this section shall not be a violation of
14 Sections 865 through ~~869~~ 870 of Title 21 of the Oklahoma Statutes.
15 Court approval of the affidavit of monies expended shall not exempt
16 a person, attorney or licensed child-placing agency from prosecution
17 if the information provided to the court is fraudulent or false.

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

- 22 a. reasonable attorney fees and court costs,
- 23 b. reasonable medical expenses for birth mother and minor
24 to be adopted,

1 c. reasonable adoption counseling expenses for birth
2 parents before and after the birth of the minor, not
3 to exceed six (6) months from placement of the minor,

4 d. reasonable fees of a licensed ~~child-placement~~ child-
5 placing agency, including social ~~service~~ services
6 staff fees provided by agency employees that include:

7 (1) casework services,

8 (2) adoptive child and family studies,

9 (3) placement services,

10 (4) certification of agency facilities,

11 (5) admission assessments, and

12 (6) service planning,

13 e. (1) reasonable and necessary living expenses of the
14 birth mother that are incurred during the
15 adoption planning process or during the
16 pregnancy, not to exceed two (2) months after the
17 birth of the minor or after the consent or
18 relinquishment of the birth mother. Reasonable
19 and necessary living expenses include but are not
20 limited to:

21 (a) housing expenses,

22 (b) utilities, such as electric, gas, water, or
23 telephone bills,
24

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 expenses for a home study,

22 g. reasonable and necessary costs associated with an
23 international adoption,

- 1 h. reasonable expenses legally required by any
2 governmental entity related to the adoption of a
3 minor, and
- 4 i. a one-time gift to the birth mother from the
5 prospective adoptive parents of no greater value than
6 One Hundred Dollars (\$100.00).

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

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

17 4. The provisions of this subsection shall not prohibit a court
18 from extending any time period, or including any additional costs
19 and expenses in connection with an adoption other than those
20 specified in this subsection based on unusual circumstances or need.
21 If additional costs and expenses in connection with an adoption are
22 approved by the court, the court shall specify in writing the
23 unusual circumstances that justify the approval.

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

11 6. No person, attorney or licensed child-placing agency shall
12 have a financial interest in a third-party provider of services or
13 goods, without disclosing in an affidavit the financial interest to
14 the court and the other parties to the adoption.

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

23 D. 1. Except for the amount authorized by subsection C of this
24 section, the payment of any living or transportation expenses for

1 benefit of the birth mother as authorized in subparagraph e of
2 paragraph 1 of subsection B of this section shall be approved in
3 advance by the court.

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

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

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

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

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

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

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

- 23 a. retainer fees, the hourly rate, and the number of
24 hours billed for the adoption,

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

11 2. The Disclosure Statement of Adoption-related Costs and
12 Expenditures containing true and accurate information shall be filed
13 before or when the final decree of adoption is ordered in each
14 adoption of a minor in this state. ~~The~~ A statutory Disclosure
15 Statement of Adoption-related Costs and Expenditures is provided in
16 Section 2 of this act. A copy of the statement shall be a public
17 record to be compiled and maintained by the court clerk and
18 available for public inspection; provided, that any information
19 identifying the person, attorney or child-placing agency in the
20 direct adoption shall be redacted from the document prior to filing
21 with the court clerk and shall not be made public. In addition, the
22 identity of the child, the adoptive parents, and the birth parents
23 shall be redacted from the document prior to filing with the court
24 clerk and shall not be made public.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 7505-3.3 of Title 10, unless
3 there is created a duplication in numbering, reads as follows:

4 A. The Disclosure Statement of Adoption-related Costs and
5 Expenditures required by Section 7505-3.2 of Title 10 of the
6 Oklahoma Statutes shall be in substantially the following form:

7 DISCLOSURE STATEMENT OF ADOPTION-RELATED COSTS AND EXPENDITURES

8 The following is a declaration of all fees, expenses, and costs
9 charged or expected to be charged for the adoption:

10 1. Retainer fees in the amount of _____;

11 2. The hourly billing rate of _____ and the
12 number of hours billed for the adoption _____ for a
13 total amount of _____;

14 3. All fees charged for preplacement or other home studies of
15 any prospective birth parents, regardless of whether the study was
16 performed by a third party _____;

17 4. All costs, fees, or expenses or any other thing of value
18 paid to or on behalf of the birth parents related to the adoption by
19 any party other than the adoptive parents _____
20 _____; and

21 5. Any other fees and expenses related to the adoption not
22 previously listed in this disclosure statement _____
23 _____.

1 B. The Disclosure Statement of Adoption-related Costs and
2 Expenditures that shall be filed with the court clerk and available
3 for public inspection shall include the following:

4 "I, _____, Judge of the District Court in and for
5 _____ County, State of Oklahoma, a Court having original
6 adoption jurisdiction, do hereby certify that upon this day,
7 _____, the disclosures contained in this disclosure
8 statement are consistent with the sealed disclosure statement filed
9 in the adoption case."

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 7509-1.3 of Title 10, unless
12 there is created a duplication in numbering, reads as follows:

13 If a person, attorney or licensed child-placing agency is
14 investigated by law enforcement for suspected fraud or trafficking
15 in children, the final decree of adoption shall not be invalidated
16 or revoked. Provided, however, if an adoptive parent is
17 investigated for suspected fraud or trafficking, the final decree of
18 adoption may be invalidated or revoked by the court upon good cause
19 shown.

20 SECTION 4. This act shall become effective November 1, 2016.

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