

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 56th Legislature (2017)

4   HOUSE BILL 1887

                              By: Ownbey of the House

5                                               and

6                                               Griffin of the Senate

7  
8                                               AS INTRODUCED

9                   An Act relating to children; amending 10 O.S. 2011,  
10                   Section 7504-1.2, which relates to the Oklahoma  
11                   Adoption Code; decreasing length of time minor shall  
12                   live in prospective adoptive home in order for  
                              certain medical and social history to be disclosed;  
                              and providing an effective date.

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

16               SECTION 1.       AMENDATORY       10 O.S. 2011, Section 7504-1.2, is  
17   amended to read as follows:

18               Section 7504-1.2   A.   Whenever the disclosure of medical and  
19   social history is permitted under this section, all identifying  
20   information shall be deleted from the copy of the report or record  
21   that is disclosed, unless the court, Department, agency, attorney,  
22   or person authorized to disclose information by this section has  
23   been informed in writing by both a biological parent and an adoptive  
24   parent or prospective adoptive parent of their mutual agreement to

1 share identifying information. When such an agreement has been  
2 made, identifying information shall be released only to the extent  
3 specifically permitted by the written agreement. When a minor is in  
4 the legal custody of the Department, medical and social history may  
5 be disclosed to the prospective adoptive parent without any  
6 agreement and without redacting identifying information when the  
7 prospective adoptive parent is a kinship or relative caregiver for  
8 the minor, or the minor has lived in the prospective adoptive  
9 parent's home for ~~two (2) or more years~~ twelve (12) or more months,  
10 unless the Department determines redaction of such information is in  
11 the best interest of the child.

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

1 medical and social history report to the Department, agency,  
2 attorney or other person who furnished it to the prospective  
3 adoptive parent.

4 C. Before a hearing on the petition for adoption, the  
5 Department or child-placing agency that placed the minor for  
6 adoption, or the attorney for the adoptive parent in a direct  
7 placement adoption, or the person who placed the minor for adoption  
8 in a direct placement adoption in which the adoptive parent is  
9 unrepresented, shall furnish to the adoptive parent a supplemental  
10 written report containing information or records required by Section  
11 7505-1.1 of this title, which was unavailable before the minor was  
12 placed for adoption, but which becomes reasonably available to the  
13 Department, agency, attorney, or person who placed the minor after  
14 the placement.

15 D. A petition for adoption may not be granted until a copy of  
16 the medical and social history report is filed with the court. If  
17 the court finds that information or records required by Section  
18 7505-1.1 of this title cannot be obtained by the reasonable efforts  
19 of the Department or child-placing agency placing the minor, or by  
20 the attorney for the adoptive parent in a direct placement adoption,  
21 or by the person who placed the minor for adoption in a direct  
22 placement adoption in which the adopted parent is unrepresented, the  
23 court may accept the report and proceed with the adoption.

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1 E. 1. Any additional information about an adopted person, the  
2 adopted person's biological parents, or the adopted person's genetic  
3 history that is submitted to the clerk of the district court that  
4 issues the final decree of adoption, before or after the final  
5 decree of adoption is issued, shall be made a part of the court's  
6 permanent record of the adoption, pursuant to Section 7505-1.1 of  
7 this title. No filing fee shall be charged for filing this  
8 supplemental information with the court clerk.

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

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

3 4. Upon filing with the court clerk supplemental information  
4 concerning the adopted person that may be genetically significant  
5 for a biological parent or biological relative, the court clerk  
6 shall send notice by ordinary mail, at the most recent address, if  
7 any, listed in the court records, to the biological parent. The  
8 notice shall state that supplemental information has been received  
9 and is available from the court clerk upon request.

10 F. If any additional information about an adopted person, the  
11 adopted person's biological parents, or the adopted person's genetic  
12 history is submitted to the Department, agency, attorney, or person  
13 who prepared the original report, the Department, agency, attorney,  
14 or person shall:

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

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

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

22 a. the adoptive parent or current legal guardian of the  
23 child, if the adopted person is under the age of  
24 eighteen (18), or the adult adopted person, if the

1 location of the adoptive parent, guardian or adult  
2 adopted person is known to the Department, agency,  
3 attorney, or person, or

4 b. the biological parents, if the supplemental  
5 information is submitted by an adoptive parent or  
6 adopted person and concerns genetically significant  
7 information about the adopted person that is relevant  
8 to the health or childbearing decisions of the  
9 biological parents or other biological relatives, if  
10 the location of the biological parents is known to the  
11 Department, agency, attorney, or person.

12 G. 1. The clerk of the district court that issues the final  
13 adoption decree or the Department, agency, attorney, or person who  
14 prepared the medical and social history report shall provide a copy  
15 of the medical and social history report and any additional medical  
16 and social history information in its possession to the following  
17 persons upon request:

18 a. the adoptive parent or legal guardian of a minor  
19 adopted person,

20 b. an adopted person who has attained eighteen (18) years  
21 of age, and

22 c. an adult whose biological mother's and biological  
23 father's parental rights were terminated and who was  
24 never adopted.

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

6            a. an adult direct descendant of a deceased adopted  
7 person or of a deceased person whose biological  
8 mother's and biological father's parental rights were  
9 terminated and who was never adopted, and

10          b. the parent or guardian of a minor direct descendant of  
11 a deceased adopted person or of a deceased person  
12 whose biological mother's and biological father's  
13 rights were terminated and who was never adopted.

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

22            a. a biological parent or biological relative of an  
23 adopted person, and  
24

1           b.    a biological parent or biological relative of a person  
2                whose biological mother's and biological father's  
3                rights were terminated and who was never adopted.

4           4.   The clerk of the district court that issues the final  
5           adoption decree shall provide a copy of any medical and social  
6           history information contained in the court records to the  
7           Department, or child-placing agency that placed the minor for  
8           adoption or to the attorney representing the adoptive parent upon  
9           request.

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

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

17          H.   The Department, a child-placing agency, or an attorney for  
18          an adoptive parent who facilitated or participated in an adoption  
19          proceeding prior to the effective date of this act shall be subject  
20          to the same requirements and duties set forth in subsections F and G  
21          of this section that are required in those subsections for the  
22          Department, agency, or attorney who prepared the medical or social  
23          history.

SECTION 2. This act shall become effective November 1, 2017.

COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY  
SERVICES, dated 02/15/2017 - DO PASS, As Coauthored.