

1 **SENATE FLOOR VERSION**

2 March 27, 2017

3 ENGROSSED HOUSE
4 BILL NO. 1887

By: Ownbey of the House

5 and

6 Griffin of the Senate

7
8
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
13 certain medical and social history to be disclosed;
14 and providing an effective date.

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
share identifying information. When such an agreement has been

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

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

1 attorney or other person who furnished it to the prospective
2 adoptive parent.

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

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

23 E. 1. Any additional information about an adopted person, the
24 adopted person's biological parents, or the adopted person's genetic

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

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

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

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

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

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

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

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

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

1 adopted person is known to the Department, agency,
2 attorney, or person, or

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

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

- 17 a. the adoptive parent or legal guardian of a minor
18 adopted person,
19 b. an adopted person who has attained eighteen (18) years
20 of age, and
21 c. an adult whose biological mother's and biological
22 father's parental rights were terminated and who was
23 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
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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 HEALTH AND HUMAN SERVICES
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