

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 830

By: Griffin

6 AS INTRODUCED

7 An Act relating to children; amending 10 O.S. 2011,
8 Section 7504-1.2, which relates to disclosure of
9 certain records; decreasing certain limit for
10 disclosure; and providing an effective date.

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

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

14 Section 7504-1.2. A. Whenever the disclosure of medical and
15 social history is permitted under this section, all identifying
16 information shall be deleted from the copy of the report or record
17 that is disclosed, unless the court, Department, agency, attorney,
18 or person authorized to disclose information by this section has
19 been informed in writing by both a biological parent and an adoptive
20 parent or prospective adoptive parent of their mutual agreement to
21 share identifying information. When such an agreement has been
22 made, identifying information shall be released only to the extent
23 specifically permitted by the written agreement. When a minor is in
24 the legal custody of the Department, medical and social history may

1 be disclosed to the prospective adoptive parent without any
2 agreement and without redacting identifying information when the
3 prospective adoptive parent is a kinship or relative caregiver for
4 the minor, or the minor has lived in the prospective adoptive
5 parent's home for ~~two (2) or more years~~ twelve (12) months or more,
6 unless the Department determines redaction of such information is in
7 the best interest of the child.

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

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

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

21 E. 1. Any additional information about an adopted person, the
22 adopted person's biological parents, or the adopted person's genetic
23 history that is submitted to the clerk of the district court that
24 issues the final decree of adoption, before or after the final

1 decree of adoption is issued, shall be made a part of the court's
2 permanent record of the adoption, pursuant to Section 7505-1.1 of
3 this title. No filing fee shall be charged for filing this
4 supplemental information with the court clerk.

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

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

22 4. Upon filing with the court clerk supplemental information
23 concerning the adopted person that may be genetically significant
24 for a biological parent or biological relative, the court clerk

1 shall send notice by ordinary mail, at the most recent address, if
2 any, listed in the court records, to the biological parent. The
3 notice shall state that supplemental information has been received
4 and is available from the court clerk upon request.

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

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

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

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

17 a. the adoptive parent or current legal guardian of the
18 child, if the adopted person is under the age of
19 eighteen (18), or the adult adopted person, if the
20 location of the adoptive parent, guardian or adult
21 adopted person is known to the Department, agency,
22 attorney, or person, or

23 b. the biological parents, if the supplemental
24 information is submitted by an adoptive parent or

1 adopted person and concerns genetically significant
2 information about the adopted person that is relevant
3 to the health or childbearing decisions of the
4 biological parents or other biological relatives, if
5 the location of the biological parents is known to the
6 Department, agency, attorney, or person.

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

- 13 a. the adoptive parent or legal guardian of a minor
14 adopted person,
- 15 b. an adopted person who has attained eighteen (18) years
16 of age, and
- 17 c. an adult whose biological mother's and biological
18 father's parental rights were terminated and who was
19 never adopted.

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

- a. an adult direct descendant of a deceased adopted person or of a deceased person whose biological mother's and biological father's parental rights were terminated and who was never adopted, and
- b. the parent or guardian of a minor direct descendant of a deceased adopted person or of a deceased person whose biological mother's and biological father's rights were terminated and who was never adopted.

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

- a. a biological parent or biological relative of an adopted person, and
- b. a biological parent or biological relative of a person whose biological mother's and biological father's rights were terminated and who was never adopted.

4. The clerk of the district court that issues the final adoption decree shall provide a copy of any medical and social history information contained in the court records to the

1 Department, or child-placing agency that placed the minor for
2 adoption or to the attorney representing the adoptive parent upon
3 request.

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

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

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

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

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