

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 2203

 By: Kerbs

7 AS INTRODUCED

8 An Act relating to adoption; amending 10 O.S. 2011,
9 Section 7505-5.3, as amended by Section 1, Chapter
10 242, O.S.L. 2012 (10 O.S. Supp. 2018, Section 7505-
11 5.3), which relates to home studies; prohibiting fee
 for updated home study if previous home study is less
 than three years old; and providing an effective
 date.

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

15 SECTION 1. AMENDATORY 10 O.S. 2011, Section 7505-5.3, as
16 amended by Section 1, Chapter 242, O.S.L. 2012 (10 O.S. Supp. 2018,
17 Section 7505-5.3), is amended to read as follows:

18 Section 7505-5.3 A. A home study satisfying Section 7505-5.1
19 or 7505-5.2 of this title must include at a minimum the following:

20 1. An appropriate inquiry to determine whether the proposed
21 home is a suitable one for the minor; and any other circumstances
22 and conditions which may have a bearing on the adoption and of which
23 the court should have knowledge; and in this entire matter of
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1 investigation, the court is specifically authorized to exercise
2 judicial knowledge and discretion;

3 2. Documentation of at least one individual interview with each
4 parent, each school-age child and any other household member, one
5 joint interview, a home visit, and three written references;

6 3. Verification that the home is a healthy, safe environment in
7 which to raise a minor, as well as verification of marital status,
8 employment, income, access to medical care, physical health and
9 history; and

10 4. A review of a criminal background check and a child abuse
11 and neglect information system check.

12 a. A background check shall be required for adoptive
13 parents and all other household members eighteen (18)
14 years of age and older, consisting of a review of a
15 national fingerprint-based criminal background check,
16 a search of the Department of Corrections' files
17 maintained pursuant to the Sex Offenders Registration
18 Act, and a search of the child abuse and neglect
19 information system maintained for review by authorized
20 entities by the Department of Human Services.

21 b. A Department of Public Safety Motor Vehicle Report
22 shall be required for adoptive parents and all other
23 adult household members when the child to be adopted
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1 is in the legal custody of the Department of Human
2 Services.

3 c. For each adoptive parent or other household member
4 eighteen (18) years of age or older who has not
5 maintained continuous residency in the state for five
6 (5) years prior to the home study or home study
7 update, a child abuse registry check shall be required
8 from every other state in which the prospective
9 adoptive parent or other adult household member has
10 resided during such five-year period.

11 d. Each prospective adoptive parent or other household
12 member eighteen (18) years of age or older shall be
13 required to cooperate with the requirements of the
14 Department of Human Services and the Oklahoma State
15 Bureau of Investigation with regard to the criminal
16 background check and child abuse check, including but
17 not limited to signing a release of information
18 allowing the release of the results of any search to
19 the agency or person conducting the home study or home
20 study update.

21 e. Upon completion of the criminal record checks and
22 child abuse and neglect checks, the Department of
23 Human Services and the Oklahoma State Bureau of
24 Investigation shall forward all information obtained

1 to the agency or other person authorized in Section
2 7505-5.4 of this title to conduct home study
3 investigations who has requested the background
4 searches.

5 B. A home study which is being updated or brought current in
6 accordance with subsection A of Section 7505-5.1 of this title shall
7 document appropriate inquiry into changes in the family situation
8 since the last home study, a home visit, at least one joint
9 interview, information on any children added to the family,
10 experiences, if any, of the adoptive parents as parents since the
11 last study, verification of current physical health, and three
12 current letters of reference.

13 C. An updated home study as described in subsection B of this
14 section shall include a review of criminal background checks and
15 child abuse and neglect checks as described in subsection A of this
16 section. However, when a national fingerprint background check has
17 been done within the five (5) years previous to the completion of
18 the updated home study and the results are available for review by
19 the home study investigator, then a name-based search of the records
20 of the Oklahoma State Bureau of Investigation on the adoptive
21 parents and other household residents over the age of eighteen (18)
22 for whom the fingerprint background check has been performed shall
23 satisfy the requirements for a criminal background check for
24 purposes of a home study update. When a home study has been done

1 within three (3) years previous to the completion of the updated
2 home study and the previous home study is available for review by
3 the home study investigator, then the prospective adoptive parents
4 shall not pay another home study fee for the updated home study.

5 D. 1. A preplacement home study or update which is being used
6 solely for purposes of international adoption shall not require a
7 national fingerprint-based criminal background search in addition to
8 the one required by the United States Immigration and Naturalization
9 Service.

10 2. Such an international home study shall contain a review of a
11 state criminal background check, a search of the Department of
12 Corrections' files maintained pursuant to the Sex Offenders
13 Registration Act, and a search of the child abuse and neglect
14 information system maintained for review by authorized entities by
15 the Department of Human Services.

16 3. An international home study or home study update as
17 described in this section must include a statement that the home
18 study recommendation is for international adoption purposes only and
19 may not be used as the basis for a domestic adoption without the
20 addition of a review of the results of a national fingerprint-based
21 criminal background search if such would be required by subparagraph
22 c of paragraph 4 of subsection A of this section.

23 E. The report of such home study or home study update shall
24 become a part of the files in the case and shall contain a definite

1 recommendation for or against the proposed adoption and the reasons
2 therefor.

3 F. Following issuance of an interlocutory decree of adoption,
4 or if the interlocutory decree is waived, prior to issuance of a
5 final decree, the investigator conducting the home study or another
6 investigator who meets the qualifications specified in Section 7505-
7 5.4 of this title, shall observe the minor in the proposed adoptive
8 home and report in writing to the court on any circumstances or
9 conditions which may have a bearing on the granting of a final
10 adoption decree. If the interlocutory decree was not waived, the
11 investigator must certify that the final examination described in
12 this subsection has been made since the granting of the
13 interlocutory order. This supplemental report shall include a
14 determination as to the legal availability or status of the minor
15 for adoption and shall be filed prior to the final decree of
16 adoption.

17 SECTION 2. This act shall become effective November 1, 2019.
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19 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
20 SERVICES, dated 02/14/2019 - DO PASS.
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