

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2352

By: Lawson

COMMITTEE SUBSTITUTE

An Act relating to adoption proceedings; amending 10 O.S. 2011, Section 7505-3.1, which relates to contents of petition; removing requirement for annual report of certain information by the Administrative Director of the Courts; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2011, Section 7505-3.1, is amended to read as follows:

Section 7505-3.1 A. A petition for adoption shall be verified by the petitioner, and shall specify:

1. The full names, ages and places of residence of the petitioner or petitioners and, if married, the place and date of the marriage;

2. When the petitioner acquired or intends to acquire custody of the minor and from what person or agency custody is to be acquired;

3. The date, place of birth, gender and race of the minor;

1 4. The name used for the minor in the proceeding and, if a
2 change in name is desired, the new name requested;

3 5. That it is the desire of the petitioner that the
4 relationship of parent and child be established between the
5 petitioner and the minor;

6 6. A full description and statement of value of all property
7 owned or possessed by the minor, if any;

8 7. The name or relationship of the minor to any individual who
9 has executed a consent, extrajudicial consent for adoption or a
10 permanent relinquishment to the adoption, and the name or
11 relationship to the minor of any individual whose consent,
12 extrajudicial consent for adoption or permanent relinquishment may
13 be required, and any fact or circumstance that may excuse the lack
14 of consent;

15 8. That a previous petition by the petitioner to adopt has or
16 has not been made in any court, and its disposition;

17 9. That a copy of the preplacement home study completed
18 pursuant to subsection A of Sections 7505-5.1 and 7505-5.3 of this
19 title is attached to or filed with the petition. If the
20 preplacement home study has not been completed, the petition shall
21 specify that a waiver has been signed by a court pursuant to
22 subsection B of Section 7505-5.1 of this title, and that a copy of
23 the waiver is attached to or filed with the petition; or shall
24 include a statement regarding why the preplacement home study is not

1 required pursuant to subsection C of Section 7505-5.1 of this title;
2 or shall specify that the minor is not yet in the physical custody
3 of the petitioner;

4 10. Whether any other home study or professional custody
5 evaluation has been conducted regarding one or both of the
6 petitioners, whether performed for this adoption or for any other
7 purpose. If such a study or evaluation has been completed, a copy
8 of the study or evaluation shall be attached to the petition, if
9 reasonably available;

10 11. A description of any previous court order, litigation or
11 pending proceeding known to the petitioner concerning custody of or
12 visitation with the minor or adoption of the minor and any other
13 fact known to the petitioner and needed to establish the
14 jurisdiction of the court;

15 12. The county in which the minor is currently residing, the
16 places where the minor has lived within the last five (5) years and
17 the name and present addresses, if known, of the persons with whom
18 the minor has lived during that period, and the name of any person,
19 if known, not a party to the proceeding who has physical custody of
20 the minor or claims to have custody or visitation rights with
21 respect to the minor; and

22 13. A statement that to the best of the petitioner's actual
23 knowledge and belief, as of the date of filing, the minor is or is
24 not an Indian child, as defined by the Oklahoma Indian Child Welfare

1 Act, and identification of the minor's known or suspected Indian
2 tribe, if any. If the minor is an Indian child, as defined by the
3 Oklahoma Indian Child Welfare Act, the petition shall specify that
4 the requirements of the Oklahoma Indian Child Welfare Act have been
5 met pursuant to Sections 40 through 40.9 of this title. In
6 addition, the attorney shall provide notice to the parents or to the
7 Indian custodians, if any, and to the tribe that is or may be the
8 tribe of the Indian child pursuant to Section 40.4 of this title.

9 B. Any written consent, extrajudicial consent for adoption or
10 permanent relinquishment required by the Oklahoma Adoption Code may
11 be attached to the petition, or may be filed, after the filing of
12 the petition.

13 ~~C. 1. The Administrative Director of the Courts (ADC) shall~~
14 ~~develop a form no later than February 1, 2012, to be used to collect~~
15 ~~data related to the adoption of each child. At the time of the~~
16 ~~filing of the final decree of adoption, each court clerk shall~~
17 ~~collect demographic data related to the adoption and shall make an~~
18 ~~annual report to be delivered to the ADC no later than February 15~~
19 ~~of each year. The ADC shall deliver all information received~~
20 ~~pursuant to this section to the Department of Human Services no~~
21 ~~later than March 15 of each year. The Department of Human Services~~
22 ~~shall compile the information and make available to the public all~~
23 ~~adoption-related information received.~~

1 ~~2. The following information shall be included in the form to~~
2 ~~be developed by the ADC:~~

3 ~~a. the age of each child at the time of the adoption,~~

4 ~~b. the gender of each child,~~

5 ~~c. the ethnicity of each child,~~

6 ~~d. the status of the adoptive parent, such as a relative~~
7 ~~adoption, adoption by a married couple, or adoption by~~
8 ~~a single parent,~~

9 ~~e. the type of adoption services provider, such as the~~
10 ~~Department of Human Services, a licensed child-~~
11 ~~placement agency, an attorney, or a tribe, and~~

12 ~~f. whether it is a domestic adoption subject to the~~
13 ~~requirements of the Oklahoma Indian Child Welfare Act,~~
14 ~~or the Interstate Compact on the Placement of~~
15 ~~Children, or an international adoption to include the~~
16 ~~country of origin.~~

17 SECTION 2. This act shall become effective November 1, 2021.

18
19 58-1-7716 CMA 02/23/21
20
21
22
23
24