

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

☐ FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

☐ COMMITTEE AMENDMENT

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend House Bill No. 2352, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Garvin

Garvin-TEK-FS-Req#2114  
4/19/2021 6:23 PM

(Floor Amendments Only)    Date and Time Filed: \_\_\_\_\_

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

FLOOR SUBSTITUTE  
FOR ENGROSSED

HOUSE BILL NO. 2352

By: Lawson of the House

and

Garvin of the Senate

FLOOR SUBSTITUTE

An Act relating to care and custody of children;  
amending 10 O.S. 2011, Sections 40.7 and 7505-3.1,  
which relate to agreements with Indian tribes for  
care and custody of Indian children and contents of  
petition; authorizing agreements between the state  
and Indian tribes for jurisdiction over certain child  
custody proceedings; ratifying certain agreements;  
providing for retroactive application of certain  
provisions; removing requirement for annual report of  
certain information by the Administrative Director of  
the Courts; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 2011, Section 40.7, is  
amended to read as follows:

Section 40.7. The Director of the Department of Human Services  
and the Executive Director of the Office of Juvenile Affairs are  
authorized to enter into agreements on behalf of the state with  
Indian tribes in Oklahoma regarding care and custody of Indian

1 children and jurisdiction over child custody proceedings including  
2 agreements which provide for orderly transfer of jurisdiction on a  
3 case by case basis and agreements which provide for concurrent  
4 jurisdiction between the state and the Indian tribe, as authorized  
5 by the Federal Indian Child Welfare Act, 25 U.S.C. Section 1919.  
6 The State of Oklahoma hereby ratifies all agreements in conformity  
7 with the Federal Indian Child Welfare Act executed prior to the  
8 enactment of this act, and the provisions of this section shall  
9 apply retroactively to any case filed or pending at the time that an  
10 agreement vesting concurrent jurisdiction is entered into between  
11 the state and an Indian tribe.

12 SECTION 2. AMENDATORY 10 O.S. 2011, Section 7505-3.1, is  
13 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

1 or shall specify that the minor is not yet in the physical custody  
2 of the petitioner;

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

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

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

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

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

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

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

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

- ~~a. the age of each child at the time of the adoption,~~
- ~~b. the gender of each child,~~
- ~~c. the ethnicity of each child,~~
- ~~d. the status of the adoptive parent, such as a relative adoption, adoption by a married couple, or adoption by a single parent,~~
- ~~e. the type of adoption services provider, such as the Department of Human Services, a licensed child-placement agency, an attorney, or a tribe, and~~
- ~~f. whether it is a domestic adoption subject to the requirements of the Oklahoma Indian Child Welfare Act, or the Interstate Compact on the Placement of Children, or an international adoption to include the country of origin.~~

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

58-1-2114            TEK            4/19/2021 6:23:54 PM