

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 2936

By: Olsen

AS INTRODUCED

An Act relating to children; amending 10 O.S. 2021, Section 557.5, which relates to the Oklahoma Gestational Agreement Act; prohibiting person from being an intended parent to a gestational agreement if individual has been convicted of a crime against a child; amending 10 O.S. 2021, Section 7505-5.1, as amended by Section 1, Chapter 59, O.S.L. 2024 (10 O.S. Supp. 2025, Section 7505-5.1), which relates to the Oklahoma Adoption Code; prohibiting placement of child in home if petitioners or any person residing in home of petitioners have been convicted of a crime against a child; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2021, Section 557.5, is amended to read as follows:

Section 557.5. A. The following persons, and only the following persons, are necessary parties to a gestational agreement, and a gestational agreement shall not be validated if all such applicable necessary parties have not joined in the gestational agreement in compliance with the Oklahoma Gestational Agreement Act:

1. The gestational carrier;
2. The gestational spouse, if applicable; and

1        3. Each intended parent of a child to be born pursuant to a  
2 gestational carrier arrangement.

3        B. The following requirements apply to the necessary parties to  
4 a gestational agreement, and failure to meet such requirements shall  
5 prevent a court from validating the gestational agreement:

6        1. The gestational carrier, the gestational spouse, if  
7 applicable, and each intended parent must be at least twenty-one  
8 (21) years of age at the time the parties enter into the gestational  
9 agreement;

10       2. No more than two intended parents may be party to a  
11 gestational agreement;

12       3. If an intended parent is married, then that intended  
13 parent's spouse must be a party to the gestational agreement as an  
14 intended parent; and

15       4. If there are two intended parents that are party to a  
16 gestational agreement, then they must be married to each other; ~~and.~~

17       ~~5.~~ C. No person may be a party to a gestational agreement under  
18 this act if such person is in the United States illegally pursuant  
19 to the immigration laws of the United States in effect at the time  
20 of a gestational agreement.

21       D. No person may be an intended parent of a child to be born  
22 pursuant to a gestational carrier agreement under this act if such  
23 person has been convicted of a crime against a child, including, but  
24 not limited to, child sexual abuse, child sexual exploitation, or

1 lewd molestation of a child, as defined in Section 843.5 of Title 21  
2 of the Oklahoma Statutes.

3 SECTION 2. AMENDATORY 10 O.S. 2021, Section 7505-5.1, as  
4 amended by Section 1, Chapter 59, O.S.L. 2024 (10 O.S. Supp. 2025,  
5 Section 7505-5.1), is amended to read as follows:

6 Section 7505-5.1. A. Except as otherwise provided in this  
7 section, only a person for whom a favorable written preplacement  
8 home study has been prepared may accept custody of a minor for  
9 purposes of adoption. A preplacement home study is favorable if it  
10 contains a finding that the person is suited to be an adoptive  
11 parent, either in general or for a particular minor, and it is  
12 completed or brought current within twelve (12) months next  
13 preceding a placement of a minor with the person for adoption.

14 B. A preplacement home study is not required if a parent or  
15 guardian places a minor directly with a relative of the minor for  
16 purposes of adoption, or if the minor has been residing with a birth  
17 parent's spouse for not less than one (1) year as of the date the  
18 petition for adoption is filed, but a home study of the relative or  
19 stepparent is required during the pendency of a proceeding for  
20 adoption.

21 C. A prospective adoptive parent shall not be approved for  
22 placement of a child if the petitioners or any other person residing  
23 in the home of the petitioners has been convicted of any of the  
24 following felony offenses:

1        1. Within the five-year period preceding the date of the  
2 petition, physical assault, domestic abuse, battery or a drug-  
3 related offense;

4        2. Child abuse or neglect;

5        3. A crime against a child, including, but not limited to,  
6 child sexual abuse ~~material~~, child sexual exploitation, or lewd  
7 molestation of a child, as defined in Section 843.5 of Title 21 of  
8 the Oklahoma Statutes; and

9        4. A crime involving violence, including, but not limited to,  
10 rape, sexual assault or homicide, but excluding those crimes  
11 specified in paragraph 1 of this subsection.

12        D. Under no circumstances shall a child be placed in the  
13 custody of an individual subject to the Oklahoma Sex Offenders  
14 Registration Act or an individual who is married to or living with  
15 an individual subject to the Oklahoma Sex Offenders Registration  
16 Act.

17        SECTION 3. This act shall become effective November 1, 2026.

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