

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3039

By: Woolley

AS INTRODUCED

An Act relating to children; enacting the In the Child's Best Interest Act; defining terms; providing adoptive, fostering, and legal guardianship arrangement requirements; limiting arrangement to no more than two adults; permitting other adults to assist in the care of the child; directing the courts to declare certain arrangements void; directing the Department of Human Services or other agency to find home for child; providing preference for biologically related adults; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2001 of Title 10, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "In the Child's Best Interest Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2002 of Title 10, unless there is created a duplication in numbering, reads as follows:

For the purposes of this act:

1. "Adult female" means an individual who is eighteen (18) years of age or older and biologically female;

2. "Adult male" means an individual who is eighteen (18) years of age or older and biologically male;

3. "Adoption" means the legal process by which a person or persons become the legal parent or parents of a child;

4. "Biological relative" means a person related to the child by blood, including, but not limited to, parents, grandparents, siblings, aunts, uncles, or cousins;

5. "Foster care" means the temporary placement of a child in a home licensed or approved by the state for the purpose of providing care and supervision; and

6. "Legal guardianship" means the legal authority granted by a court to a person or persons to make decisions regarding the care, custody, and welfare of a child.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2003 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. In order to promote the best interest of the child, all adoptive, fostering, or legal guardianship arrangements approved or recognized by any court, agency, or entity in the State of Oklahoma shall consist of either:

1. One (1) able and willing adult; or

1        2. Two (2) able and willing adults comprising one (1) adult  
2 female and one (1) adult male.

3        B. The official adoptive, fostering, or legal guardianship  
4 arrangements shall be limited to no more than two (2) positions and  
5 shall only be reserved for an adult female and an adult male,  
6 conjointly, or for a single adult as provided in subsection A of  
7 this section.

8        SECTION 4.        NEW LAW        A new section of law to be codified  
9 in the Oklahoma Statutes as Section 2004 of Title 10, unless there  
10 is created a duplication in numbering, reads as follows:

11        A. Nothing in this act shall prohibit other adults, including,  
12 but not limited, to grandparents, relatives, or friends of the  
13 adoptive parents, foster parents, or legal guardians, from assisting  
14 in the care of the child in the approved home or in the child's  
15 everyday life.

16        B. Biological relatives of the child or of the adoptive  
17 parents, foster parents, or legal guardians may assist in caring for  
18 the child, provided such assistance does not alter the official  
19 adoptive, fostering, or legal guardianship arrangements, which shall  
20 remain limited to an adult female and an adult male, conjointly, or  
21 a single adult.

22        SECTION 5.        NEW LAW        A new section of law to be codified  
23 in the Oklahoma Statutes as Section 2005 of Title 10, unless there  
24 is created a duplication in numbering, reads as follows:

1       A. If any adoption, foster care placement, or legal  
2 guardianship is found to violate the provisions of this act, the  
3 courts of the State of Oklahoma shall declare such arrangement void  
4 and not recognized by the state.

5       B. Upon a finding of violation, the state, through the  
6 Department of Human Services or other appropriate agency, shall  
7 immediately work to find a safe and suitable home for the child.  
8 Placement shall be made with either:

9       1. One (1) able and willing adult; or

10       2. Two (2) able and willing adults comprising one (1) adult  
11 male and one (1) adult female.

12       C. In determining placement under subsection B of this section,  
13 the state shall give preference to adults who are biologically  
14 related to the child in the closest degree of kinship, provided such  
15 relatives are proven to be safe and suitable for the child through  
16 background checks, home studies, and other evaluations required by  
17 state law.

18       SECTION 6. This act shall become effective November 1, 2026.

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