

1 ENGROSSED HOUSE  
2 BILL NO. 1854

By: Rousselot of the House

3 and

4 David of the Senate

5  
6  
7 An Act relating to adoption; amending 10 O.S. 2011,  
8 Section 7501-1.3, which relates to definitions;  
9 adding term; requiring out-of-state agency to  
10 contract with specified entity to place minor for  
11 adoption; restricting specified terms to be used in  
12 advertisements and solicitations; amending 10 O.S.  
13 2011, Section 7505-3.2, which relates to expenses  
14 paid by adoptive parent; updating statutory citation;  
15 modifying procedures for paying certain expenses;  
16 requiring specified payments through a child-placing  
17 agency; providing for codification; and providing an  
18 effective date.

19  
20  
21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. AMENDATORY 10 O.S. 2011, Section 7501-1.3, is  
23 amended to read as follows:

24 Section 7501-1.3 As used in the Oklahoma Adoption Code:

1. "Abandonment" includes, but is not limited to, the  
following:

a. the parent has left the minor alone or in the care of  
another who is not the parent of the minor without  
identifying the minor or furnishing a means of

1 identification for the minor, the whereabouts of the  
2 parents are unknown, and the minor's identity cannot  
3 be ascertained by the exercise of reasonable  
4 diligence,

5 b. the parent has voluntarily left the minor alone or in  
6 the care of another who is not the parent of the minor  
7 and expressed a willful intent by words, actions, or  
8 omissions not to return for the minor, or

9 c. the parent fails to maintain a substantial and  
10 positive relationship with the minor for a period of  
11 six (6) consecutive months out of the last fourteen  
12 (14) months immediately preceding the filing of a  
13 petition for termination of parental rights. For  
14 purposes of this section, "establish and/or maintain a  
15 substantial, positive relationship" includes but is  
16 not limited to:

17 (1) frequent and regular contact with the minor  
18 through frequent and regular visitation or  
19 frequent, regular communication to or with the  
20 minor, and

21 (2) exercising parental rights and responsibilities.  
22 Incidental or token visits or communications  
23 shall not be sufficient to establish or maintain  
24

1 a substantial and positive relationship with the  
2 minor.

3 The term "abandonment" shall not include when a parent has  
4 relinquished a minor to or placed the minor in the custody of a  
5 licensed child-placing agency or other court-appointed individual;

6 2. "Adoptee" means an individual who is adopted or is to be  
7 adopted;

8 3. "Adult" means an individual who has attained eighteen (18)  
9 years of age;

10 4. "Minor" means any person who has not attained the age of  
11 eighteen (18) years;

12 5. "Child-placing agency" means any child welfare agency  
13 licensed pursuant to the Oklahoma Child Care Facilities Licensing  
14 Act and authorized to place minors for adoption;

15 6. "Contested proceeding" means any proceeding pursuant to the  
16 Oklahoma Adoption Code in which an interested party enters an  
17 appearance to contest the petition;

18 7. "Department" means the Department of Human Services;

19 8. "Direct placement adoption" means any adoption in which the  
20 minor is not placed for adoption by the Department of Human Services  
21 or a child-placing agency. A stepparent or relative adoption shall  
22 not be considered a direct placement adoption;

23 9. "Guardian" means an individual, other than a parent,  
24 appointed by a court to be the guardian of the person of a minor;

1        10. "Out-of-state agency" means an individual or entity not  
2 licensed in Oklahoma and from another state that advertises adoption  
3 services or solicits birth mothers for adoption within the state;

4        11. "Parent" means an individual who is the biological or  
5 adoptive parent of a child or who is legally recognized as a mother  
6 or father of a child. The term "parent" does not include an  
7 individual whose parental relationship to a child has been  
8 terminated;

9        ~~11.~~ 12. "Permanent relinquishment" means the voluntary  
10 surrender of the rights of the parent or guardian with respect to a  
11 minor, including legal and physical custody of the minor, to a  
12 child-placing agency, Department of Human Services or any person  
13 with the assent of the court, by a minor's parent or guardian, for  
14 purposes of the minor's adoption;

15        ~~12.~~ 13. "Putative father" means the father of a minor born out  
16 of wedlock or a minor whose mother was married to another person at  
17 the time of the birth of the minor or within the ten (10) months  
18 prior to the birth of the minor and includes, but is not limited to,  
19 a man who has acknowledged or claims paternity of a minor, a man  
20 named by the mother of the minor to be the father of the minor, or  
21 any man who is alleged to have engaged in sexual intercourse with a  
22 woman during a possible time of conception;

23        ~~13.~~ 14. "Relative adoption" means the placement of a child for  
24 adoption with a parent, grandparent, stepparent, brother, sister,

1 first cousin, nephew, niece, uncle or aunt, who is related to the  
2 child by either birth or marriage;

3 ~~14.~~ 15. "State" means any state, territory, or possession of  
4 the United States, the commonwealth of Puerto Rico, and the District  
5 of Columbia; and

6 ~~15.~~ 16. "Stepparent" means an individual who is the spouse or  
7 surviving spouse of a parent of a minor, but who is not a legal  
8 parent of the minor.

9 SECTION 2. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 7501-1.4 of Title 10, unless  
11 there is created a duplication in numbering, reads as follows:

12 An out-of-state agency shall contract with the Department of  
13 Human Services or a child-placing agency in order to place a minor  
14 for adoption in the state.

15 SECTION 3. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 7503-1.3 of Title 10, unless  
17 there is created a duplication in numbering, reads as follows:

18 Only a child-placing agency shall be authorized to use terms  
19 such as "adoption counseling services" and "adoption counseling" in  
20 printed and online advertisements and other solicitations regarding  
21 the services provided to adoptive parents and birth parents during  
22 the adoption process.

23 SECTION 4. AMENDATORY 10 O.S. 2011, Section 7505-3.2, is  
24 amended to read as follows:

1 Section 7505-3.2 A. 1. An affidavit shall be attached to the  
2 petition for adoption, or may be filed after the filing of the  
3 petition for adoption, but prior to the final decree of adoption,  
4 which discloses to the court all of the costs, funds, or monies  
5 expended by the adoptive family or expected to be expended in  
6 connection with the adoption of a minor.

7 2. No final decree of adoption shall be entered until the court  
8 is satisfied that all costs and expenses have been disclosed, are  
9 reasonable, and that the costs and expenses do not violate the  
10 provisions of subsection B of this section. Upon its review of the  
11 affidavit of monies expended, the court shall in writing disapprove  
12 any expenditure that the court deems unreasonable or in violation of  
13 Sections 865 through ~~869~~ 870 of Title 21 of the Oklahoma Statutes  
14 and, to the extent necessary to comply with Oklahoma law, shall  
15 order reimbursement of any consideration given in violation of  
16 Sections 865 through ~~869~~ 870 of Title 21 of the Oklahoma Statutes.  
17 Payments made pursuant to this section shall not be a violation of  
18 Sections 865 through ~~869~~ 870 of Title 21 of the Oklahoma Statutes.

19 B. 1. Except as otherwise specifically provided by law, the  
20 following list of adoption-related costs and expenses specified in  
21 this paragraph may be deemed proper items for a person to pay in  
22 connection with an adoption:

23 a. reasonable attorney fees and court costs,  
24

- 1           b.    reasonable medical expenses for birth mother and minor  
2                    to be adopted,
- 3           c.    reasonable adoption counseling expenses for birth  
4                    parents before and after the birth of the minor, not  
5                    to exceed six (6) months from placement of the minor  
6                    and paid through a child-placing agency,
- 7           d.    reasonable fees of a licensed ~~child-placement~~ child-  
8                    placing agency, including social service fees,
- 9           e.    (1) reasonable and necessary living expenses of the  
10                    birth mother that are incurred during the  
11                    adoption planning process or during the  
12                    pregnancy, not to exceed two (2) months after the  
13                    birth of the minor or after the consent or  
14                    relinquishment of the birth mother and paid  
15                    through a child-placing agency. Reasonable and  
16                    necessary living expenses include but are not  
17                    limited to:
- 18                    (a) housing expenses,
- 19                    (b) utilities, such as electric, gas, water, or  
20                    telephone bills,
- 21                    (c) food for the birth mother and any minor  
22                    child of the birth mother residing in the  
23                    home of the birth mother,
- 24

1 (d) travel expenses for transportation to  
2 support the pregnancy, such as gasoline, bus  
3 fares, or providing for the temporary use of  
4 a vehicle during the pregnancy, and

5 (e) child care or foster care for any minor  
6 child of the birth mother associated with  
7 pregnancy-related medical care.

8 (2) Reasonable and necessary living expenses shall  
9 not include:

10 (a) any expenses met by existing resources of  
11 the birth mother,

12 (b) any expenses used for the support of family  
13 members who are not minor children of the  
14 mother,

15 (c) any expenses for recreational or leisure  
16 activities, and

17 (d) the purchase or gift of an automobile,

18 f. reasonable expenses for a home study,

19 g. reasonable and necessary costs associated with an  
20 international adoption,

21 h. reasonable expenses legally required by any  
22 governmental entity related to the adoption of a  
23 minor, and  
24



1           i.    a one-time gift to the birth mother from the  
2                    prospective adoptive parents of no greater value than  
3                    One Hundred Dollars (\$100.00).

4           2.    In addition, all expenses approved by the court should be  
5 commensurate with other customary fees for similar services by  
6 persons of equivalent experience and training where the services are  
7 performed. Any services provided outside this state shall be  
8 allowed in an amount as if the services had been performed within  
9 the State of Oklahoma.

10          3.    The provisions of this subsection shall apply to living and  
11 transportation expenses incurred after the biological mother of the  
12 minor contacts the child-placing agency or attorney for adoption  
13 services.

14          4.    The provisions of this subsection shall not prohibit a court  
15 from extending any time period, or including any additional costs  
16 and expenses in connection with an adoption other than those  
17 specified in this subsection based on unusual circumstances or need.

18          5.    Except as otherwise ordered by the court except for good  
19 cause shown and except as provided in subparagraphs c and e of  
20 paragraph 1 of this subsection, all payments made pursuant to this  
21 section shall be paid directly to the third-party provider of  
22 services or goods. All counseling expenses and living expenses  
23 shall be paid through a child-placing agency directly to the third-  
24 party provider of services or goods pursuant to subparagraphs c and

1 e of paragraph 1 of this subsection. Any living expense paid on  
2 behalf of a birth mother in a domestic adoption which is not  
3 supported by an itemized receipt shall not be allowed for payment.  
4 If gift cards are issued to pay expenses, an itemized receipt  
5 verifying purchases shall be required for approval by the court.  
6 The accounting shall include vouchers for all monies expended,  
7 copies of all checks written and receipts for all cash payments  
8 attesting to the accuracy of the accounting.

9 C. Any ~~person, attorney, or licensed child placement~~ child-  
10 placing agency desiring to pay living and transportation expenses on  
11 behalf of a birth mother is authorized to expend an initial amount  
12 not to exceed One Thousand Dollars (\$1,000.00) plus deposits for  
13 housing and utilities for such costs and expenses without first  
14 obtaining court approval as required by paragraph 1 of subsection D  
15 of this section. Any such costs and expenses shall be disclosed as  
16 is otherwise required by the Oklahoma Adoption Code.

17 D. 1. Except for the amount authorized by subsection C of this  
18 section, the payment of any living or transportation expenses for  
19 benefit of the birth mother as authorized in subparagraph e of  
20 paragraph 1 of subsection B of this section shall be approved in  
21 advance by the court.

22 2. The ~~person, attorney, or licensed~~ child-placing agency  
23 desiring to pay living or transportation expenses on behalf of a  
24 birth mother which exceed the amount in subsection C of this section

1 shall file a petition for an order approving payment of adoption-  
2 related expenses.

3 3. The petition for an order approving payment of adoption-  
4 related expenses shall be filed in the district court where the  
5 adoption petition is to be filed, as provided in Section 7502-1.2 of  
6 this title.

7 4. The petition shall be captioned: "In the matter of Baby  
8 (name)." The petition shall include a listing of all anticipated  
9 living or transportation expenses to be paid on behalf of the birth  
10 mother for which court approval is being sought. If additional  
11 expenditures not previously authorized by the court are needed on  
12 behalf of the birth mother, an amended petition may be filed with  
13 the court.

14 5. The petition shall be heard by the court within ten (10)  
15 days of filing. The court clerk shall charge the same cost for a  
16 petition for payment of expenses as is charged for the filing of an  
17 adoption petition. In the event an adoption petition is later filed  
18 in the same county, the adoption petition shall be filed as an  
19 amended petition within the same case in which payment for expenses  
20 was approved and no additional court costs shall be required. In  
21 the event a petition for preadoption termination of parental rights  
22 is later filed in the same county, the court clerk shall not assess  
23 an additional filing fee and may use the same case number as for the  
24 petition for adoption.

1           6. Any order authorizing payment shall be attached to a  
2 petition for adoption. If no adoption petition is filed, the court  
3 shall retain jurisdiction to enter any orders deemed appropriate  
4 regarding the reimbursement of costs and expenses paid. If the  
5 child is placed for adoption outside the State of Oklahoma, any such  
6 order shall be submitted to the Interstate Compact of the Placement  
7 of Children and to the court in the other state where the petition  
8 for adoption is to be filed.

9           E. 1. In addition to the adoptive family affidavit requirement  
10 of subsection A of this section, a Disclosure Statement of Adoption-  
11 related Costs and Expenditures shall be prepared in writing by the  
12 person, attorney or child-placing agency in a direct-placement  
13 adoption. The Disclosure Statement of Adoption-related Costs and  
14 Expenditures shall include a declaration of all fees, expenses, and  
15 costs charged or expected to be charged for the adoption including,  
16 but not limited to, the following:

- 17           a. retainer fees, the hourly rate, and the number of  
18               hours billed for the adoption,
- 19           b. any fee charged for preplacement or other home studies  
20               of any prospective birth parents, regardless of  
21               whether the home study was performed by an outside  
22               agency,
- 23           c. any costs, fees or expenses or any other thing of  
24               value paid to or on behalf of the birth parents

1 related to the adoption of a minor by any party other  
2 than the adoptive parents, and

3 d. any other fees and expenses related to the adoption  
4 not otherwise specifically listed in this section.

5 2. The Disclosure Statement of Adoption-related Costs and  
6 Expenditures containing true and accurate information shall be filed  
7 before or when the final decree of adoption is ordered in each  
8 adoption of a minor in this state. The statement shall be a public  
9 record; provided, that any information identifying the person,  
10 attorney or child-placing agency in the direct adoption shall not be  
11 made public. In addition, the identity of the child, the adoptive  
12 parents, and the birth parents shall not be made public.

13 SECTION 5. This act shall become effective November 1, 2015.

14 Passed the House of Representatives the 10th day of March, 2015.

15  
16 \_\_\_\_\_  
17 Presiding Officer of the House  
18 of Representatives

19 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2015.

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21 \_\_\_\_\_  
22 Presiding Officer of the Senate  
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