

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2352

By: Lawson of the House

and

Garvin of the Senate

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6  
7 An Act relating to adoption proceedings; amending 10  
O.S. 2011, Section 7505-3.1, which relates to  
8 contents of petition; removing requirement for annual  
report of certain information by the Administrative  
9 Director of the Courts; and providing an effective  
date.  
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12 AUTHOR: Add the following Senate Coauthor: Rosino

13 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
entire bill and insert  
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15 "An Act relating to care and custody of children;  
amending 10 O.S. 2011, Sections 40.7 and 7505-3.1,  
16 which relate to agreements with Indian tribes for  
care and custody of Indian children and contents of  
petition; authorizing agreements between the state  
17 and Indian tribes for jurisdiction over certain child  
custody proceedings; ratifying certain agreements;  
18 providing for enforceability of certain agreements;  
removing requirement for annual report of certain  
19 information by the Administrative Director of the  
Courts; and declaring an emergency.  
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22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

1       Section 40.7. The Director of the Department of Human Services  
2 and the Executive Director of the Office of Juvenile Affairs are  
3 authorized to enter into agreements on behalf of the state with  
4 Indian tribes in Oklahoma regarding care and custody of Indian  
5 children and jurisdiction over child custody proceedings including  
6 agreements which provide for orderly transfer of jurisdiction on a  
7 case by case basis and agreements which provide for concurrent  
8 jurisdiction between the state and the Indian tribe, as authorized  
9 by the Federal Indian Child Welfare Act, 25 U.S.C. Section 1919.  
10 The State of Oklahoma hereby ratifies all agreements in conformity  
11 with the Federal Indian Child Welfare Act executed prior to the  
12 enactment of this act, and any such agreement shall be enforceable  
13 in any case filed or pending at the time that an agreement vesting  
14 concurrent jurisdiction is entered into between the state and an  
15 Indian tribe.

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

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

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

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

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

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

7        5. That it is the desire of the petitioner that the  
8 relationship of parent and child be established between the  
9 petitioner and the minor;

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

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

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

21       9. That a copy of the preplacement home study completed  
22 pursuant to subsection A of Sections 7505-5.1 and 7505-5.3 of this  
23 title is attached to or filed with the petition. If the  
24 preplacement home study has not been completed, the petition shall

1 specify that a waiver has been signed by a court pursuant to  
2 subsection B of Section 7505-5.1 of this title, and that a copy of  
3 the waiver is attached to or filed with the petition; or shall  
4 include a statement regarding why the preplacement home study is not  
5 required pursuant to subsection C of Section 7505-5.1 of this title;  
6 or shall specify that the minor is not yet in the physical custody  
7 of the petitioner;

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

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

19 12. The county in which the minor is currently residing, the  
20 places where the minor has lived within the last five (5) years and  
21 the name and present addresses, if known, of the persons with whom  
22 the minor has lived during that period, and the name of any person,  
23 if known, not a party to the proceeding who has physical custody of  
24

1 the minor or claims to have custody or visitation rights with  
2 respect to the minor; and

3 13. A statement that to the best of the petitioner's actual  
4 knowledge and belief, as of the date of filing, the minor is or is  
5 not an Indian child, as defined by the Oklahoma Indian Child Welfare  
6 Act, and identification of the minor's known or suspected Indian  
7 tribe, if any. If the minor is an Indian child, as defined by the  
8 Oklahoma Indian Child Welfare Act, the petition shall specify that  
9 the requirements of the Oklahoma Indian Child Welfare Act have been  
10 met pursuant to Sections 40 through 40.9 of this title. In  
11 addition, the attorney shall provide notice to the parents or to the  
12 Indian custodians, if any, and to the tribe that is or may be the  
13 tribe of the Indian child pursuant to Section 40.4 of this title.

14 B. Any written consent, extrajudicial consent for adoption or  
15 permanent relinquishment required by the Oklahoma Adoption Code may  
16 be attached to the petition, or may be filed, after the filing of  
17 the petition.

18 ~~C. 1. The Administrative Director of the Courts (ADC) shall~~  
19 ~~develop a form no later than February 1, 2012, to be used to collect~~  
20 ~~data related to the adoption of each child. At the time of the~~  
21 ~~filing of the final decree of adoption, each court clerk shall~~  
22 ~~collect demographic data related to the adoption and shall make an~~  
23 ~~annual report to be delivered to the ADC no later than February 15~~  
24 ~~of each year. The ADC shall deliver all information received~~

~~pursuant to this section to the Department of Human Services no later than March 15 of each year. The Department of Human Services shall compile the information and make available to the public all adoption-related information received.~~

~~2. The following information shall be included in the form to 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."

1 Passed the Senate the 21st day of April, 2021.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2021.

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8  
9 Presiding Officer of the House  
10 of Representatives

1 ENGROSSED HOUSE  
2 BILL NO. 2352

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

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

14 SECTION 4. AMENDATORY 10 O.S. 2011, Section 7505-3.1, is  
15 amended to read as follows:

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

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

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

24 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 5. This act shall become effective November 1, 2021.

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1 Passed the House of Representatives the 3rd day of March, 2021.

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4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2021.

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8 Presiding Officer of the Senate