

An Act

ENROLLED HOUSE
BILL NO. 2352

By: Lawson, Talley and Manger
of the House

and

Garvin and Rosino of the
Senate

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 enforceability of certain agreements; removing requirement for annual report of certain information by the Administrative Director of the Courts; and declaring an emergency.

SUBJECT: Care and custody of children

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 children and jurisdiction over child custody proceedings including agreements which provide for orderly transfer of jurisdiction on a case by case basis and agreements which provide for concurrent jurisdiction between the state and the Indian tribe, as authorized by the Federal Indian Child Welfare Act, 25 U.S.C. Section 1919.

The State of Oklahoma hereby ratifies all agreements in conformity with the Federal Indian Child Welfare Act executed prior to the enactment of this act, and any such agreement shall be enforceable in any case filed or pending at the time that an agreement vesting concurrent jurisdiction is entered into between the state and an Indian tribe.

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

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

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

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

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

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

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

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

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

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

9. That a copy of the preplacement home study completed pursuant to subsection A of Sections 7505-5.1 and 7505-5.3 of this title is attached to or filed with the petition. If the preplacement home study has not been completed, the petition shall specify that a waiver has been signed by a court pursuant to subsection B of Section 7505-5.1 of this title, and that a copy of the waiver is attached to or filed with the petition; or shall include a statement regarding why the preplacement home study is not required pursuant to subsection C of Section 7505-5.1 of this title; or shall specify that the minor is not yet in the physical custody of the petitioner;

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

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

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

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

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

~~C. 1. The Administrative Director of the Courts (ADC) shall develop a form no later than February 1, 2012, to be used to collect data related to the adoption of each child. At the time of the filing of the final decree of adoption, each court clerk shall collect demographic data related to the adoption and shall make an annual report to be delivered to the ADC no later than February 15 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.

Passed the House of Representatives the 21st day of April, 2021.

Presiding Officer of the House
of Representatives

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

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____