

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 HOUSE BILL 2391

 By: Sherrer

7 AS INTRODUCED

8 An Act relating to children; amending 10 O.S. 2011,
9 Sections 7505-5.1 and 7505-5.2, which relate to
10 adoption home studies; exempting preplacement home
11 study for child living with grandparent for specified
12 time; clarifying home study requirement during
13 adoption pendency; updating statutory citation;
14 authorizing court to waive home study requirement in
15 grandparent adoption; and providing an effective
16 date.

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

16 SECTION 1. AMENDATORY 10 O.S. 2011, Section 7505-5.1, is
17 amended to read as follows:

18 Section 7505-5.1 A. Except as otherwise provided in this
19 section, only a person for whom a favorable written preplacement
20 home study has been prepared may accept custody of a minor for
21 purposes of adoption. A preplacement home study is favorable if it
22 contains a finding that the person is suited to be an adoptive
23 parent, either in general or for a particular minor, and it is
24

1 completed or brought current within twelve (12) months next
2 preceding a placement of a minor with the person for adoption.

3 B. A preplacement home study is not required if a parent or
4 guardian places a minor directly with a relative of the minor for
5 purposes of adoption, or if the minor has been residing with a birth
6 parent's spouse or grandparents for not less than one (1) year as of
7 the date the petition for adoption is filed, ~~but~~. Except as
8 provided in this subsection, a home study of the relative ~~or,~~
9 stepparent, or grandparent is required during the pendency of a
10 proceeding for adoption.

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

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

18 2. Child abuse or neglect;

19 3. A crime against a child, including, but not limited to,
20 child pornography; and

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

1 D. Under no circumstances shall a child be placed in the
2 custody of an individual subject to the Oklahoma Sex Offenders
3 Registration Act or an individual who is married to or living with
4 an individual subject to the Oklahoma Sex Offenders Registration
5 Act.

6 SECTION 2. AMENDATORY 10 O.S. 2011, Section 7505-5.2, is
7 amended to read as follows:

8 Section 7505-5.2 A. If a preplacement home study is waived by
9 the court for good cause shown or is not required by Section ~~29 of~~
10 ~~this act~~ 7505-5.1 of this title, the court, upon the filing of a
11 petition for adoption, shall order that a home study be made and
12 filed with the court by the designated investigator within the time
13 fixed by the court, and in no event more than sixty (60) days from
14 the issuance of the order for the home study, unless the time
15 therefor is extended by the court.

16 B. If the child to be adopted is the biological or adopted
17 child ~~of either of the petitioners or~~ of the spouse of the
18 petitioner or the grandchild of either of the petitioners, then the
19 court by order may waive the requirement in subsection A of this
20 section that a home study report be made, and the requirement for a
21 supplemental report set forth in subsection C of Section ~~31 of this~~
22 ~~act~~ 7505-5.3 of this title, if the court makes the following
23 findings:
24

1 1. That waiver of the home study requirement is in the best
2 interest of the child;

3 2. That the parent of the child and the stepparent of the child
4 who are petitioning for adoption have been married for at least one
5 (1) year with the child who is to be adopted living in their home;
6 and

7 3. That the stepparent who is petitioning for adoption has no
8 record of conviction of a felony or conviction or adjudication in
9 juvenile court for child abuse or neglect or domestic violence, and
10 there is no record of a protective order or orders issued against
11 the stepparent.

12 In all other adoptions, including foster, relative, and
13 stepparent adoptions, a home study and report shall be made pursuant
14 to this section or Section ~~29 of this act~~ 7505-5.1 of this title.

15 SECTION 3. This act shall become effective November 1, 2016.
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17 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
18 SERVICES, dated 02/09/2016 - DO PASS.
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