

1 ENGROSSED HOUSE
2 BILL NO. 2391

By: Sherrer of the House

3 and

4 Anderson of the Senate
5
6

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

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

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SECTION 1. AMENDATORY 10 O.S. 2011, Section 7505-5.1, is

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amended to read as follows:

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Section 7505-5.1 A. Except as otherwise provided in this

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section, only a person for whom a favorable written preplacement

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home study has been prepared may accept custody of a minor for

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purposes of adoption. A preplacement home study is favorable if it

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contains a finding that the person is suited to be an adoptive

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parent, either in general or for a particular minor, and it is

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completed or brought current within twelve (12) months next

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preceding a placement of a minor with the person for adoption.

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

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

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

16 2. Child abuse or neglect;

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

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

22 D. Under no circumstances shall a child be placed in the
23 custody of an individual subject to the Oklahoma Sex Offenders
24 Registration Act or an individual who is married to or living with

1 an individual subject to the Oklahoma Sex Offenders Registration
2 Act.

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

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

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

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

23 2. That the parent of the child and the stepparent of the child
24 who are petitioning for adoption have been married for at least one

1 (1) year with the child who is to be adopted living in their home;
2 and

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

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

11 SECTION 3. This act shall become effective November 1, 2016.

12 Passed the House of Representatives the 8th day of March, 2016.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2016.

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Presiding Officer of the Senate

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