

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1049

By: Holt

AS INTRODUCED

An Act relating to children; providing for legislative intent and purpose; defining terms; authorizing a confidential intermediary to inspect certain adoption records; providing procedures; providing certain motions; requiring requests with the Department of Human Services; providing powers and duties; requiring consent of parties; requiring confidentiality; requiring notification of certain registry; providing for penalty; authorizing fees; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 60.51 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Legislature hereby finds and declares that:

1. Adult adoptees, adoptive parents, biological parents, and biological siblings should have a qualified right of access to any records regarding their or their child's adoption or the adoption of their offspring or siblings and that such a qualified right must coexist with the right of such parties to privacy and confidentiality;

2. An adult adoptee, his biological or adoptive parent, or his biological sibling may desire to obtain information about each other at different points in time; and

3. Confidentiality is essential to the adoption process and that any procedure to access information which relates to an adoption must be designed to maintain confidentiality and to respect the wishes of all involved parties.

B. It is the purpose of this act to establish a confidential process whereby adult adoptees and adoptive parents who desire information concerning their or their child's adoption, and biological parents and siblings who desire information concerning an adult adoptee may pursue access to such information.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 60.52 of Title 10, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Adoptee" means a person who, as a minor, was adopted pursuant to a final decree of adoption entered by a court of this state;

2. "Adoptive parent" means an adult who has become a parent of a minor through the legal process of adoption;

3. "Adult" means a person twenty-one (21) years of age or older;

4. "Biological parent" means a parent, by birth, of an adopted person;

5. "Biological sibling" means a sibling, by birth, of an adopted person;

6. "Confidential intermediary" means an employee or agent of the Department of Human Services who is authorized to inspect confidential relinquishment and adoption records at the request of an adult adoptee, adoptive parent, biological parent, or biological sibling;

7. "Consent" means a voluntary, informed, and written consent. "Consent" always shall be preceded by an explanation that consent permits the confidential intermediary to arrange a personal contact among biological relatives;

8. "Court" means any court of record in this state with jurisdiction over the matter at issue; and

9. "Department" means the Department of Human Services.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 60.53 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to the provisions of this section, a confidential intermediary shall be:

1. Authorized to inspect confidential relinquishment and adoption records upon motion to the court by an adult adoptee, adoptive parent, biological parent, or biological sibling to open such confidential files; and

2. Available to act as a confidential intermediary for an adult adoptee, adoptive parent, biological parent, or biological sibling upon approval of the court.

B. Any adult adoptee, adoptive parent, biological parent, or biological sibling who is twenty-one (21) years of age or older may file a motion, with supporting affidavit, in the court where the adoption took place to open the confidential adoption records pursuant to this section for the purpose of determining the whereabouts of his unknown relative or relatives. No one shall seek to determine the whereabouts of a relative who is younger than twenty-one (21) years of age. The court may rule on said motion and affidavit without hearing and may open such records pursuant to this section.

C. Upon approval of the court, the adult adoptee, adoptive parent, biological parent or biological sibling shall file a request with the Department to appoint a confidential intermediary for the

purpose of arranging a contact between the individual who initiated the search and the sought-after biological relative.

D. Any information obtained by the confidential intermediary during the course of this investigation shall be kept strictly confidential and shall be utilized only for the purpose of arranging a contact between the individual who initiated the search and the sought-after biological relative.

E. When a sought-after biological relative is located by a confidential intermediary on behalf of the individual who initiated the search, the confidential intermediary shall obtain consent from both parties that they wish to personally communicate with one another.

F. Contact shall be made between the parties involved in the investigation only when written consent for such contact has been received by the Department.

G. If consent for personal communication is not obtained from both parties, all relinquishment and adoption records and any information obtained by any confidential intermediary during the course of his investigation shall be returned to the court and shall remain confidential.

H. All confidential intermediaries shall inform both the requesting biological relative and the sought-after biological relative of the existence of any voluntary adoption registry established by the Department.

I. The Department may charge a reasonable fee for services provided by this act.

J. Any person acting as a confidential intermediary who knowingly fails to comply with the provisions of subsections D and E of this section, upon conviction thereof, shall be punished by a fine of Five Thousand Dollars (\$5,000.00).

SECTION 4. This act shall become effective September 1, 1993.

44-1-5197

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