

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1076 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Scott Martin

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 PROPOSED COMMITTEE

4 SUBSTITUTE

5 FOR ENGROSSED

6 SENATE BILL NO. 1076

By: Sparks of the Senate

and

Martin (Scott) of the House

7
8
9 PROPOSED COMMITTEE SUBSTITUTE

10 An Act relating to children; amending 10 O.S. 2001,
11 Section 7504-1.2, 7510-1.5, as last amended by
12 Section 7, Chapter 258, O.S.L. 2006 and 7510-3.2 (10
13 O.S. Supp. 2008, Section 7510-1.5), which relate to
14 the Oklahoma Adoption Code; authorizing disclosure of
15 certain history of minor under specified
16 circumstances; providing for redaction of information
17 in certain circumstance; adding certain educational
18 requirements for eligibility for certain benefits;
19 modifying requirements for certain assistance
20 payments; undo the Compact on Adoption and Medical
21 Assistance; and declaring an emergency.

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

23 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7504-1.2, is
24 amended to read as follows:

Section 7504-1.2 A. Whenever the disclosure of medical and
social history is permitted under this section, all identifying
information shall be deleted from the copy of the report or record

1 that is disclosed, unless the court, Department, agency, attorney,
2 or person authorized to disclose information by this section has
3 been informed in writing by both a biological parent and an adoptive
4 parent or prospective adoptive parent of their mutual agreement to
5 share identifying information. When such an agreement has been
6 made, identifying information shall be released only to the extent
7 specifically permitted by the written agreement. When the minor is
8 in the legal custody of the Department, medical and social history
9 may be disclosed to the adoptive parent without any agreement and
10 without redacting identifying information when the prospective
11 adoptive parent is a kinship or relative caregiver for the minor, or
12 the minor has lived in the prospective adoptive parent's home for
13 two (2) or more years, unless the Department determines redaction of
14 such information is in the best interest of the child.

15 B. As early as practicable before the first meeting of the
16 prospective adoptive parent with a minor and before the prospective
17 adoptive parent accepts physical custody of the minor, the
18 Department or child-placing agency that is placing the minor for
19 adoption, or the attorney for the adoptive parent in a direct
20 placement adoption, or the person who is placing the minor for
21 adoption in a direct placement adoption in which the adoptive parent
22 is not represented by an attorney, shall furnish to the prospective
23 adoptive parent a copy of the medical and social history report,
24 containing all of the medical and social history information and

1 records regarding the minor reasonably available at that time. If
2 placement of the minor with the prospective adoptive parent does not
3 subsequently occur, the prospective adoptive parent shall return the
4 medical and social history report to the Department, agency,
5 attorney or other person who furnished it to the prospective
6 adoptive parent.

7 C. Before a hearing on the petition for adoption, the
8 Department or child-placing agency that placed the minor for
9 adoption, or the attorney for the adoptive parent in a direct
10 placement adoption, or the person who placed the minor for adoption
11 in a direct placement adoption in which the adoptive parent is
12 unrepresented, shall furnish to the adoptive parent a supplemental
13 written report containing information or records required by Section
14 ~~19~~ 7505-1.1 of this ~~act~~ title, which was unavailable before the
15 minor was placed for adoption, but which becomes reasonably
16 available to the Department, agency, attorney, or person who placed
17 the minor after the placement.

18 D. A petition for adoption may not be granted until a copy of
19 the medical and social history report is filed with the court. If
20 the court finds that information or records required by Section 19
21 of this act cannot be obtained by the reasonable efforts of the
22 Department or child-placing agency placing the minor, or by the
23 attorney for the adoptive parent in a direct placement adoption, or
24 by the person who placed the minor for adoption in a direct

1 placement adoption in which the adopted parent is unrepresented, the
2 court may accept the report and proceed with the adoption.

3 E. 1. Any additional information about an adopted person, the
4 adopted person's biological parents, or the adopted person's genetic
5 history that is submitted to the clerk of the district court that
6 issues the final decree of adoption, before or after the final
7 decree of adoption is issued, shall be made a part of the court's
8 permanent record of the adoption, pursuant to Section 19 of this
9 act. No filing fee shall be charged for filing this supplemental
10 information with the court clerk.

11 2. An adoptive parent, a biological parent, or an adult adopted
12 person may file with the clerk of the district court that issued the
13 final decree of adoption a notice of the individual's current
14 mailing address. A legal guardian of an adopted minor may file with
15 the clerk of the district court that issued the final decree of
16 adoption a notice of the guardian's current mailing address and
17 proof of legal guardianship. No filing fee shall be charged for
18 filing this notification of address or guardianship with the court
19 clerk.

20 3. Upon filing with the court clerk supplemental information
21 concerning the biological parents or the adopted person's genetic
22 history, the court clerk shall send notice by ordinary mail, at the
23 most recent address, if any, listed in the court records, to the
24 adoptive parent or legal guardian of a minor adopted person or to

1 the adult adopted person. The notice shall state that supplemental
2 information has been received and is available from the court clerk
3 upon request.

4 4. Upon filing with the court clerk supplemental information
5 concerning the adopted person that may be genetically significant
6 for a biological parent or biological relative, the court clerk
7 shall send notice by ordinary mail, at the most recent address, if
8 any, listed in the court records, to the biological parent. The
9 notice shall state that supplemental information has been received
10 and is available from the court clerk upon request.

11 F. If any additional information about an adopted person, the
12 adopted person's biological parents, or the adopted person's genetic
13 history is submitted to the Department, agency, attorney, or person
14 who prepared the original report, the Department, agency, attorney,
15 or person shall:

16 1. Retain this supplemental information with their other
17 records of the adoption for as long as these records are maintained;

18 2. File a copy of the supplemental information with the clerk
19 of the court that issued the decree of adoption, to be made a part
20 of the court's permanent record of the adoption pursuant to
21 subsection E of this section; and

22 3. Furnish a copy of the supplemental information to:

23 a. the adoptive parent or current legal guardian of the
24 child, if the adopted person is under the age of

1 eighteen (18), or the adult adopted person, if the
2 location of the adoptive parent, guardian or adult
3 adopted person is known to the Department, agency,
4 attorney, or person, or

- 5 b. the biological parents, if the supplemental
6 information is submitted by an adoptive parent or
7 adopted person and concerns genetically significant
8 information about the adopted person that is relevant
9 to the health or childbearing decisions of the
10 biological parents or other biological relatives, if
11 the location of the biological parents is known to the
12 Department, agency, attorney, or person.

13 G. 1. The clerk of the district court that issues the final
14 adoption decree or the Department, agency, attorney, or person who
15 prepared the medical and social history report shall provide a copy
16 of the medical and social history report and any additional medical
17 and social history information in its possession to the following
18 persons upon request:

- 19 a. the adoptive parent or legal guardian of a minor
20 adopted person,
21 b. an adopted person who has attained eighteen (18) years
22 of age, and

1 c. an adult whose biological mother's and biological
2 father's parental rights were terminated and who was
3 never adopted.

4 2. The clerk of the district court that issues the final
5 adoption decree or the Department, agency, attorney, or person who
6 prepared the medical and social history report shall provide a copy
7 of the medical report and any additional medical information in its
8 possession to the following persons upon request:

- 9 a. an adult direct descendant of a deceased adopted
10 person or of a deceased person whose biological
11 mother's and biological father's parental rights were
12 terminated and who was never adopted, and
13 b. the parent or guardian of a minor direct descendant of
14 a deceased adopted person or of a deceased person
15 whose biological mother's and biological father's
16 rights were terminated and who was never adopted.

17 3. The clerk of the district court that issues the final
18 adoption decree or the Department, child-placing agency, attorney,
19 or person who prepared the medical and social history report shall
20 provide to the following persons upon request, a copy of genetically
21 significant supplemental information about an adopted person, or
22 about a person whose parents' parental rights were terminated, which
23 became available subsequent to the issuance of the decree of
24 adoption or termination order:

1 a. a biological parent or biological relative of an
2 adopted person, and

3 b. a biological parent or biological relative of a person
4 whose biological mother's and biological father's
5 rights were terminated and who was never adopted.

6 4. The clerk of the district court that issues the final
7 adoption decree shall provide a copy of any medical and social
8 history information contained in the court records to the
9 Department, or child-placing agency that placed the minor for
10 adoption or to the attorney representing the adoptive parent upon
11 request.

12 5. A copy of the report and supplemental medical and social
13 history information may not be furnished under this subsection to a
14 person who cannot furnish satisfactory proof of identity and legal
15 entitlement to receive a copy.

16 6. A person requesting a copy of a report or other medical and
17 social history information under this subsection shall pay only the
18 actual and reasonable costs of providing the copy.

19 H. The Department, a child-placing agency, or an attorney for
20 an adoptive parent who facilitated or participated in an adoption
21 proceeding prior to ~~the effective date of this act~~ June 10, 1996,
22 shall be subject to the same requirements and duties set forth in
23 subsections F and G of this section that are required in those
24

1 subsections for the Department, agency, or attorney who prepared the
2 medical or social history.

3 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7510-1.5, as
4 last amended by Section 7, Chapter 258, O.S.L. 2006 (10 O.S. Supp.
5 2008, Section 7510-1.5), is amended to read as follows:

6 Section 7510-1.5 A. 1. When a parent or parents are found and
7 approved for adoption of a child who is determined by the Department
8 of Human Services to be eligible for adoption assistance pursuant to
9 the Oklahoma Adoption Assistance Act, and before the final decree of
10 adoption is entered, there must be a signed written agreement
11 between the prospective adoptive parent or parents and the
12 Department.

13 2. Adoption assistance in individual cases may commence with
14 the adoptive placement or at the time of finalization of the
15 adoption. Adoption assistance may be for special services only, or
16 for monthly money payments, and either for a limited period, or for
17 a long term, or for any combination of the foregoing.

18 Eligibility for and the rate of monthly adoption assistance
19 payments shall be determined by the Department in accordance with
20 rules promulgated by the Commission for Human Services.

21 B. When an otherwise eligible child is determined to have a
22 causative, preexisting condition which was not identified or known
23 prior to the legal finalization of the adoption and which has
24 resulted in a severe medical or psychiatric condition that requires

1 extensive treatment, hospitalization, or institutionalization, an
2 adoption assistance agreement may be approved by the Department
3 after the final decree of adoption has been entered. In the event
4 an adoption assistance agreement is approved that provides for
5 monthly adoption assistance payments, the adoptive parents may also
6 be entitled to receive retroactive adoption assistance payments for
7 a period not to exceed the two (2) months prior to the date the
8 adoption assistance agreement was approved.

9 C. Any child who met the requirements of the provisions of
10 Sections 7510-1.2 and 7510-1.4 of this title, and was determined
11 eligible for Oklahoma adoption assistance with respect to a prior
12 adoption, and is available for adoption because the prior adoption
13 has been dissolved and the parental rights of the adoptive parents
14 have been terminated or because the adoptive parents of the child
15 have died, shall be eligible for Oklahoma adoption assistance with
16 respect to any subsequent adoption.

17 D. 1. When adoption assistance benefits are for more than one
18 (1) year, the Department shall send the adoptive parent or parents
19 an Adoption Assistance Annual Review request and assure that the
20 child who has attained the minimum age for compulsory school
21 attendance and is eligible for an adoption assistance payment under
22 Title IV-E of the Social Security Act, 42 U.S.C., Section 670 et
23 seq., is:
24

- 1 a. enrolled in an institution which provides elementary
2 or secondary education as determined under the law of
3 the state or other jurisdiction in which the
4 institution is located,
- 5 b. instructed in elementary or secondary education by any
6 other means legally authorized,
- 7 c. in an independent study elementary or secondary
8 education program in accordance with the law of the
9 state or other jurisdiction in which the program is
10 located, which is administered by the local school or
11 school district, or
- 12 d. incapable of attending school on a full-time basis due
13 to a documented medical condition supported by regular
14 updates.

15 2. The adoptive parent or parents shall at all times keep the
16 Department informed of circumstances including, but not limited to,
17 whether the adoptive parent or parents continue to be legally
18 responsible for support of the child which would make them
19 ineligible for such assistance payments or eligible for assistance
20 payments in a different amount.

21 3. The Department is authorized and directed to make a review
22 of each adoption assistance agreement annually to assure that the
23 parents are fulfilling their obligations under the agreement.
24

1 4. No payment may be made to any parents with respect to any
2 child who has attained the age of eighteen (18) years, except a
3 child may continue to receive assistance until the child reaches the
4 age of nineteen (19) years if the child:

5 a. continues to attend high school or pursues General
6 Education Development, or

7 b. meets the criteria for an adoption assistance
8 difficulty of care rate as determined by the
9 Department.

10 5. Termination or modification of the adoption assistance
11 agreement may be requested by the adoptive parent or parents at any
12 time.

13 6. No payment may be made to adoptive parents if the Department
14 determines that the parents are no longer legally responsible for
15 the support of the child or that the child is no longer receiving
16 any financial support from such parents.

17 E. A child for whom an adoption assistance agreement has been
18 reached with the Department shall remain eligible and receive
19 adoption assistance benefits regardless of the domicile or residence
20 of the adopting parent or parents at any given time.

21 F. All records regarding adoption assistance shall be
22 confidential and may be disclosed only in accordance with the
23 provisions of the Oklahoma Adoption Code.

1 SECTION 3. AMENDATORY 10 O.S. 2001, Section 7510-3.2, is
2 amended to read as follows:

3 Section 7510-3.2 This Compact on Adoption and Medical
4 Assistance, hereinafter called "the compact", is hereby enacted into
5 law and entered into with all other jurisdictions legally joining
6 therein in the form substantially as follows:

7 ARTICLE I. FINDINGS

8 The party states find that:

9 (1) In order to obtain adoptive families for children with
10 special needs, prospective adoptive parents must be assured of
11 substantial assistance (usually on a continuing basis) in meeting
12 the high costs of supporting and providing for the special needs and
13 services required by such children.

14 (2) The states have a fundamental interest in promoting
15 adoption for children with special needs because the care, emotional
16 stability and general support and encouragement required by such
17 children to surmount their physical, mental or emotional conditions
18 can be best, and often only, obtained in family homes with a normal
19 parent-child relationship.

20 (3) The states obtain advantages from providing adoption
21 assistance because the customary alternative is for the state to
22 defray the entire cost of meeting all the needs of such children.

23 (4) The special needs involved are for the emotional, physical
24 maintenance of the child, and medical support and services.

1 (5) The necessary assurance of adoption assistance for children
2 with special needs, in those instances where children and adoptive
3 parents are in states other than the one undertaking to provide the
4 assistance, is to establish and maintain suitable substantive
5 guarantees and workable procedures for interstate payments to assist
6 with the necessary child maintenance, procurement of services, and
7 medical assistance.

8 ARTICLE II. PURPOSES

9 The purposes of this compact are to:

10 (1) Strengthen protections for the interest of the children
11 with special needs on behalf of whom adoption assistance is
12 committed to be paid, when such children are in or move to states
13 other than the one committed to make adoption assistance payments.

14 (2) Provide substantive assurances and procedures which will
15 promote the delivery of medical and other services on an interstate
16 basis to children through programs of adoption assistance
17 established by the laws of the party states.

18 ARTICLE III. DEFINITIONS

19 As used in this compact, unless the context clearly requires a
20 different construction:

21 (1) "Child with special needs" means a minor who has not yet
22 attained the age at which the state normally discontinues children's
23 services or twenty-one (21) years, where the state determines that
24

1 the child's mental or physical handicaps warrant the continuation of
2 assistance, for whom the state has determined the following:

3 (A) That the child cannot or should not be returned to the home
4 of his parents;

5 (B) That there exists with respect to the child a specific
6 factor or condition (such as his ethnic background, age, or
7 membership in a minority or sibling group, or the presence of
8 factors such as medical condition or physical, mental, or emotional
9 handicaps) because of which it is reasonable to conclude that such
10 child cannot be placed with adoptive parents without providing
11 adoption assistance.

12 (C) That, except where it would be against the best interests
13 of the child because of such factors as the existence of significant
14 emotional ties with prospective adoptive parents while in the care
15 of such parents as a foster child, a reasonable, but unsuccessful,
16 effort has been made to place the child with appropriate adoptive
17 parents without providing adoption assistance payments.

18 (2) "Adoption assistance" means the payment or payments for
19 maintenance of a child, which payment or payments are made or
20 committed to be made pursuant to the adoption assistance program
21 established by the laws of a party state.

22 (3) "State" means a state of the United States, the District of
23 Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam,
24

1 the Commonwealth of the Northern Mariana Islands, or a Territory or
2 Possession of the United States.

3 (4) "Adoption assistance state" means the state that is
4 signatory to an adoption assistance agreement in a particular case.

5 (5) "Residence state" means the state of which the child is a
6 resident by virtue of the residence of the adoptive parents.

7 (6) "Parents" means either the singular or plural of the word
8 "parent".

9 ARTICLE IV. ADOPTION ASSISTANCE

10 (1) Each state shall determine the amounts of adoption
11 assistance and other aid which it will give to children with special
12 needs and their adoptive parents in accordance with its own laws and
13 programs. The adoption assistance and other aid may be made subject
14 to periodic re-evaluation of eligibility by the adoption assistance
15 state in accordance with its laws. The provisions of this article
16 and of Article V are subject to the limitation set forth in this
17 paragraph.

18 (2) The adoption assistance and medical assistance services and
19 benefits to which this compact applies are those provided to
20 children with special needs and their adoptive parents from the time
21 of the final decree of adoption or the interlocutory decree of
22 adoption, as the case may be, pursuant to the laws of the adoptive
23 assistance state. In addition to the content required by subsequent
24 provisions of this article for adoption assistance agreements, each

1 such agreement shall state whether the initial adoption assistance
2 period thereunder begins with the final or interlocutory decree of
3 adoption. Aid provided by party states to children with special
4 needs during the preadoptive placement period or earlier shall be
5 under the foster care or other programs of the states and, except as
6 provided in paragraph 3 of this article, shall not be governed by
7 the provisions of this compact.

8 (3) Every case of adoption assistance shall include an adoption
9 assistance agreement between the adoptive parents and the agency of
10 the state undertaking to provide the adoption assistance. Every such
11 agreement shall contain provisions for the fixing of actual or
12 potential interstate aspects of the adoption assistance, as follows:

13 (A) An express commitment that the adoption assistance shall be
14 payable without regard for the state of residence of the adoptive
15 parents, both at the outset of the agreement period and at all times
16 during its continuance.

17 (B) A provision setting forth with particularity the types of
18 child care and services toward which the adoption assistance state
19 will make payments.

20 (C) A commitment to make medical assistance available to the
21 child in accordance with Article V of this compact.

22 (D) An express declaration that the agreement is for the
23 benefit of the child, the adoptive parents and the state and that it
24 is enforceable by any or all of them.

1 (4) Any services or benefits provided by the residence state
2 and the adoption assistance state for a child may be facilitated by
3 the party states on each other's behalf. To this end, the personnel
4 of the child welfare agencies of the party states will assist each
5 other and beneficiaries of adoption assistance agreements with other
6 party states in implementing benefits expressly included in adoption
7 assistance agreements. However, it is recognized and agreed that in
8 general children to whom adoption assistance agreements apply are
9 eligible for benefits under the child welfare, education,
10 rehabilitation, mental health and other programs of their state of
11 residence on the same basis as other resident children.

12 (5) Adoption assistance payments, when made on behalf of a
13 child who is subject to the jurisdiction of this state but residing
14 in another state, shall be made on the same basis and in the same
15 amounts as they would be made if the child were residing in the this
16 state making the payments; provided however, adoption assistance
17 agreements with families residing in other states signed before
18 October 1, 2008, may be continued.

19 ARTICLE V. MEDICAL ASSISTANCE

20 (1) Children for whom a party state is committed in accordance
21 with the terms of an adoption assistance agreement to make adoption
22 assistance payments are eligible for medical assistance during the
23 entire period for which such payments are to be provided. Upon
24 application therefor by the adoptive parents of a child on whose

1 behalf a party state's duly constituted authorities have entered
2 into an adoption assistance agreement, the adoptive parents shall
3 receive a medical assistance identification made out in the child's
4 name. The identification shall be issued by the medical assistance
5 program of the residence state and shall entitle the child to the
6 same benefits, pursuant to the same procedures, as any other child
7 who is a resident of the state and covered by medical assistance,
8 whether or not the adoptive parents are eligible for medical
9 assistance.

10 (2) The identification shall bear no indication that an
11 adoption assistance agreement with another state is the basis for
12 issuance. However, if the identification is issued on account of an
13 outstanding adoption assistance agreement to which another state is
14 a signatory, the records of the issuing state and the adoption
15 assistance state shall show the fact, shall contain a copy of the
16 adoption assistance agreement and any amendment or replacement
17 therefor, and all other pertinent information. The adoption
18 assistance and medical assistance programs of the adoption
19 assistance state shall be notified of the identification issuance.

20 (3) A state which has issued a medical assistance
21 identification pursuant to this compact, which identification is
22 valid and currently in force, shall accept, process and pay medical
23 assistance claims thereon as on any other medical assistance
24 eligibilities of residents.

1 (4) An adoption assistance state which provides medical
2 services or benefits to children covered by its adoption assistance
3 agreements, which services or benefits are not provided for those
4 children under the medical assistance program of the residence
5 state, may enter into cooperative arrangements with the residence
6 state to facilitate the delivery and administration of such services
7 and benefits. However, any such arrangements shall not be
8 inconsistent with this compact nor shall they relieve the residence
9 state of any obligation to provide medical assistance in accordance
10 with its laws and this compact.

11 (5) A child whose residence is changed from one party state to
12 another party state shall be eligible for medical assistance under
13 the medical assistance program of the new state of residence.

14 ARTICLE VI. JOINDER AND WITHDRAWAL

15 (1) This compact shall be open to joinder by any state. It
16 shall enter into force as to a state when its duly constituted and
17 empowered authority has executed it.

18 (2) In order that the provisions of this compact may be
19 accessible to and known by the general public and so that its status
20 as law in each of the party states may be fully implemented, the
21 full text of the compact, together with a notice of its execution,
22 shall be caused to be published by the authority which has executed
23 it in each party state. Copies of the compact shall be made
24 available upon request made of the executing authority in any state.

1 (3) Withdrawal from this compact shall be by written notice
2 sent by the authority which executed it to the appropriate officials
3 of all other party states, but no such notice shall take effect
4 until one (1) year after it is given in accordance with the
5 requirements of this paragraph.

6 (4) All adoption assistance agreements outstanding and to which
7 a party state is signatory at the time when its withdrawal from this
8 compact takes effect shall continue to have the effects given to
9 them pursuant to this compact, until they expire or are terminated
10 in accordance with their provisions. Until such expiration or
11 termination, all beneficiaries of the agreements involved shall
12 continue to have all rights and obligations conferred or imposed by
13 this compact and the withdrawing state shall continue to administer
14 the compact to the extent necessary to accord and implement fully
15 the rights and protections preserved thereby.

16 SECTION 4. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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21 52-1-7460 SAB 03/25/09

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