

1 **SENATE FLOOR VERSION**

2 February 26, 2019

3 SENATE BILL NO. 277

By: Paxton

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7 An Act relating to the Oklahoma Adoption Code;
8 amending 10 O.S. 2011, Section 7505-5.3, as amended
9 by Section 1, Chapter 242, O.S.L. 2012 (10 O.S. Supp.
10 2018, Section 7505-5.3), which relates to contents of
11 home study; modifying eligibility to review certain
12 home study reports; updating reference; and providing
13 an effective date.

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

15 SECTION 1. AMENDATORY 10 O.S. 2011, Section 7505-5.3, as
16 amended by Section 1, Chapter 242, O.S.L. 2012 (10 O.S. Supp. 2018,
17 Section 7505-5.3), is amended to read as follows:

18 Section 7505-5.3. A. A home study satisfying Section 7505-5.1
19 or 7505-5.2 of this title must include at a minimum the following:

20 1. An appropriate inquiry to determine whether the proposed
21 home is a suitable one for the minor; and any other circumstances
22 and conditions which may have a bearing on the adoption and of which
23 the court should have knowledge; and in this entire matter of
24 investigation, the court is specifically authorized to exercise
judicial knowledge and discretion;

1 2. Documentation of at least one individual interview with each
2 parent, each school-age child and any other household member, one
3 joint interview, a home visit, and three written references;

4 3. Verification that the home is a healthy, safe environment in
5 which to raise a minor, as well as verification of marital status,
6 employment, income, access to medical care, physical health and
7 history; and

8 4. A review of a criminal background check and a child abuse
9 and neglect information system check.

10 a. A background check shall be required for adoptive
11 parents and all other household members eighteen (18)
12 years of age and older, consisting of a review of a
13 national fingerprint-based criminal background check,
14 a search of the Department of Corrections' files
15 maintained pursuant to the Sex Offenders Registration
16 Act, and a search of the child abuse and neglect
17 information system maintained for review by authorized
18 entities by the Department of Human Services.

19 b. A Department of Public Safety Motor Vehicle Report
20 shall be required for adoptive parents and all other
21 adult household members when the child to be adopted
22 is in the legal custody of the Department of Human
23 Services.
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1 c. For each adoptive parent or other household member
2 eighteen (18) years of age or older who has not
3 maintained continuous residency in the state for five
4 (5) years prior to the home study or home study
5 update, a child abuse registry check shall be required
6 from every other state in which the prospective
7 adoptive parent or other adult household member has
8 resided during such five-year period.

9 d. Each prospective adoptive parent or other household
10 member eighteen (18) years of age or older shall be
11 required to cooperate with the requirements of the
12 Department of Human Services and the Oklahoma State
13 Bureau of Investigation with regard to the criminal
14 background check and child abuse check, ~~including but~~
15 ~~not limited to signing a release of information~~
16 ~~allowing the release of the results of any search to~~
17 ~~the agency or person conducting the home study or home~~
18 ~~study update.~~

19 e. ~~Upon completion of the criminal record checks and~~
20 ~~child abuse and neglect checks, the Department of~~
21 ~~Human Services and the Oklahoma State Bureau of~~
22 ~~Investigation shall forward all information obtained~~
23 ~~to the agency or other person authorized in Section~~
24 ~~7505-5.4 of this title to conduct home study~~

1 ~~investigations who has requested the background~~
2 ~~searches.~~

3 B. A home study which is being updated or brought current in
4 accordance with subsection A of Section 7505-5.1 of this title shall
5 document appropriate inquiry into changes in the family situation
6 since the last home study, a home visit, at least one joint
7 interview, information on any children added to the family,
8 experiences, if any, of the adoptive parents as parents since the
9 last study, verification of current physical health, and three
10 current letters of reference.

11 C. An updated home study as described in subsection B of this
12 section shall include a review of criminal background checks and
13 child abuse and neglect checks as described in subsection A of this
14 section. However, when a national fingerprint background check has
15 been done within the five (5) years previous to the completion of
16 the updated home study and the results are available for review ~~by~~
17 ~~the home study investigator~~, then a name-based search of the records
18 of the Oklahoma State Bureau of Investigation on the adoptive
19 parents and other household residents ~~over the age of~~ eighteen (18)
20 years of age or older for whom the fingerprint background check has
21 been performed shall satisfy the requirements for a criminal
22 background check for purposes of a home study update.

23 D. 1. A preplacement home study or update which is being used
24 solely for purposes of international adoption shall not require a

1 national fingerprint-based criminal background search in addition to
2 the one required by the United States Citizenship and Immigration
3 ~~and Naturalization Service~~ Services.

4 2. Such an international home study shall contain a review of a
5 state criminal background check, a search of the Department of
6 Corrections' files maintained pursuant to the Sex Offenders
7 Registration Act, and a search of the child abuse and neglect
8 information system maintained for review by authorized entities by
9 the Department of Human Services.

10 3. An international home study or home study update as
11 described in this section must include a statement that the home
12 study recommendation is for international adoption purposes only and
13 may not be used as the basis for a domestic adoption without the
14 addition of a review of the results of a national fingerprint-based
15 criminal background search if such would be required by subparagraph
16 c of paragraph 4 of subsection A of this section.

17 E. The report of such home study or home study update shall
18 become a part of the files in the case and shall contain a definite
19 recommendation for or against the proposed adoption and the reasons
20 therefor.

21 F. Following issuance of an interlocutory decree of adoption,
22 or if the interlocutory decree is waived, prior to issuance of a
23 final decree, the investigator conducting the home study or another
24 investigator who meets the qualifications specified in Section 7505-

1 5.4 of this title, shall observe the minor in the proposed adoptive
2 home and report in writing to the court on any circumstances or
3 conditions which may have a bearing on the granting of a final
4 adoption decree. If the interlocutory decree was not waived, the
5 investigator must certify that the final examination described in
6 this subsection has been made since the granting of the
7 interlocutory order. This supplemental report shall include a
8 determination as to the legal availability or status of the minor
9 for adoption and shall be filed prior to the final decree of
10 adoption.

11 SECTION 2. This act shall become effective November 1, 2019.

12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
13 February 26, 2019 - DO PASS
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