

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 699

By: Pederson

AS INTRODUCED

An Act relating to permanency hearings; amending 10A O.S. 2021, Section 1-4-812, which relates to determination of eligibility of foster parent to adopt; requiring court to give priority to foster parent for adoption of child under certain circumstances; providing exceptions for requirement to consider relative for custody of child; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-4-812, is amended to read as follows:

Section 1-4-812. A. During any permanency hearing, if it is determined by the court that a child should be placed for adoption, the foster parent of the child shall be considered eligible to adopt the child, if the foster parent meets established eligibility requirements pursuant to this section.

B. If the child has resided with a foster parent for at least one (1) year, the court shall give ~~great weight~~ first priority to the foster parent in the adoption consideration for the child unless there is an existing loving emotional bond with a relative of the

1 child by blood or marriage who is willing, able, and eligible to
2 adopt the child. Provided, however, the court shall not be required
3 to consider a relative as legal guardian of the child if:

4 1. The relative did not attempt to care for or obtain custody
5 of the child within six (6) months of the child being removed from
6 the custody of the parent if the removal was known to the relative;

7 2. The goal of the current permanency or concurrent plan
8 formulated by the Department of Human Services is adoption; and

9 3. The federal and state Indian Child Welfare Acts are not
10 applicable to the child.

11 C. In making such determination, the court shall consider
12 whether the child has become integrated into the foster family to
13 the extent that the child's familial identity is with the foster
14 family, and whether the foster family is able and willing
15 permanently to treat the child as a member of the family. The court
16 shall consider, without limitation:

17 1. The love, affection, and other emotional ties existing
18 between the child and the relatives of the child, and the child's
19 ties with the foster family;

20 2. The capacity and disposition of the child's relatives as
21 compared with that of the foster family to give the child love,
22 affection, and guidance and to continue the education of the child;

1 3. The length of time a child has lived in a stable,
2 satisfactory foster home and the desirability of the child's
3 continuing to live in that environment;

4 4. The physical and mental health of the relatives of the child
5 as compared with that of the foster family;

6 5. The experiences of the child in the home, school, and
7 community, both when with the parents from whom the child was
8 removed and when with the foster family;

9 6. The age and preference of the child;

10 7. The long-term best interests of the child; and

11 8. Any other factor considered by the court to be relevant to a
12 particular placement of the child.

13 SECTION 2. This act shall become effective November 1, 2023.

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