

1 **SENATE FLOOR VERSION**

2 February 21, 2023

3 **AS AMENDED**

4 SENATE BILL NO. 187

5 By: Burns, Garvin, and  
6 Bergstrom of the Senate

7 and

8 Crosswhite Hader of the  
9 House

10 [ adoption expenses - effective date ]

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

12 SECTION 1. AMENDATORY 10 O.S. 2021, Section 7505-3.2, is  
13 amended to read as follows:

14 Section 7505-3.2. A. 1. An affidavit shall be attached to the  
15 petition for adoption, or may be filed after the filing of the  
16 petition for adoption, but prior to the final decree of adoption,  
17 which discloses to the court all of the costs, funds, or monies  
18 expended by the adoptive family or expected to be expended in  
19 connection with the adoption of a minor.

20 2. No final decree of adoption shall be entered until the court  
21 is satisfied that all costs and expenses have been disclosed, are  
22 reasonable, and that the costs and expenses do not violate the  
23 provisions of subsection B of this section. Upon its review of the  
24 affidavit of monies expended, the court shall in writing disapprove

1 any expenditure that the court deems unreasonable or in violation of  
2 Sections 865 through 870 of Title 21 of the Oklahoma Statutes and,  
3 to the extent necessary to comply with Oklahoma law, shall order  
4 reimbursement of any consideration given in violation of Sections  
5 865 through 870 of Title 21 of the Oklahoma Statutes. Payments made  
6 pursuant to this section shall not be a violation of Sections 865  
7 through 870 of Title 21 of the Oklahoma Statutes. Court approval of  
8 the affidavit of monies expended shall not exempt a person, attorney  
9 or licensed child-placing agency from prosecution if the information  
10 provided to the court is fraudulent or false.

11 B. 1. Except as otherwise specifically provided by law, the  
12 following list of adoption-related costs and expenses specified in  
13 this paragraph may be deemed proper items for a person to pay in  
14 connection with an adoption:

- 15 a. reasonable attorney fees and court costs,
- 16 b. reasonable medical expenses for birth mother and minor  
17 to be adopted,
- 18 c. reasonable adoption counseling expenses for birth  
19 parents before and after the birth of the minor, not  
20 to exceed six (6) months from placement of the minor,
- 21 d. reasonable fees of a licensed child-placing agency,  
22 including social services staff fees provided by  
23 agency employees that include:
  - 24 (1) casework services,

- 1 (2) adoptive child and family studies,
- 2 (3) placement services,
- 3 (4) certification of agency facilities,
- 4 (5) admission assessments, and
- 5 (6) service planning,

6 e. (1) reasonable and necessary living expenses of the  
7 birth mother that are incurred during the  
8 adoption planning process or during the  
9 pregnancy, not to exceed two (2) months after the  
10 birth of the minor or after the consent or  
11 relinquishment of the birth mother. Reasonable  
12 and necessary living expenses include but are not  
13 limited to:

- 14 (a) housing expenses,
- 15 (b) utilities, such as electric, gas, water, or  
16 telephone bills,
- 17 (c) food for the birth mother and any minor  
18 child of the birth mother residing in the  
19 home of the birth mother,
- 20 (d) travel expenses for transportation to  
21 support the pregnancy, such as gasoline, bus  
22 fares, or providing for the temporary use of  
23 a vehicle during the pregnancy, and  
24

1 (e) child care or foster care for any minor  
2 child of the birth mother associated with  
3 pregnancy-related medical care.

4 (2) Reasonable and necessary living expenses shall  
5 not include:

6 (a) any expenses met by existing resources of  
7 the birth mother,

8 (b) any expenses used for the support of family  
9 members who are not minor children of the  
10 mother,

11 (c) any expenses for recreational or leisure  
12 activities, and

13 (d) the purchase or gift of an automobile,

14 f. reasonable expenses for a home study,

15 g. reasonable and necessary costs associated with an  
16 international adoption,

17 h. reasonable expenses legally required by any  
18 governmental entity related to the adoption of a  
19 minor, and

20 i. a one-time gift to the birth mother from the  
21 prospective adoptive parents of no greater value than  
22 One Hundred Dollars (\$100.00).

23 2. In addition, all expenses approved by the court should be  
24 commensurate with other customary fees for similar services by

1 persons of equivalent experience and training where the services are  
2 performed. Any services provided outside this state shall be  
3 allowed in an amount as if the services had been performed within  
4 the State of Oklahoma.

5 3. The provisions of this subsection shall apply to living and  
6 transportation expenses incurred after the biological mother of the  
7 minor contacts the child-placing agency or attorney for adoption  
8 services.

9 4. The provisions of this subsection shall not prohibit a court  
10 from extending any time period, or including any additional costs  
11 and expenses in connection with an adoption other than those  
12 specified in this subsection based on unusual circumstances or need.  
13 If additional costs and expenses in connection with an adoption are  
14 approved by the court, the court shall specify in writing the  
15 unusual circumstances that justify the approval.

16 5. Except as otherwise ordered by the court except for good  
17 cause shown, all payments made pursuant to this section shall be  
18 paid directly to the third-party provider of services or goods. Any  
19 living expense paid on behalf of a birth mother in a domestic  
20 adoption which is not supported by an itemized receipt shall not be  
21 allowed for payment. If gift cards are issued to pay expenses, an  
22 itemized receipt verifying purchases shall be required for approval  
23 by the court. The accounting shall include vouchers for all monies  
24

1 expended, copies of all checks written and receipts for all cash  
2 payments attesting to the accuracy of the accounting.

3 6. No person, attorney or licensed child-placing agency shall  
4 have a financial interest in a third-party provider of services or  
5 goods, without disclosing in an affidavit the financial interest to  
6 the court and the other parties to the adoption.

7 C. Any person, attorney, or licensed child-placing agency  
8 desiring to pay living and transportation expenses on behalf of a  
9 birth mother is authorized to expend an initial amount not to exceed  
10 ~~One Thousand Dollars (\$1,000.00)~~ Three Thousand Five Hundred Dollars  
11 (\$3,500.00) plus deposits for housing and utilities for such costs  
12 and expenses without first obtaining court approval as required by  
13 paragraph 1 of subsection D of this section. Any such costs and  
14 expenses shall be disclosed as is otherwise required by the Oklahoma  
15 Adoption Code.

16 D. 1. Except for the amount authorized by subsection C of this  
17 section, the payment of any living or transportation expenses for  
18 benefit of the birth mother as authorized in subparagraph e of  
19 paragraph 1 of subsection B of this section shall be approved in  
20 advance by the court.

21 2. The person, attorney, or licensed child-placing agency  
22 desiring to pay living or transportation expenses on behalf of a  
23 birth mother which exceed the amount in subsection C of this section  
24

1 shall file a petition for an order approving payment of adoption-  
2 related expenses.

3 3. The petition for an order approving payment of adoption-  
4 related expenses shall be filed in the district court where the  
5 adoption petition is to be filed, as provided in Section 7502-1.2 of  
6 this title.

7 4. The petition shall be captioned: "In the matter of Baby  
8 (name)." The petition shall include a listing of all anticipated  
9 living or transportation expenses to be paid on behalf of the birth  
10 mother for which court approval is being sought. If additional  
11 expenditures not previously authorized by the court are needed on  
12 behalf of the birth mother, an amended petition may be filed with  
13 the court.

14 5. The petition shall be heard by the court within ten (10)  
15 days of filing. The court clerk shall charge the same cost for a  
16 petition for payment of expenses as is charged for the filing of an  
17 adoption petition. In the event an adoption petition is later filed  
18 in the same county, the adoption petition shall be filed as an  
19 amended petition within the same case in which payment for expenses  
20 was approved and no additional court costs shall be required. In  
21 the event a petition for preadoption termination of parental rights  
22 is later filed in the same county, the court clerk shall not assess  
23 an additional filing fee and may use the same case number as for the  
24 petition for adoption.

1           6. Any order authorizing payment shall be attached to a  
2 petition for adoption. If no adoption petition is filed, the court  
3 shall retain jurisdiction to enter any orders deemed appropriate  
4 regarding the reimbursement of costs and expenses paid. If the  
5 child is placed for adoption outside the State of Oklahoma, any such  
6 order shall be submitted to the Interstate Compact of the Placement  
7 of Children and to the court in the other state where the petition  
8 for adoption is to be filed.

9           E. 1. In addition to the adoptive family affidavit requirement  
10 of subsection A of this section, a Disclosure Statement of Adoption-  
11 related Costs and Expenditures shall be prepared in writing by the  
12 person, attorney or child-placing agency in a direct-placement  
13 adoption. The Disclosure Statement of Adoption-related Costs and  
14 Expenditures shall include a declaration of all fees, expenses, and  
15 costs charged or expected to be charged for the adoption including,  
16 but not limited to, the following:

- 17           a. retainer fees, the hourly rate, and the number of  
18               hours billed for the adoption,
- 19           b. any fee charged for preplacement or other home studies  
20               of any prospective birth parents, regardless of  
21               whether the home study was performed by an outside  
22               agency,
- 23           c. any costs, fees or expenses or any other thing of  
24               value paid to or on behalf of the birth parents



1 related to the adoption of a minor by any party other  
2 than the adoptive parents, and

3 d. any other fees and expenses related to the adoption  
4 not otherwise specifically listed in this section.

5 2. The Disclosure Statement of Adoption-related Costs and  
6 Expenditures containing true and accurate information shall be filed  
7 before or when the final decree of adoption is ordered in each  
8 adoption of a minor in this state. A statutory Disclosure Statement  
9 of Adoption-related Costs and Expenditures is provided in Section ~~2~~  
10 7505-3.3 of this ~~act~~ title. A copy of the statement shall be a  
11 public record to be compiled and maintained by the court clerk and  
12 available for public inspection; provided, that any information  
13 identifying the person, attorney or child-placing agency in the  
14 direct adoption shall be redacted from the document prior to filing  
15 with the court clerk and shall not be made public. In addition, the  
16 identity of the child, the adoptive parents, and the birth parents  
17 shall be redacted from the document prior to filing with the court  
18 clerk and shall not be made public.

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

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
21 February 21, 2023 - DO PASS AS AMENDED  
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