

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 187

By: Burns

4
5 AS INTRODUCED

6 An Act relating to adoption expenses; amending 10
7 O.S. 2021, Section 7505-3.2, which relates to costs
8 expended by adoptive family; increasing allowable
9 amount for certain expenses; updating statutory
reference; and providing an effective date.

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

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

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

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

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

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

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

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

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

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

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
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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
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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
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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.
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